

imported alfalfa and red clover seed promulgated by the Secretary of Agriculture under authority of former sections 111 to 116 of this title, which were in effect Aug. 9, 1939, remained in full force and effect as if promulgated under sections 1551 to 1610 of this title.

CHAPTER 6—INSECTICIDES AND ENVIRONMENTAL PESTICIDE CONTROL

SUBCHAPTER I—INSECTICIDES

Sec. 121 to 134. Repealed.

SUBCHAPTER II—ENVIRONMENTAL PESTICIDE CONTROL

135 to 135k. Omitted.

136. Definitions.
- (a) Active ingredient.
 - (b) Administrator.
 - (c) Adulterated.
 - (d) Animal.
 - (e) Certified applicator, etc.
 - (f) Defoliant.
 - (g) Desiccant.
 - (h) Device.
 - (i) District court.
 - (j) Environment.
 - (k) Fungus.
 - (l) Imminent hazard.
 - (m) Inert ingredient.
 - (n) Ingredient statement.
 - (o) Insect.
 - (p) Label and labeling.
 - (q) Misbranded.
 - (r) Nematode.
 - (s) Person.
 - (t) Pest.
 - (u) Pesticide.
 - (v) Plant regulator.
 - (w) Producer and produce.
 - (x) Protect health and the environment.
 - (y) Registrant.
 - (z) Registration.
 - (aa) State.
 - (bb) Unreasonable adverse effects on the environment.
 - (cc) Weed.
 - (dd) Establishment.
 - (ee) To use any registered pesticide in a manner inconsistent with its labeling.
 - (ff) Outstanding data requirement.
 - (gg) To distribute or sell.
 - (hh) Nitrogen stabilizer.
 - (jj) Maintenance applicator.
 - (kk) Service technician.
 - (ll) Minor use.
 - (mm) Antimicrobial pesticide.
 - (nn) Public health pesticide.
 - (oo) Vector.
- 136a. Registration of pesticides.
- (a) Requirement of registration.
 - (b) Exemptions.
 - (c) Procedure for registration.
 - (d) Classification of pesticides.
 - (e) Products with same formulation and claims.
 - (f) Miscellaneous.
 - (g) Registration review.
 - (h) Registration requirements for antimicrobial pesticides.
- 136a-1. Reregistration of registered pesticides.
- (a) General rule.
 - (b) Reregistration phases.
 - (c) Phase one.
 - (d) Phase two.
 - (e) Phase three.
 - (f) Phase four.
 - (g) Phase five.

- Sec. (h) Compensation of data submitter.
- (i) Fees.
 - (j) Exemption of certain registrants.
 - (k) Reregistration and expedited processing fund.
 - (l) Performance measures and goals.
 - (m) Judicial review.
 - (n) Authorization of funds to develop public health data.
- 136b. Transferred.
- 136c. Experimental use permits.
- (a) Issuance.
 - (b) Temporary tolerance level.
 - (c) Use under permit.
 - (d) Studies.
 - (e) Revocation.
 - (f) State issuance of permits.
 - (g) Exemption for agricultural research agencies.
- 136d. Administrative review; suspension.
- (a) Existing stocks and information.
 - (b) Cancellation and change in classification.
 - (c) Suspension.
 - (d) Public hearings and scientific review.
 - (e) Conditional registration.
 - (f) General provisions.
 - (g) Notice for stored pesticides with canceled or suspended registrations.
 - (h) Judicial review.
- 136e. Registration of establishments.
- (a) Requirement.
 - (b) Registration.
 - (c) Information required.
 - (d) Confidential records and information.
- 136f. Books and records.
- (a) Requirements.
 - (b) Inspection.
- 136g. Inspection of establishments, etc.
- (a) In general.
 - (b) Warrants.
 - (c) Enforcement.
- 136h. Protection of trade secrets and other information.
- (a) In general.
 - (b) Disclosure.
 - (c) Disputes.
 - (d) Limitations.
 - (e) Disclosure to contractors.
 - (f) Penalty for disclosure by Federal employees.
 - (g) Disclosure to foreign and multinational pesticide producers.
- 136i. Use of restricted use pesticides; applicators.
- (a) Certification procedure.
 - (b) State plans.
 - (c) Instruction in integrated pest management techniques.
 - (d) In general.
 - (e) Separate standards.
- 136i-1. Pesticide recordkeeping.
- (a) Requirements.
 - (b) Access.
 - (c) Health care personnel.
 - (d) Penalty.
 - (e) Federal or State provisions.
 - (f) Surveys and reports.
 - (g) Regulations.
- 136i-2. Collection of pesticide use information.
- (a) In general.
 - (b) Collection.
 - (c) Coordination.
- 136j. Unlawful acts.
- (a) In general.
 - (b) Exemptions.
- 136k. Stop sale, use, removal, and seizure.
- (a) Stop sale, etc., orders.
 - (b) Seizure.
 - (c) Disposition after condemnation.

- Sec. (d) Court costs, etc.
- 136l. Penalties.
 (a) Civil penalties.
 (b) Criminal penalties.
- 136m. Indemnities.
 (a) General indemnification.
 (b) Indemnification of end users, dealers, and distributors.
 (c) Amount of payment.
- 136n. Administrative procedure; judicial review.
 (a) District court review.
 (b) Review by court of appeals.
 (c) Jurisdiction of district courts.
 (d) Notice of judgments.
- 136o. Imports and exports.
 (a) Pesticides and devices intended for export.
 (b) Cancellation notices furnished to foreign governments.
 (c) Importation of pesticides and devices.
 (d) Cooperation in international efforts.
 (e) Regulations.
- 136p. Exemption of Federal and State agencies.
- 136q. Storage, disposal, transportation, and recall.
 (a) Storage, disposal, and transportation.
 (b) Recalls.
 (c) Storage costs.
 (d) Administration of storage, disposal, transportation, and recall programs.
 (e) Container design.
 (f) Pesticide residue removal.
 (g) Pesticide container study.
 (h) Relationship to Solid Waste Disposal Act.
- 136r. Research and monitoring.
 (a) Research.
 (b) National monitoring plan.
 (c) Monitoring.
- 136r-1. Integrated Pest Management.
- 136s. Solicitation of comments; notice of public hearings.
 (a) Secretary of Agriculture.
 (b) Secretary of Health and Human Services.
 (c) Views.
 (d) Notice.
- 136t. Delegation and cooperation.
 (a) Delegation.
 (b) Cooperation.
- 136u. State cooperation, aid, and training.
 (a) Cooperative agreements.
 (b) Contracts for training.
 (c) Information and education.
- 136v. Authority of States.
 (a) In general.
 (b) Uniformity.
 (c) Additional uses.
- 136w. Authority of Administrator.
 (a) In general.
 (b) Exemption of pesticides.
 (c) Other authority.
 (d) Scientific advisory panel.
 (e) Peer review.
- 136w-1. State primary enforcement responsibility.
 (a) In general.
 (b) Special rules.
 (c) Administrator.
- 136w-2. Failure by the State to assure enforcement of State pesticide use regulations.
 (a) Referral.
 (b) Notice.
 (c) Construction.
- 136w-3. Identification of pests; cooperation with Department of Agriculture's program.
 (a) In general.
 (b) Pest control availability.
 (c) Integrated pest management.
 (d) Public health pests.

- Sec. 136w-4. Annual report.
- 136w-5. Minimum requirements for training of maintenance applicators and service technicians.
- 136w-6. Environmental Protection Agency minor use program.
- 136w-7. Department of Agriculture minor use program.
 (a) In general.
 (b) Minor use pesticide data and revolving fund.
- 136x. Severability.
- 136y. Authorization of appropriations.

SUBCHAPTER I—INSECTICIDES

§§ 121 to 134. Repealed. June 25, 1947, ch. 125, § 16, 61 Stat. 172

Sections, act Apr. 26, 1910, ch. 191, 36 Stat. 335, formerly known as "The Insecticides Act", are covered by subchapter II of this chapter.

EFFECTIVE DATE OF REPEAL; SAVINGS PROVISIONS

Section 16 of act June 25, 1947, repealed this subchapter effective one year after June 25, 1947, and further provided that this subchapter should be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any violations, liabilities incurred, or appeals taken prior to such date of repeal or to sales, shipments, or deliveries of insecticides and fungicides exempted by the Secretary.

SUBCHAPTER II—ENVIRONMENTAL PESTICIDE CONTROL

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 150dd, 450i, 511r, 5506, 6502, 6519 of this title; title 15 sections 1261, 1277, 1459, 2052, 2602; title 21 sections 321, 346a, 1401; title 42 sections 300g-1, 6905, 7412, 9603, 9604, 9607.

§§ 135 to 135k. Omitted

CODIFICATION

Sections 135 to 135k, acts June 25, 1947, ch. 125, §§ 2-13, 61 Stat. 163-172; Aug. 7, 1959, Pub. L. 86-139, § 2, 73 Stat. 286; May 12, 1964, Pub. L. 88-305, §§ 1-6, 78 Stat. 190-193; Oct. 15, 1970, Pub. L. 91-452, title II, § 204, 84 Stat. 928; Dec. 30, 1970, Pub. L. 91-601, § 6(b), formerly § 7(b), 84 Stat. 1673, renumbered, Aug. 13, 1981, Pub. L. 97-35, title XII, § 1205(c), 95 Stat. 716, which related to economic poison control, were superseded by the amendments made to act June 25, 1947, by Pub. L. 92-516, Oct. 21, 1972, 86 Stat. 975. See section 4 of Pub. L. 92-516, set out as a note under section 136 of this title. The provisions of act June 25, 1947, as amended by Pub. L. 92-516, are set out in section 136 et seq. of this title.

Section 135 provided definitions for the purposes of this subchapter.

Section 135a related to prohibited acts.

Section 135b related to registration of economic poisons.

Section 135c related to access, inspection, and use in criminal prosecutions of books and records.

Section 135d related to rules and regulations, examination of economic poisons or devices, notification to violators, certification to United States attorney, duty of attorney, and publication of judgments.

Section 135e related to exemptions from penalties.

Section 135f provided for penalties.

Section 135g related to seizure, disposal, and award of costs against claimant.

Section 135h related to refusal of admission of imports.

Section 135i related to delegation of duties.

Section 135j related to authorization of appropriations and expenditure of funds.