

114TH CONGRESS  
2D SESSION

# H. R. 897

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IN THE SENATE OF THE UNITED STATES

MAY 25, 2016

Received

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## AN ACT

To amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Zika Vector Control  
3 Act”.

4 **SEC. 2. USE OF AUTHORIZED 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 AUTHORIZED PESTICIDES.—

9 “(A) IN GENERAL.—Except as provided in  
10 section 402(s) of the Federal Water Pollution  
11 Control Act, the Administrator or a State may  
12 not require a permit under such Act for a dis-  
13 charge from a point source into navigable  
14 waters of a pesticide authorized for sale, dis-  
15 tribution, or use under this Act, or the residue  
16 of such a pesticide, resulting from the applica-  
17 tion of such pesticide.

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

20 **SEC. 3. DISCHARGES OF PESTICIDES.**

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

24 “(s) DISCHARGES OF PESTICIDES.—

25 “(1) NO PERMIT REQUIREMENT.—Except as  
26 provided in paragraph (2), a permit shall not be re-

1       quired by the Administrator or a State under this  
2       Act for a discharge from a point source into navi-  
3       gable waters of a pesticide authorized for sale, dis-  
4       tribution, or use under the Federal Insecticide, Fun-  
5       gicide, and Rodenticide Act, or the residue of such  
6       a pesticide, resulting from the application of such  
7       pesticide.

8               “(2) EXCEPTIONS.—Paragraph (1) shall not  
9       apply to the following discharges of a pesticide or  
10       pesticide residue:

11               “(A) A discharge resulting from the appli-  
12       cation of a pesticide in violation of a provision  
13       of the Federal Insecticide, Fungicide, and  
14       Rodenticide Act that is relevant to protecting  
15       water quality, if—

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

18               “(ii) the amount of pesticide or pes-  
19       ticide residue in the discharge is greater  
20       than would have occurred without the vio-  
21       lation.

22               “(B) Stormwater discharges subject to reg-  
23       ulation under subsection (p).

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

