

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 935

[Report No. 113-]

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 4, 2013

Mr. GIBBS (for himself, Mr. AUSTIN SCOTT of Georgia, Mr. SCHRADER, and Mr. MCINTYRE) 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

NOVEMBER --, 2013

Reported from the Committee on Transportation and Infrastructure

# **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 2013”.

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  
15 waters of a pesticide authorized for sale, distribu-  
16 tion, or use under this Act, or the residue of such  
17 a pesticide, resulting from the application of such  
18 pesticide.”.

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.”.