

113TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mrs. HAGAN (for herself and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## A BILL

To clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sensible Environ-  
5 mental Protection Act of 2013”.

6 **SEC. 2. USE OF AUTHORIZED PESTICIDES; DISCHARGES OF**  
7 **PESTICIDES; REPORT.**

8 (a) USE OF AUTHORIZED PESTICIDES.—Section 3(f)  
9 of the Federal Insecticide, Fungicide, and Rodenticide Act

1 (7 U.S.C. 136a(f)) is amended by adding at the end the  
2 following:

3 “(5) USE OF AUTHORIZED PESTICIDES.—Ex-  
4 cept as provided in section 402(s) of the Federal  
5 Water Pollution Control Act (33 U.S.C. 1342), the  
6 Administrator or a State shall not require a permit  
7 under that Act for a discharge from a point source  
8 into navigable waters of—

9 “(A) a pesticide authorized for sale, dis-  
10 tribution, or use under this Act; or

11 “(B) the residue of the pesticide, resulting  
12 from the application of the pesticide.”.

13 (b) DISCHARGES OF PESTICIDES.—Section 402 of  
14 the Federal Water Pollution Control Act (33 U.S.C. 1342)  
15 is amended by adding at the end the following:

16 “(s) DISCHARGES OF PESTICIDES.—

17 “(1) NO PERMIT REQUIREMENT.—Except as  
18 provided in paragraph (2), a permit shall not be re-  
19 quired by the Administrator or a State under this  
20 Act for a discharge from a point source into navi-  
21 gable waters of—

22 “(A) a pesticide authorized for sale, dis-  
23 tribution, or use under the Federal Insecticide,  
24 Fungicide, and Rodenticide Act (7 U.S.C. 136  
25 et seq.); or

1                   “(B) the residue of the pesticide, resulting  
2                   from the application of the pesticide.

3                   “(2) EXCEPTIONS.—Paragraph (1) shall not  
4                   apply to the following discharges of a pesticide or  
5                   pesticide residue:

6                   “(A) A discharge resulting from the appli-  
7                   cation of a pesticide in violation of a provision  
8                   of the Federal Insecticide, Fungicide, and  
9                   Rodenticide Act (7 U.S.C. 136 et seq.) relevant  
10                  to protecting water quality if—

11                  “(i) the discharge would not have oc-  
12                  curred without the violation; or

13                  “(ii) the amount of pesticide or pes-  
14                  ticide residue in the discharge is greater  
15                  than would have occurred without the vio-  
16                  lation.

17                  “(B) Stormwater discharges subject to reg-  
18                  ulation under subsection (p).

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

21                  “(i) Manufacturing or industrial efflu-  
22                  ent.

23                  “(ii) Treatment works effluent.

24                  “(iii) Discharges incidental to the nor-  
25                  mal operation of a vessel, including a dis-

1 charge resulting from ballasting operations  
2 or vessel biofouling prevention.”.

3 (c) REPORT.—Not later than 1 year after the date  
4 of enactment of this Act, the Administrator of the Envi-  
5 ronmental Protection Agency, in consultation with the  
6 Secretary of Agriculture, shall submit a report to the Com-  
7 mittee on Environment and Public Works and the Com-  
8 mittee on Agriculture of the Senate and the Committee  
9 on Transportation and Infrastructure and the Committee  
10 on Agriculture of the House of Representatives that in-  
11 cludes—

12 (1) the status of intra-agency coordination be-  
13 tween the Office of Water and the Office of Pes-  
14 ticide Programs of the Environmental Protection  
15 Agency regarding streamlining information collec-  
16 tion, standards of review, and data use relating to  
17 water quality impacts from the registration and use  
18 of pesticides;

19 (2) an analysis of the effectiveness of current  
20 regulatory actions relating to pesticide registration  
21 and use aimed at protecting water quality; and

22 (3) any recommendations on how the Federal  
23 Insecticide, Fungicide, and Rodenticide Act (7  
24 U.S.C. 136 et seq.) can be modified to better protect  
25 water quality and human health.