

§ 138d. Application**(a) Contents of application**

An application for accreditation under this chapter shall be prepared and submitted to the Secretary and shall include—

- (1) the name and address of the laboratory;
- (2) the name and address of the owners and managers of such laboratory;
- (3) a statement concerning the type of analysis the laboratory intends to conduct;
- (4) a brief history of the laboratory and its previous operations; and
- (5) such other information as may be required by the Secretary.

(b) Restrictions on submission of application

A laboratory that has been denied, or has lost, accreditation under this chapter shall not reapply for accreditation until the expiration of at least 6 months after such denial or loss of accreditation. Corrective actions taken by the laboratory to address deficiencies upon which the denial or loss of accreditation was based must accompany the reapplication.

(Pub. L. 101-624, title XIII, §1325, Nov. 28, 1990, 104 Stat. 3564.)

§ 138e. Reporting**(a) In general**

Each laboratory or individual that performs, brokers, or otherwise arranges for the performance of a pesticide chemical analysis of food shall prepare and submit a report, simultaneously to the Secretary, the Secretary of Health and Human Services, and to the owner of such food, that shall contain any finding of pesticide chemical residues in such food—

- (1) for which no chemical residue tolerance or exemption has been established;
- (2) that is in excess of residue tolerances; or
- (3) for which the chemical residue tolerance has been revoked or the chemical residue is otherwise not permitted by the Environmental Protection Agency.

(b) Timing of report

A laboratory shall submit the report required under subsection (a) of this section to the Secretary, the Secretary of Health and Human Services, and the owner of such food as soon as practicable after the completion of the analysis of such food.

(c) Guidelines

The Secretary shall adopt standardized reporting guidelines to be applied to laboratories under this section and shall provide such guidelines to laboratories accredited under this chapter, as well as other sources of information regarding applicable pesticide chemical tolerances.

(Pub. L. 101-624, title XIII, §1326, Nov. 28, 1990, 104 Stat. 3565.)

§ 138f. Fees**(a) In general**

At the time that an application for accreditation is received by the Secretary and annually thereafter, a laboratory seeking accreditation

by the Secretary under the authority of this chapter, the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) shall pay to the Secretary a nonrefundable accreditation fee. All fees collected by the Secretary shall be credited to the account from which the expenses of the laboratory accreditation program are paid and, subject to subsection (e) of this section, shall be available immediately and remain available until expended to pay the expenses of the laboratory accreditation program.

(b) Amount of fee

The fee required under this section shall be established by the Secretary in an amount that will offset the cost of the laboratory accreditation programs administered by the Secretary under the statutory authorities set forth in subsection (a) of this section.

(c) Reimbursement of expenses

Each laboratory that is accredited under a statutory authority set forth in subsection (a) of this section or that has applied for accreditation under such authority shall reimburse the Secretary for reasonable travel and other expenses necessary to perform onsite inspections of the laboratory.

(d) Adjustment of fees

The Secretary may, on an annual basis, adjust the fees imposed under this section as necessary to support the full costs of the laboratory accreditation programs carried out under the statutory authorities set forth in subsection (a) of this section.

(e) Appropriations prerequisite

No fees collected under this section may be used to offset the cost of laboratory accreditation without appropriations made under subsection (f) of this section.

(f) Authorization of appropriations

There are authorized to be appropriated each fiscal year such sums as may be necessary for laboratory accreditation services under this section.

(Pub. L. 101-624, title XIII, §1327, Nov. 28, 1990, 104 Stat. 3565; Pub. L. 102-237, title X, §1017, Dec. 13, 1991, 105 Stat. 1904.)

REFERENCES IN TEXT

The Federal Meat Inspection Act, referred to in subsec. (a), is titles I to IV of act Mar. 4, 1907, ch. 2907, as added Dec. 15, 1967, Pub. L. 90-201, 81 Stat. 584, and amended, which are classified generally to subchapters I to IV (§601 et seq.) of chapter 12 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 21 and Tables.

The Poultry Products Inspection Act, referred to in subsec. (a), is Pub. L. 85-172, Aug. 28, 1957, 71 Stat. 441, as amended, which is classified generally to chapter 10 (§451 et seq.) of Title 21. For complete classification of this Act to the Code, see Short Title note set out under section 451 of Title 21 and Tables.

AMENDMENTS

1991—Pub. L. 102-237 amended section generally, in subsec. (a), inserting provisions relating to Federal Meat Inspection Act and Poultry Products Inspection Act and provisions relating to crediting and availabil-

ity of fees, in subsec. (b), substituting provisions relating to fee under this section for provisions relating to fee under subsec. (a) of this section, and provisions relating to laboratory accreditation programs administered by Secretary under statutory authorities set forth in subsec. (a) of this section for provisions relating to program established under this chapter, in subsec. (c), substituting provisions relating to statutory authority set forth in subsec. (a) of this section for provisions relating to this chapter, in subsec. (d), substituting provisions relating to laboratory accreditation programs under statutory authority set forth in subsec. (a) of this section for provisions relating to program established under this chapter, and adding subsecs. (e) and (f).

§ 138g. Public disclosure

The results of the evaluations of laboratories conducted by the Secretary under this chapter shall be made available to the Secretary of Health and Human Services and to the public on request.

(Pub. L. 101-624, title XIII, §1328, Nov. 28, 1990, 104 Stat. 3565.)

§ 138h. Regulations

The Secretary shall promulgate regulations to carry out this chapter.

(Pub. L. 101-624, title XIII, §1329, Nov. 28, 1990, 104 Stat. 3565.)

§ 138i. Effect of other laws

Nothing in this chapter shall alter the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(Pub. L. 101-624, title XIII, §1330, Nov. 28, 1990, 104 Stat. 3565.)

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in text, is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

CHAPTER 7—INSECT PESTS GENERALLY

§§ 141 to 144. Repealed. Pub. L. 85-36, title I, § 111, May 23, 1957, 71 Stat. 35

Sections were from act Mar. 3, 1905, ch. 1501, §§1-4, 33 Stat. 1269. See chapter 7B of this title.

Section 141 prohibited transportation or removal of insect pests.

Section 142 related to punishment for mailing parcels, etc., containing insect pests.

Section 143 related to regulations for mailing, transportation, etc., of insect pests for scientific purposes.

Section 144, amended Sept. 3, 1954, ch. 1263, §16, 68 Stat. 1232, related to punishment for unlawful transportation or removal of insect pests.

§ 145. Repealed. Pub. L. 94-231, § 2, Mar. 15, 1976, 90 Stat. 216

Section, act Oct. 6, 1917, ch. 79, §1, 40 Stat. 374, provided for cooperation with Mexico and adjacent States in extermination of pink bollworm infestations in Mexico and related operations.

§§ 146, 147. Omitted

CODIFICATION

Section 146, act Feb. 9, 1927, ch. 90, 44 Stat. 1065, authorized an appropriation of \$10,000,000 to eradicate or control European corn borer.

Section 147, act May 24, 1928, ch. 734, 45 Stat. 734, authorized an additional appropriation of \$7,000,000 to eradicate or control European corn borer.

§§ 147a, 147b. Transferred

CODIFICATION

Section 147a, acts Sept. 21, 1944, ch. 412, title I, §102, 58 Stat. 735, as amended, which related to fees for inspection of plants for exporting or transiting, was transferred to section 7759 of this title.

Section 147b, Pub. L. 97-46, §1, Sept. 25, 1981, 95 Stat. 953, as amended, which related to transfer of funds for emergency arrest of animal or poultry diseases, was transferred to section 129a of Title 21, Food and Drugs, and was subsequently repealed by Pub. L. 107-171, title X, §10418(a)(1), May 13, 2002, 116 Stat. 507.

§§ 148, 148a. Repealed. Pub. L. 106-224, title IV, § 438(a)(6), June 20, 2000, 114 Stat. 454

Section 148, acts Apr. 6, 1937, ch. 69, 50 Stat. 57; May 9, 1938, ch. 192, 52 Stat. 344; Aug. 13, 1954, ch. 731, 68 Stat. 717, related to control of incipient or emergency outbreaks of insect pests and plant diseases.

Section 148a, act Apr. 6, 1937, ch. 69, §2, as added May 9, 1938, ch. 192, 52 Stat. 344, related to availability of appropriated money for personnel, general administration, material and equipment, and other necessary expenses.

§ 148b. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111

Section, act Apr. 6, 1937, ch. 69, §3, as added May 9, 1938, ch. 192, 52 Stat. 344, related to procurement of materials and equipment for the control of insect pests and plant diseases.

§ 148c to 148e. Repealed. Pub. L. 106-224, title IV, § 438(a)(6), June 20, 2000, 114 Stat. 454

Section 148c, act Apr. 6, 1937, ch. 69, §4, as added May 9, 1938, ch. 192, 52 Stat. 344, related to cooperation of States in control of insect pests and plant diseases.

Section 148d, act Apr. 6, 1937, ch. 69, §5, as added May 9, 1938, ch. 192, 52 Stat. 344, prohibited use of appropriations to pay cost or value of injured or destroyed animals, crops, or other property.

Section 148e, act Apr. 6, 1937, ch. 69, §6, as added May 9, 1938, ch. 192, 52 Stat. 344, authorized appropriations to carry out provisions of sections 148 to 148e of this title.

§ 148f. Repealed. Pub. L. 106-224, title IV, § 438(a)(9), June 20, 2000, 114 Stat. 454

Section, Pub. L. 99-198, title XVII, §1773, Dec. 23, 1985, 99 Stat. 1658, related to control of grasshoppers and Mormon Crickets on Federal lands. See section 7717 of this title.

§ 149. Repealed. Pub. L. 106-224, title IV, § 438(a)(5), June 20, 2000, 114 Stat. 454

Section, acts Jan. 31, 1942, ch. 31, 56 Stat. 40; Pub. L. 85-36, title I, §110, May 23, 1957, 71 Stat. 34; Pub. L. 97-461, §3, Jan. 12, 1983, 96 Stat. 2524; Pub. L. 103-465, title IV, §431(b), Dec. 8, 1994, 108 Stat. 4967, related to inspection, cleaning, and disinfection of vehicles and materials entering into the United States from Mexico.