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:

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

“(5) USE OF AUTHORIZED PESTICIDES.—

“(A) IN GENERAL.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.

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

SEC. ____. Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:
“(s) Discharges of Pesticides.—

“(1) No permit requirement.—Except as

provided in paragraph (2), a permit shall not be re-

quired by the Administrator or a State under this

Act for a discharge from a point source into naviga-

gable waters of a pesticide authorized for sale, dis-

tribution, or use under the Federal Insecticide, Fung-

gicide, and Rodenticide Act, or the residue of such

a pesticide, resulting from the application of such

pesticide.

“(2) Exceptions.—Paragraph (1) shall not

apply to the following discharges of a pesticide or

pesticide residue:

“(A) A discharge resulting from the appli-
cation of a pesticide in violation of a provision

of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting

water quality, if—

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

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

than would have occurred without the vio-

lation.
“(B) Stormwater discharges subject to regulation under subsection (p).

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

“(i) Manufacturing or industrial effluent.

“(ii) Treatment works effluent.

“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.

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