at the end of any five year period thereafter) unless the registrant, or other interested person with the concurrence of the registrant, before the end of such period, requests in accordance with regulations prescribed by the Administrator that the registration be continued in effect. The Administrator may permit the continued sale and use of existing stocks of a pesticide whose registration is canceled under this subsection or subsection (b) of this section to such extent, under such conditions, and for such uses as the Administrator may specify if the Administrator determines that such sale or use is not inconsistent with the purposes of this subchapter and will not have unreasonable adverse effects on the environment. The Administrator shall publish in the Federal Register, at least 30 days prior to the expiration of such five-year period, notice that the registration will be canceled if the registrant or other interested person with the concurrence of the registrant does not request that the registration be continued in effect.''

Subsec. (b). Pub. L. 104–170, § 233, inserted ''When a public health use is affected, the Secretary of Health and Human Services should provide available benefits and use information, or an analysis thereof, in accordance with the procedures followed and subject to the same conditions as the Secretary of Agriculture in the case of agricultural pesticides.'' before ''The proposed action shall become final''.

Subsec. (c)(1). Pub. L. 104–170, § 102(a), amended second sentence generally. Prior to amendment, second sentence read as follows: ''No order of suspension may be issued unless the Administrator has issued or at the same time issues notice of the Administrator's intention to cancel the registration or change the classification of the pesticide.''

Subsec. (c)(3). Pub. L. 104–170, § 102(b), inserted after first sentence ''The Administrator may issue an emergency order under this paragraph before issuing a notice of intention to cancel the registration or change the classification of the pesticide under subsection (b) of this section and the Administrator shall proceed to issue the notice under subsection (b) of this section within 90 days of issuing an emergency order. If the Administrator does not issue a notice under subsection (b) of this section within 90 days of issuing an emergency order, the emergency order shall expire.'' and substituted ''In the case of an emergency order'' for ''In that case''.

Subsec. (f)(1)(C)(ii). Pub. L. 104–170, § 210(g)(1), substituted ''180-day'' for ''90-day'' in two places.

Subsec. (f)(3)(A). Pub. L. 104–170, § 210(g)(2), substituted ''180-day'' for ''90-day''.

Subsec. (f)(4). Pub. L. 104–170, § 210(h), added par. (4).

1991—Subsec. (a)(1). Pub. L. 102–237, § 1006(b)(1), substituted ''the Administrator'' for ''he'' before ''may specify'' and before ''determines''.

Subsec. (a)(2). Pub. L. 102–237, § 1006(b)(3)(C), substituted ''the registrant'' for ''he'' before ''shall''.

Subsec. (b). Pub. L. 102–237, § 1006(b)(1), (2), substituted ''the Administrator's'' for ''his'' in introductory provisions and par. (1), and ''the Administrator'' for ''he'' before ''shall publish'' in last sentence.

Subsec. (c)(1). Pub. L. 102–237, § 1006(b)(1), (2), substituted ''the Administrator'' for ''he'' before ''may'' and ''the Administrator's'' for ''his'' before ''intention''.

Subsec. (c)(3). Pub. L. 102–237, § 1006(b)(1), (3)(D), substituted ''the Administrator'' for ''he'' before ''may'' and ''the Administrator'' for ''him'' after ''permit''.

Subsec. (d). Pub. L. 102–237, § 1006(b)(2), (3)(E), in penultimate sentence substituted ''the Administrator's'' for ''his'' and ''the Administrator'' for ''him'' before ''and issue''.

Subsec. (f)(3)(B). Pub. L. 102–237, § 1006(a)(5), substituted ''adverse effect'' for ''adverse affect''.

1990—Subsec. (f)(1). Pub. L. 101–624, § 1494(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''A registrant at any time may request that any of its pesticide registrations be canceled or be amended to delete one or more uses. Before acting on such request, the Administrator shall publish in the Federal Register a notice of the receipt of the request. Thereafter, the Administrator may approve such a request.''

Subsec. (f)(3). Pub. L. 101–624, § 1494(2), added par. (3).

1988—Subsec. (a)(1). Pub. L. 100–532, § 801(e)(1), substituted ''effect. The Administrator'' for ''effect: *Provided*, That the Administrator''.

Subsec. (c). Pub. L. 100–532, § 801(e)(2)–(4), in par. (1) directed that undesignated paragraph beginning ''Except as provided'' be run into sentence ending ''of the pesticide.'' and substituted ''before the Administrator'' for ''before the Agency'', in par. (2) substituted ''submitted to the Administrator'' for ''submitted to the Agency'' and ''and the Administrator'' for ''and the Agency'', and in par. (3) substituted ''(A)'' for ''(i)'', ''and the Administrator'' for ''and the Agency'', and ''(B)'' for ''(ii)''.

Subsec. (e). Pub. L. 100–532, § 801(e)(5), (6), in par. (1), substituted ''met. The Administrator'' for ''met: *Provided*, That the Administrator'', and in par. (2), substituted ''section. The only'' for ''section: *Provided*, That the only''.

Subsec. (f). Pub. L. 100–532, § 201, added subsec. (f). Former subsec. (f) redesignated (h).

Subsec. (f)(2). Pub. L. 100–532, § 801(q)(2)(B), made a technical amendment to the reference to section 136a–1 of this title to reflect the renumbering of the corresponding section of the original act.

Subsec. (g). Pub. L. 100–532, § 404, added subsec. (g).

Subsec. (h). Pub. L. 100–532, § 201, redesignated former subsec. (f) as (h).

1984—Subsec. (c)(4). Pub. L. 98–620 struck out provisions requiring petitions to review orders on the issue of suspension to be advanced on the docket of the court of appeals.

1978—Subsec. (b). Pub. L. 95–396, § 11, required the Administrator, in taking any final action under subsec. (b), to consider restricting a pesticide's use or uses as an alternative to cancellation and to fully explain the reasons for the restrictions.

Subsec. (c)(2). Pub. L. 95–251 substituted ''administrative law judge'' for ''hearing examiner''.

Subsecs. (e), (f). Pub. L. 95–396, § 12, added subsec. (e) and redesignated former subsec. (e) as (f).

1975—Subsec. (b). Pub. L. 94–140 established criteria which Administrator must use in determining the issuance of a suspension of registration notice and the time periods relating to such notice, set forth required procedures to be followed by Administrator prior to publication of such notice, required procedures when the Secretary elects to comment or fails to comment on suspension notice, waiver or modification of time periods in specified required procedures, required procedures for waiver of notice and consent by Secretary for suspension of registration, and established criteria for Secretary taking any final action.

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 OF 1984 AMENDMENT

Amendment by Pub. L. 98–620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98–620, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

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.

§ 136e. Registration of establishments

(a) Requirement

No person shall produce any pesticide subject to this subchapter or active ingredient used in producing a pesticide subject to this subchapter

in any State unless the establishment in which it is produced is registered with the Administrator. The application for registration of any establishment shall include the name and address of the establishment and of the producer who operates such establishment.

(b) Registration

Whenever the Administrator receives an application under subsection (a) of this section, the Administrator shall register the establishment and assign it an establishment number.

(c) Information required

(1) Any producer operating an establishment registered under this section shall inform the Administrator within 30 days after it is registered of the types and amounts of pesticides and, if applicable, active ingredients used in producing pesticides—

(A) which the producer is currently producing;

(B) which the producer has produced during the past year; and

(C) which the producer has sold or distributed during the past year.

The information required by this paragraph shall be kept current and submitted to the Administrator annually as required under such regulations as the Administrator may prescribe.

(2) Any such producer shall, upon the request of the Administrator for the purpose of issuing a stop sale order pursuant to section 136k of this title, inform the Administrator of the name and address of any recipient of any pesticide produced in any registered establishment which the producer operates.

(d) Confidential records and information

Any information submitted to the Administrator pursuant to subsection (c) of this section other than the names of the pesticides or active ingredients 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) of this section. 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;