

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 3534  
OFFERED BY MR. SENSENBRENNER OF  
WISCONSIN**

Page 177, after line 14, insert the following:

1       (a) APPROVAL OF DISPERSANTS, OTHER CHEMI-  
2 CALS, AND OTHER SPILL MITIGATING DEVICES AND SUB-  
3 STANCES.—Section 311(d)(2)(G) of the Federal Water  
4 Pollution Control Act (33 U.S.C. 1321(d)(2)(G)) is  
5 amended to read as follows:

6               “(G) A schedule, prepared in cooperation  
7               with the States, identifying—

8               “(i) dispersants, other chemicals, and  
9               other spill mitigating devices and sub-  
10              stances, if any, that may be used in car-  
11              rying out the Plan, using criteria for the  
12              evaluation of safety and efficacy of the  
13              dispersants, other chemicals, and other  
14              spill mitigating devices and substances, en-  
15              suring that—

16              “(I) in selecting dispersants,  
17              other chemicals, and other spill miti-  
18              gating substances to place on the

1 schedule, the President shall require a  
2 manufacturer of a dispersant, other  
3 chemical, or other spill mitigating  
4 substance to submit data on such dis-  
5 persant, other chemical, or other spill  
6 mitigating substance, prepared by a  
7 laboratory approved by the President,  
8 regarding—

9 “(aa) efficacy on particular  
10 types of oil;

11 “(bb) safety for known and  
12 reasonably anticipated uses;

13 “(cc) the chronic effects of  
14 sustained use on marine, coastal,  
15 estuarine, and freshwater envi-  
16 ronments;

17 “(dd) the effects on selected  
18 aquatic species that represent life  
19 at various ocean depths, includ-  
20 ing effects on benthic-dwelling  
21 organisms and coral reefs;

22 “(ee) the effects on marine  
23 life resulting from subsurface ap-  
24 plication;

1                   “(ff) the effects on early life  
2                   stages of aquatic organisms, in-  
3                   cluding eggs and larvae; and  
4                   “(gg) a list of all constituent  
5                   ingredients; and  
6                   “(II) in selecting dispersants,  
7                   other chemicals, and other spill miti-  
8                   gating substances to place on the  
9                   schedule, the President may place re-  
10                  strictions on the authorized quantities  
11                  and conditions of use of any such dis-  
12                  persant, other chemical, or other spill  
13                  mitigating substance;  
14                  “(ii) the waters in which such  
15                  dispersants, other chemicals, and other  
16                  spill mitigating devices and substances  
17                  may be used safely; and  
18                  “(iii) the quantities of such  
19                  dispersants, other chemicals, or other spill  
20                  mitigating devices and substances which  
21                  can be used safely in such waters, which  
22                  schedule shall provide in the case of any  
23                  dispersant, other chemical, other spill miti-  
24                  gating device or substance, or waters not  
25                  specifically identified in such schedule that

1 the President, or his designee, may, on a  
2 case-by-case basis, identify the dispersants,  
3 other chemicals, and other spill mitigating  
4 devices and substances which may be used,  
5 the waters in which they may be used, and  
6 the quantities in which they can be used  
7 safely in such waters.”.

8 (b) DISCLOSURE OF CHEMICAL CONSTITUENTS.—  
9 The President shall not place a dispersant, other chemical,  
10 or other spill mitigating substance on the schedule pre-  
11 pared under section 311(d)(2)(G) of such Act (33 U.S.C.  
12 1321(d)(2)(G)) unless the President receives assurances  
13 satisfactory to the President that the manufacturer of  
14 such dispersant, other chemical, or other spill mitigating  
15 substance will publicly disclose, upon a declaration that  
16 a discharge is classified as a spill of national significance,  
17 the constituent ingredients of such dispersant, other chem-  
18 ical, or other spill mitigating substance that will be used  
19 to carry out a National Contingency Plan, Area Contin-  
20 gency Plan, or response plan for a tank vessel, nontank  
21 vessel, or facility in response to such discharge.

Page 177, line 15, strike “(a)” and insert “(c)”.

Page 178, strike line 5 and all that follows through  
line 16 on page 187.

Page 187, line 17, strike "(6)" and insert "(5)".

Page 188, line 19, strike "(7)" and insert "(6)".

Page 190, strike line 21 and all that follows through  
line 24 on page 191.

