

Subsec. (k)(3)(A). Pub. L. 104-170, § 501(d)(1), which directed the amendment of introductory provisions by substituting “for each of the fiscal years 1997 through 2001, not more than ¼ of the maintenance fees collected in such fiscal year” for “for each of the fiscal years 1992, 1993, and 1994, ¼th of the maintenance fees collected, up to 2 million each year”, was executed by making the substitution for text which contained the phrase “\$2 million”, to reflect the probable intent of Congress.

Subsec. (k)(3)(A)(iii). Pub. L. 104-170, § 232(4), added cl. (iii).

Subsec. (k)(3)(C). Pub. L. 104-170, § 501(d)(2), added subpar. (C).

Subsec. (k)(5). Pub. L. 104-170, § 501(e), amended heading and text of par. (5) generally. Prior to amendment, text read as follows: “The Administrator shall—

“(A) provide an annual accounting of the fees collected and disbursed from the fund; and

“(B) take all steps necessary to ensure that expenditures from such fund are used only to carry out this section.”

Subsec. (l). Pub. L. 104-170, § 501(f), added subsec. (l). Former subsec. (l) redesignated (m).

Subsec. (m). Pub. L. 104-170, § 501(f), redesignated subsec. (l) as (m). Former subsec. (m) redesignated (n).

Pub. L. 104-170, § 237, added subsec. (m).

Subsec. (n). Pub. L. 104-170, § 501(f), redesignated subsec. (m) as (n).

1991—Subsec. (f)(3). Pub. L. 102-237, § 1006(a)(4), realigned margin.

Subsec. (i)(5). Pub. L. 102-237, § 1006(e), amended par. (5) generally, substituting, in subpar. (A), provisions relating to January 15 for provisions relating to March 1, in subpar. (A)(i), provisions relating to fee of \$650 for first registration for provisions relating to fee of \$425 for each registration for registrants holding not more than 50 registrations, and in subpar. (A)(ii), provisions relating to fee of \$1,300 for each additional registration up to 200 registrations, with no fee thereafter, for provisions relating to fee of \$425 for each registration up to 50, \$100 for each registration over 50, with no fee after 200 registrations, redesignating provisions formerly set out in subpar. (A), following cl. (ii), as subpar. (B), and substituting provisions relating to fee under this par. for provisions relating to fee under this subpar., redesignating former subpar. (B) as (C), striking former subpar. (C), which set maximum annual fee for registrants under subpar. (A)(i) at \$20,000, and for registrants under subpar. (A)(ii) at \$35,000, adding subpars. (D) and (E), and redesignating former subpars. (D) and (E) as (F) and (G), respectively.

Subsec. (k)(3)(A). Pub. L. 102-237, § 1006(f), substituted “for each of the fiscal years 1992, 1993, and 1994, ¼th of the maintenance fees collected, up to \$2 million each year” for “each fiscal year not more than \$2,000,000 of the amounts in the fund”.

1990—Subsec. (i)(5)(A). Pub. L. 101-624 inserted sentence at end relating to reduction or waiver of fee where pesticide is registered for minor agricultural use.

#### EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-177, § 2(c), Sept. 28, 2012, 126 Stat. 1407, provided that: “This section [amending this section, section 136w-8 of this title, and section 346a of Title 21, Food and Drugs, and enacting provisions set out as a note under this section] and the amendments made by this section take effect on October 1, 2012.”

#### EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-94 effective Oct. 1, 2007, see section 6 of Pub. L. 110-94, set out as a note under section 136a of this title.

#### EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-199 effective on the date that is 60 days after Jan. 23, 2004, except as otherwise provided, see section 501(h) of Pub. L. 108-199, set out as a note under section 136a of this title.

#### EFFECTIVE DATE

Section effective on expiration of 60 days after Oct. 25, 1988, see section 901 of Pub. L. 100-532, set out as an Effective Date of 1988 Amendment note under section 136 of this title.

#### RELATIONSHIP OF PUB. L. 112-177 TO OTHER LAW

Pub. L. 112-177, § 2(d), Sept. 28, 2012, 126 Stat. 1407, provided that: “In the case of any conflict between this section [amending this section, section 136w-8 of this title, and section 346a of Title 21, Food and Drugs, and enacting provisions set out as a note under this section] (including the amendments made by this section) and a joint resolution making continuing appropriations for fiscal year 2013 (including any amendments made by such a joint resolution), this section and the amendments made by this section shall control.”

#### ADJUSTMENT OF MAXIMUM ANNUAL FEE PAYABLE BY PESTICIDE REGISTRANTS

Pub. L. 108-11, title II, Apr. 16, 2003, 117 Stat. 603, provided that: “Within 30 days of enactment of this Act [Apr. 16, 2003], the Administrator of the Environmental Protection Agency shall adjust each ‘maximum annual fee payable’ pursuant to 7 U.S.C. 136a-1(i)(5)(D) and (E) in a manner such that maintenance fee collections made to reach the level authorized in division K of Public Law 108-7 [see Tables for classification] shall be established in the same proportion as those maintenance fee collections authorized in Public Law 107-73 [see Tables for classification].”

#### § 136b. Transferred

##### CODIFICATION

Section, act June 25, 1947, ch. 125, § 4, as added Oct. 21, 1972, Pub. L. 92-516, § 2, 86 Stat. 983; amended Nov. 28, 1975, Pub. L. 94-140, §§ 5, 11, 89 Stat. 753, 754; Sept. 30, 1978, Pub. L. 95-396, § 9, 92 Stat. 827; Oct. 25, 1988, Pub. L. 100-532, title VIII, § 801(c), (q)(1)(A), (B), 102 Stat. 2681, 2683, which related to use of restricted use pesticides and certification of applicators, was transferred to subsecs. (a) to (c) of section 11 of act June 25, 1947, by section 801(q)(1)(A) of Pub. L. 100-532 and is classified to section 136i(a) to (c) of this title.

#### § 136c. Experimental use permits

##### (a) Issuance

Any person may apply to the Administrator for an experimental use permit for a pesticide. The Administrator shall review the application. After completion of the review, but not later than one hundred and twenty days after receipt of the application and all required supporting data, the Administrator shall either issue the permit or notify the applicant of the Administrator’s determination not to issue the permit and the reasons therefor. The applicant may correct the application or request a waiver of the conditions for such permit within thirty days of receipt by the applicant of such notification. The Administrator may issue an experimental use permit only if the Administrator determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide under section 136a of this title. An application for an experimental use permit may be filed at any time.

##### (b) Temporary tolerance level

If the Administrator determines that the use of a pesticide may reasonably be expected to result in any residue on or in food or feed, the Administrator may establish a temporary tolerance level for the residue of the pesticide before issuing the experimental use permit.

**(c) Use under permit**

Use of a pesticide under an experimental use permit shall be under the supervision of the Administrator, and shall be subject to such terms and conditions and be for such period of time as the Administrator may prescribe in the permit.

**(d) Studies**

When any experimental use permit is issued for a pesticide containing any chemical or combination of chemicals which has not been included in any previously registered pesticide, the Administrator may specify that studies be conducted to detect whether the use of the pesticide under the permit may cause unreasonable adverse effects on the environment. All results of such studies shall be reported to the Administrator before such pesticide may be registered under section 136a of this title.

**(e) Revocation**

The Administrator may revoke any experimental use permit, at any time, if the Administrator finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment.

**(f) State issuance of permits**

Notwithstanding the foregoing provisions of this section, the Administrator shall, under such terms and conditions as the Administrator may by regulations prescribe, authorize any State to issue an experimental use permit for a pesticide. All provisions of section 136i of this title relating to State plans shall apply with equal force to a State plan for the issuance of experimental use permits under this section.

**(g) Exemption for agricultural research agencies**

Notwithstanding the foregoing provisions of this section, the Administrator may issue an experimental use permit for a pesticide to any public or private agricultural research agency or educational institution which applies for such permit. Each permit shall not exceed more than a one-year period or such other specific time as the Administrator may prescribe. Such permit shall be issued under such terms and conditions restricting the use of the pesticide as the Administrator may require. Such pesticide may be used only by such research agency or educational institution for purposes of experimentation.

(June 25, 1947, ch. 125, § 5, as added Pub. L. 92-516, § 2, Oct. 21, 1972, 86 Stat. 983; amended Pub. L. 94-140, § 10, Nov. 28, 1975, 89 Stat. 754; Pub. L. 95-396, § 10, Sept. 30, 1978, 92 Stat. 828; Pub. L. 100-532, title VIII, § 801(d), (q)(1)(D), Oct. 25, 1988, 102 Stat. 2681, 2683; Pub. L. 102-237, title X, § 1006(b)(1), Dec. 13, 1991, 105 Stat. 1895.)

## PRIOR PROVISIONS

A prior section 5 of act June 25, 1947, was classified to section 135c of this title prior to amendment of act June 25, 1947, by Pub. L. 92-516.

## AMENDMENTS

1991—Subsecs. (b), (e), (f). Pub. L. 102-237 substituted “the Administrator” for “he” before “may” in subsec. (b), before “finds” in subsec. (e), and before “may” in subsec. (f).

1988—Subsec. (f). Pub. L. 100-532, § 801(q)(1)(D), substituted “136i” for “136b”.

Subsec. (g). Pub. L. 100-532, § 801(d), substituted “require. Such pesticide” for “require: *Provided*, That such pesticide”.

1978—Subsec. (a). Pub. L. 95-396, § 10(1), provided for review of application, issuance or nonissuance of experimental use permit within prescribed period including reasons for denial, correction of application, and waiver of conditions and substituted provision for filing an application for experimental use permit at any time for prior provision for filing at the time of or before or after an application for registration is filed.

Subsec. (f). Pub. L. 95-396, § 10(2), substituted in first sentence “shall” for “may” where first appearing.

1975—Subsec. (g). Pub. L. 94-140 added subsec. (g).

## EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-532 effective on expiration of 60 days after Oct. 25, 1988, see section 901 of Pub. L. 100-532, set out as a note under section 136 of this title.

## EFFECTIVE DATE

For effective date of section, see section 4 of Pub. L. 92-516, set out as a note under section 136 of this title.

**§ 136d. Administrative review; suspension****(a) Existing stocks and information****(1) Existing stocks**

The Administrator may permit the continued sale and use of existing stocks of a pesticide whose registration is suspended or canceled under this section, or section 136a or 136a-1 of this title, to such extent, under such conditions, and for such uses as the Administrator determines that such sale or use is not inconsistent with the purposes of this subchapter.

**(2) Information**

If at any time after the registration of a pesticide the registrant has additional factual information regarding unreasonable adverse effects on the environment of the pesticide, the registrant shall submit such information to the Administrator.

**(b) Cancellation and change in classification**

If it appears to the Administrator that a pesticide or its labeling or other material required to be submitted does not comply with the provisions of this subchapter or, when used in accordance with widespread and commonly recognized practice, generally causes unreasonable adverse effects on the environment, the Administrator may issue a notice of the Administrator’s intent either—

(1) to cancel its registration or to change its classification together with the reasons (including the factual basis) for the Administrator’s action, or

(2) to hold a hearing to determine whether or not its registration should be canceled or its classification changed.

Such notice shall be sent to the registrant and made public. In determining whether to issue any such notice, the Administrator shall include among those factors to be taken into account the impact of the action proposed in such notice on production and prices of agricultural commodities, retail food prices, and otherwise on the agricultural economy. At least 60 days prior to sending such notice to the registrant or mak-