

**AMENDMENT TO H.R. 2406, AS REPORTED
OFFERED BY MR. GIBBS OF OHIO**

At the end of the bill, add the following:

1 **TITLE XVII—REDUCING**
2 **REGULATORY BURDENS ACT**

3 **SEC. 1701. USE OF AUTHORIZED PESTICIDES.**

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

7 “(5) USE OF AUTHORIZED PESTICIDES.—Ex-
8 cept as provided in section 402(s) of the Federal
9 Water Pollution Control Act, the Administrator or a
10 State may not require a permit under such Act for
11 a discharge from a point source into navigable
12 waters of a pesticide authorized for sale, distribu-
13 tion, or use under this Act, or the residue of such
14 a pesticide, resulting from the application of such
15 pesticide.”.

16 **SEC. 1702. DISCHARGES OF PESTICIDES.**

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

20 “(s) DISCHARGES OF PESTICIDES.—

1 “(1) NO PERMIT REQUIREMENT.—Except as
2 provided in paragraph (2), a permit shall not be re-
3 quired by the Administrator or a State under this
4 Act for a discharge from a point source into navi-
5 gable waters of a pesticide authorized for sale, dis-
6 tribution, or use under the Federal Insecticide, Fun-
7 gicide, and Rodenticide Act, or the residue of such
8 a pesticide, resulting from the application of such
9 pesticide.

10 “(2) EXCEPTIONS.—Paragraph (1) shall not
11 apply to the following discharges of a pesticide or
12 pesticide residue:

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

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

20 “(ii) the amount of pesticide or pes-
21 ticide residue in the discharge is greater
22 than would have occurred without the vio-
23 lation.

24 “(B) Stormwater discharges subject to reg-
25 ulation under subsection (p).

1 “(C) The following discharges subject to
2 regulation under this section:

3 “(i) Manufacturing or industrial efflu-
4 ent.

5 “(ii) Treatment works effluent.

6 “(iii) Discharges incidental to the nor-
7 mal operation of a vessel, including a dis-
8 charge resulting from ballasting operations
9 or vessel biofouling prevention.”.

