

115TH CONGRESS  
1ST SESSION

# H. R. 953

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

FEBRUARY 7, 2017

Mr. GIBBS (for himself, Mr. CONAWAY, Mr. PETERSON, Mr. BOST, Mr. MARSHALL, Mr. THOMPSON of Pennsylvania, Mr. ABRAHAM, Mr. DESJARLAIS, Mr. GROTHMAN, Mr. LAMALFA, Mr. YOHO, Mr. JONES, Mr. ROGERS of Alabama, Mr. BABIN, Mr. COLE, Mr. SCHWEIKERT, Mr. KUSTOFF of Tennessee, Mr. CRAWFORD, Mr. KING of Iowa, Mr. GOSAR, Mrs. COMSTOCK, Mr. ALLEN, Mr. SCHRADER, and Mr. WENSTRUP) 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 2017”.

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

17 **SEC. 3. DISCHARGES OF PESTICIDES.**

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

21 “(s) DISCHARGES OF PESTICIDES.—

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

1       tribution, or use under the Federal Insecticide, Fun-  
2       gicide, and Rodenticide Act, or the residue of such  
3       a pesticide, resulting from the application of such  
4       pesticide.

5           “(2) EXCEPTIONS.—Paragraph (1) shall not  
6       apply to the following discharges of a pesticide or  
7       pesticide residue:

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

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

15           “(ii) the amount of pesticide or pes-  
16      ticide residue in the discharge is greater  
17      than would have occurred without the vio-  
18      lation.

19           “(B) Stormwater discharges subject to reg-  
20      ulation under subsection (p).

21           “(C) The following discharges subject to  
22      regulation under this section:

23           “(i) Manufacturing or industrial efflu-  
24      ent.

25           “(ii) Treatment works effluent.

1                   “(iii) Discharges incidental to the nor-  
2                   mal operation of a vessel, including a dis-  
3                   charge resulting from ballasting operations  
4                   or vessel biofouling prevention.”.

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