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.
   This Act may be cited as the “Reducing Regulatory Burdens Act of 2011”.

2 SEC. 2. USE OF AUTHORIZED PESTICIDES.
   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.—Ex-
   cept 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 wa-
   ters of a pesticide authorized for sale, distribution,
   or use under this Act, or the residue of such a pes-
   ticide, resulting from the application of such pes-
   ticide.”.
SEC. 3. DISCHARGES OF PESTICIDES.

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 required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide registered under the Federal Insecticide, Fungicide, 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 containing a pesticide or pesticide residue:

“(A) A discharge resulting from the application 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 occurred but for the violation; or

“(ii) the amount of pesticide or pesticide residue contained in the discharge is
greater than would have occurred without the violation.

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

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

“(i) manufacturing or industrial effluent;

“(ii) treatment works effluent; and

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