

AMENDMENT TO H.R. 872
OFFERED BY MR. LUCAS OF OKLAHOMA

Strike all after the enacting clause and insert the following:

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 AUTHORIZED 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 AUTHORIZED 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 authorized for sale, distribution,
14 or use under this Act, or the residue of such a pes-
15 ticide, resulting from the application of such pes-
16 ticide.”.

1 **SEC. 3. DISCHARGES OF PESTICIDES.**

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

5 “(s) DISCHARGES OF PESTICIDES.—

6 “(1) NO PERMIT REQUIREMENT.—Except as
7 provided in paragraph (2), a permit shall not be re-
8 quired by the Administrator or a State under this
9 Act for a discharge from a point source into navi-
10 gable waters of a pesticide registered under the Fed-
11 eral Insecticide, Fungicide, and Rodenticide Act, or
12 the residue of such a pesticide, resulting from the
13 application of such pesticide.

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

17 “(A) A discharge resulting from the appli-
18 cation of a pesticide in violation of a provision
19 of the Federal Insecticide, Fungicide, and
20 Rodenticide Act that is relevant to protecting
21 water quality, if—

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

24 “(ii) the amount of pesticide or pes-
25 ticide residue contained in the discharge is

1 greater than would have occurred without
2 the violation.

3 “(B) Stormwater discharges regulated
4 under subsection (p).

5 “(C) Municipal or industrial discharges
6 regulated under this section, including—

7 “(i) manufacturing or industrial efflu-
8 ent;

9 “(ii) treatment works effluent; and

10 “(iii) discharges incidental to the nor-
11 mal operation of a vessel, including a dis-
12 charge resulting from ballasting operations
13 or vessel biofouling prevention.”.

