

Calendar No. 78

112TH CONGRESS
1ST SESSION**H. R. 872**

IN THE SENATE OF THE UNITED STATES

APRIL 4, 2011

Received; read twice and referred to the Committee on Agriculture, Nutrition,
and Forestry

JUNE 21 (legislative day, JUNE 16), 2011

Reported by Ms. STABENOW, without amendment

AN ACT

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 AUTHORIZED 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 AUTHORIZED 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
10 waters of a pesticide authorized for sale, distribu-
11 tion, or use under this Act, or the residue of such
12 a pesticide, resulting from the application of such
13 pesticide.”.

14 **SEC. 3. DISCHARGES OF PESTICIDES.**

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

18 “(s) DISCHARGES OF PESTICIDES.—

19 “(1) NO PERMIT REQUIREMENT.—Except as
20 provided in paragraph (2), a permit shall not be re-
21 quired by the Administrator or a State under this
22 Act for a discharge from a point source into navi-
23 gable waters of a pesticide authorized for sale, dis-
24 tribution, or use under the Federal Insecticide, Fun-
25 gicide, and Rodenticide Act, or the residue of such

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

3 “(2) EXCEPTIONS.—Paragraph (1) shall not
4 apply to the following discharges of a pesticide or
5 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 in the discharge is greater
15 than would have occurred without the vio-
16 lation.

17 “(B) Stormwater discharges subject to reg-
18 ulation under subsection (p).

19 “(C) The following discharges subject to
20 regulation under this section:

21 “(i) Manufacturing or industrial efflu-
22 ent.

23 “(ii) Treatment works effluent.

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.”.

Passed the House of Representatives March 31,
2011.

Attest:

KAREN L. HAAS,

Clerk.

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