

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.

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## 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. KISELL, 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

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reducing Regulatory  
3 Burdens Act of 2011”.

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

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

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

16 **SEC. 3. DISCHARGES OF PESTICIDES.**

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

20 “(s) DISCHARGES OF PESTICIDES.—

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

1 the residue of such a pesticide, resulting from the  
2 application of such pesticide.

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

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

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

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

17 “(B) Stormwater discharges regulated  
18 under subsection (p).

19 “(C) Municipal or industrial discharges  
20 regulated under this section, including—

21 “(i) manufacturing or industrial efflu-  
22 ent;

23 “(ii) treatment works effluent; and

24 “(iii) discharges incidental to the nor-  
25 mal operation of a vessel, including a dis-

- 1 charge resulting from ballasting operations
- 2 or vessel biofouling prevention.”.

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