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

IN THE SENATE OF THE UNITED STATES

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sensible Environmental Protection Act of 2013”.

SEC. 2. USE OF AUTHORIZED PESTICIDES; DISCHARGES OF PESTICIDES; REPORT.

(a) 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.—Except as provided in section 402(s) of the Federal Water Pollution Control Act (33 U.S.C. 1342), the Administrator or a State shall not require a permit under that Act for a discharge from a point source into navigable waters of—

“(A) a pesticide authorized for sale, distribution, or use under this Act; or

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

(b) 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) a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); or
“(B) the residue of the pesticide, resulting from the application of the pesticide.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of 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 (7 U.S.C. 136 et seq.) relevant to protecting water quality if—

“(i) the discharge would not have occurred without the violation; or

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

“(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 dis-
charge resulting from ballasting operations
or vessel biofouling prevention.”.

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

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

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

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