

AMENDMENT TO H.R. 5243
(ZIKA SUPPLEMENTAL APPROPRIATIONS)
OFFERED BY MR. GIBBS OF OHIO

At the end of the bill (before the short title), insert the following:

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

4 “(5) USE OF AUTHORIZED PESTICIDES.—

5 “(A) IN GENERAL.—Except as provided in
6 section 402(s) of the Federal Water Pollution
7 Control Act, the Administrator or a State may
8 not require a permit under such Act for a dis-
9 charge from a point source into navigable
10 waters of a pesticide authorized for sale, dis-
11 tribution, or use under this Act, or the residue
12 of such a pesticide, resulting from the applica-
13 tion of such pesticide.

14 “(B) SUNSET.—This paragraph shall cease
15 to be effective on September 30, 2018.”.

16 SEC. _____. Section 402 of the Federal Water Pollu-
17 tion Control Act (33 U.S.C. 1342) is amended by adding
18 at the end the following:

1 “(s) DISCHARGES OF PESTICIDES.—

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

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

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

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

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

1 “(B) Stormwater discharges subject to reg-
2 ulation under subsection (p).

3 “(C) The following discharges subject to
4 regulation under this section:

5 “(i) Manufacturing or industrial efflu-
6 ent.

7 “(ii) Treatment works effluent.

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

12 “(3) SUNSET.—This subsection shall cease to
13 be effective on September 30, 2018.”.

