

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 872
OFFERED BY MRS. SCHMIDT OF OHIO**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. USE OF REGISTERED 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 REGISTERED 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 wa-
13 ters of a pesticide registered under this Act, or the
14 residue of such a pesticide, resulting from the appli-
15 cation of such pesticide.”.

1 **SEC. 3. DISCHARGES OF PESTICIDES.**

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

5 “(s) DISCHARGES OF PESTICIDES.—

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

15 “(2) EXCEPTIONS.—Paragraph (1) shall not
16 apply to the following discharges containing a pes-
17 ticide or pesticide residue:

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

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

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

1 greater than would have occurred without
2 the violation.

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

5 “(C) The following discharges regulated
6 under this section:

7 “(i) Manufacturing or industrial efflu-
8 ent.

9 “(ii) Treatment works effluent.

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

