

used in producing pesticides produced, sold, or distributed at an establishment shall be considered confidential and shall be subject to the provisions of section 136h of this title.

(June 25, 1947, ch. 125, §7, as added Pub. L. 92-516, §2, Oct. 21, 1972, 86 Stat. 987; amended Pub. L. 95-396, §13, Sept. 30, 1978, 92 Stat. 829; Pub. L. 102-237, title X, §1006(b)(1), (3)(F), (G), Dec. 13, 1991, 105 Stat. 1895, 1896.)

#### PRIOR PROVISIONS

A prior section 7 of act June 25, 1947, was classified to section 135e of this title prior to amendment of act June 25, 1947, by Pub. L. 92-516.

#### AMENDMENTS

1991—Subsec. (b). Pub. L. 102-237, §1006(b)(1), substituted “the Administrator” for “he” before “shall”.

Subsec. (c)(1)(A) to (C). Pub. L. 102-237, §1006(b)(3)(F), substituted “the producer” for “he”.

Subsec. (c)(2). Pub. L. 102-237, §1006(b)(3)(G), substituted “the Administrator” for “him” after “inform” and “the producer” for “he”.

1978—Subsec. (a). Pub. L. 95-396, §13(1), made requirement of registration applicable to production of active ingredient used in producing a pesticide subject to this subchapter.

Subsec. (c)(1). Pub. L. 95-396, §13(2), required information pertaining to types and amounts of active ingredients used in producing pesticides where applicable.

Subsec. (d). Pub. L. 95-396, §13(3), considered names of pesticides or active ingredients used in producing pesticides produced, sold, or distributed at an establishment as not being confidential information.

#### 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.

### § 136f. Books and records

#### (a) Requirements

The Administrator may prescribe regulations requiring producers, registrants, and applicants for registration to maintain such records with respect to their operations and the pesticides and devices produced as the Administrator determines are necessary for the effective enforcement of this subchapter and to make the records available for inspection and copying in the same manner as provided in subsection (b). No records required under this subsection shall extend to financial data, sales data other than shipment data, pricing data, personnel data, and research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed).

#### (b) Inspection

For the purposes of enforcing the provisions of this subchapter, any producer, distributor, carrier, dealer, or any other person who sells or offers for sale, delivers or offers for delivery any pesticide or device subject to this subchapter, shall, upon request of any officer or employee of the Environmental Protection Agency or of any State or political subdivision, duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to, and to copy: (1) all records showing the delivery, movement, or holding of such pesticide or device, including the quantity, the date of shipment and receipt, and the name of the consignor and consignee; or (2) in the event of the inability

of any person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device. Any inspection with respect to any records and information referred to in this subsection shall not extend to financial data, sales data other than shipment data, pricing data, personnel data; and research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed). Before undertaking an inspection under this subsection, the officer or employee must present to the owner, operator, or agent in charge of the establishment or other place where pesticides or devices are held for distribution or sale, appropriate credentials and a written statement as to the reason for the inspection, including a statement as to whether a violation of the law is suspected. If no violation is suspected, an alternate and sufficient reason shall be given in writing. Each such inspection shall be commenced and completed with reasonable promptness.

(June 25, 1947, ch. 125, §8, as added Pub. L. 92-516, §2, Oct. 21, 1972, 86 Stat. 987; amended Pub. L. 95-396, §14, Sept. 30, 1978, 92 Stat. 829; Pub. L. 100-532, title III, §301, Oct. 25, 1988, 102 Stat. 2668; Pub. L. 102-237, title X, §1006(b)(1), Dec. 13, 1991, 105 Stat. 1895.)

#### PRIOR PROVISIONS

A prior section 8 of act June 25, 1947, was classified to section 135f of this title prior to amendment of act June 25, 1947, by Pub. L. 92-516.

#### AMENDMENTS

1991—Subsec. (a). Pub. L. 102-237 substituted “the Administrator” for “he” before “determines”.

1988—Subsec. (a). Pub. L. 100-532 inserted “, registrants, and applicants for registration” after “requiring producers” and “and to make the records available for inspection and copying in the same manner as provided in subsection (b) of this section” before period at end of first sentence.

1978—Subsec. (b). Pub. L. 95-396 required, in connection with inspection of records and information, the presentation of credentials, written statement as to the reason for inspection, including statement of suspected violation, or an alternative but sufficient reason, and commencement and completion of inspection with reasonable promptness.

#### 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.

### § 136g. Inspection of establishments, etc.

#### (a) In general

(1) For purposes of enforcing the provisions of this subchapter, officers or employees of the Environmental Protection Agency or of any State duly designated by the Administrator are authorized to enter at reasonable times (A) any establishment or other place where pesticides or devices are held for distribution or sale for the purpose of inspecting and obtaining samples of any pesticides or devices, packaged, labeled, and