

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Reducing Regulatory Burdens Act of 2011'.

SEC. 2. USE OF REGISTERED PESTICIDES.

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

'(5) USE OF REGISTERED PESTICIDES- Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide registered under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.'

SEC. 3. DISCHARGES OF PESTICIDES.

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

`(s) Discharges of Pesticides-

`(1) NO PERMIT REQUIREMENT- Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide registered under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.

`(2) EXCEPTIONS- Paragraph (1) shall not apply to the following discharges containing a pesticide or pesticide residue:

`(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if--

`(i) the discharge would not have occurred but for the violation; or

`(ii) the amount of pesticide or pesticide residue contained in the discharge is greater than would have occurred without the violation.

`(B) Stormwater discharges regulated under subsection (p).

`(C) Municipal or industrial discharges regulated under this section, including--

`(i) manufacturing or industrial effluent;

`(ii) treatment works effluent; and

`(iii) discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.'

END