

Suspend the Rules and Pass the Bill, H.R. 872, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

112TH CONGRESS
1ST SESSION

H. R. 872

To amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2011

Mr. GIBBS (for himself, Mrs. SCHMIDT, Mr. BACA, Mr. MICA, Mr. LUCAS, Mr. PETERSON, Mr. SIMPSON, Mr. GRAVES of Missouri, Mr. ROSS of Arkansas, Mr. NEUGEBAUER, Mr. BOSWELL, Mr. CRAWFORD, Mr. SABLAN, Mr. HERGER, Mr. KISSELL, Mr. SCHILLING, Mr. COSTA, Mr. TIPTON, Mr. OWENS, Mr. ROONEY, Mr. CARDOZA, and Mr. HOLDEN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reducing Regulatory
5 Burdens Act of 2011”.

6 **SEC. 2. USE OF AUTHORIZED PESTICIDES.**

7 Section 3(f) of the Federal Insecticide, Fungicide,
8 and Rodenticide Act (7 U.S.C. 136a(f)) is amended by
9 adding at the end the following:

10 “(5) USE OF AUTHORIZED PESTICIDES.—Ex-
11 cept as provided in section 402(s) of the Federal
12 Water Pollution Control Act, the Administrator or a
13 State may not require a permit under such Act for
14 a discharge from a point source into navigable wa-
15 ters of a pesticide authorized for sale, distribution,
16 or use under this Act, or the residue of such a pes-
17 ticide, resulting from the application of such pes-
18 ticide.”.

19 **SEC. 3. DISCHARGES OF PESTICIDES.**

20 Section 402 of the Federal Water Pollution Control
21 Act (33 U.S.C. 1342) is amended by adding at the end
22 the following:

23 “(s) DISCHARGES OF PESTICIDES.—

24 “(1) NO PERMIT REQUIREMENT.—Except as
25 provided in paragraph (2), a permit shall not be re-

1 quired by the Administrator or a State under this
2 Act for a discharge from a point source into navi-
3 gable waters of a pesticide authorized for sale, dis-
4 tribution, or use under the Federal Insecticide, Fun-
5 gicide, and Rodenticide Act, or the residue of such
6 a pesticide, resulting from the application of such
7 pesticide.

8 “(2) EXCEPTIONS.—Paragraph (1) shall not
9 apply to the following discharges of a pesticide or
10 pesticide residue:

11 “(A) A discharge resulting from the appli-
12 cation of a pesticide in violation of a provision
13 of the Federal Insecticide, Fungicide, and
14 Rodenticide Act that is relevant to protecting
15 water quality, if—

16 “(i) the discharge would not have oc-
17 curred but for the violation; or

18 “(ii) the amount of pesticide or pes-
19 ticide residue in the discharge is greater
20 than would have occurred without the vio-
21 lation.

22 “(B) Stormwater discharges subject to reg-
23 ulation under subsection (p).

24 “(C) The following discharges subject to
25 regulation under this section:

- 1 “(i) Manufacturing or industrial efflu-
- 2 ent.
- 3 “(ii) Treatment works effluent.
- 4 “(iii) Discharges incidental to the nor-
- 5 mal operation of a vessel, including a dis-
- 6 charge resulting from ballasting operations
- 7 or vessel biofouling prevention.”.