



(Original Signature of Member)

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

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

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".

1 **SEC. 2. USE OF REGISTERED PESTICIDES.**

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

5 “(5) USE OF REGISTERED PESTICIDES.—Ex-
6 cept as provided in section 402(s) of the Federal
7 Water Pollution Control Act, the Administrator or a
8 State may not require a permit under such Act for
9 a discharge from a point source into navigable wa-
10 ters of a pesticide registered under this Act, or the
11 residue of such a pesticide, resulting from the appli-
12 cation of such pesticide.”

13 **SEC. 3. DISCHARGES OF PESTICIDES.**

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

17 “(s) DISCHARGES OF PESTICIDES.—

18 “(1) NO PERMIT REQUIREMENT.—Except as
19 provided in paragraph (2), a permit shall not be re-
20 quired by the Administrator or a State under this
21 Act for a discharge from a point source into navi-
22 gable waters of a pesticide registered under the Fed-
23 eral Insecticide, Fungicide, and Rodenticide Act, or
24 the residue of such a pesticide, resulting from the
25 application of such pesticide.

1 “(2) EXCEPTIONS.—Paragraph (1) shall not
2 apply to the following discharges containing a pes-
3 ticide or pesticide residue:

4 “(A) A discharge resulting from the appli-
5 cation of a pesticide in violation of a provision
6 of the Federal Insecticide, Fungicide, and
7 Rodenticide Act that is relevant to protecting
8 water quality, if—

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

11 “(ii) the amount of pesticide or pes-
12 ticide residue contained in the discharge is
13 greater than would have occurred without
14 the violation.

15 “(B) Stormwater discharges regulated
16 under subsection (p).

17 “(C) Municipal or industrial discharges
18 regulated under this section, including—

19 “(i) manufacturing or industrial efflu-
20 ent;

21 “(ii) treatment works effluent; and

22 “(iii) discharges incidental to the nor-
23 mal operation of a vessel, including a dis-
24 charge resulting from ballasting operations
25 or vessel biofouling prevention.”.