

(b) The sale of any naval stores under or by reference to United States standards which is other than what it is represented to be.

(c) The use in commerce of the word "turpentine" or the word "rosin," singly or with any other word or words, or of any compound, derivative, or imitation of either such word, or of any misleading word, or of any word, combination of words, letter, or combination of letters, provided herein or by the Secretary of Agriculture to be used to designate naval stores of any kind or grade, in selling, offering for sale, advertising, or shipping anything other than naval stores of the United States standards.

(d) The use in commerce of any false, misleading, or deceitful means or practice in the sale of naval stores or of anything offered as such.

(Mar. 3, 1923, ch. 217, § 5, 42 Stat. 1436.)

§ 96. Punishment for violation of prohibition

Any person willfully violating any provision of section 95 of this title shall, on conviction, be punished for each offense by a fine not exceeding \$5,000 or by imprisonment for not exceeding one year, or both.

(Mar. 3, 1923, ch. 217, § 6, 42 Stat. 1436.)

§ 97. Purchase and analysis by Secretary of samples of spirits of turpentine to detect violations; reports to Department of Justice; publication of results of analysis, etc.

The Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpentine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this chapter. He shall report to the Department of Justice for appropriate action any violation of this chapter coming to his knowledge. He is also authorized to publish from time to time results of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him under any provision of this chapter.

(Mar. 3, 1923, ch. 217, § 7, 42 Stat. 1436.)

§ 98. Fees and charges for naval stores inspection and related services; establishment, collection, etc.; authorization of appropriations; administrative expenses

(a) The Secretary of Agriculture shall fix and cause to be collected fees and charges for the establishment of standards under section 93 of this title and for examinations, analyses, classifications, and other services under section 94 of this title which shall cover, as nearly as practicable, the costs of providing such services and standards as the Secretary shall deem necessary, including administrative and supervisory costs. Such fees and charges, when collected, shall be credited to the current appropriation account that incurs such costs and shall be available without fiscal year limitation to pay the expenses of the Secretary incident to providing such services and standards under this chapter. Fees and charges shall be assessed and collected from processors and warehousemen of naval stores, and inspection and related services shall be suspended or denied to any such processor or ware-

houser upon failure to timely pay the fees and charges assessed.

(b) There are hereby authorized to be appropriated such sums as may be necessary for the enforcement and administration of this chapter.

(Mar. 3, 1923, ch. 217, § 8, 42 Stat. 1436; Pub. L. 97-35, title I, § 159(a)(2), Aug. 13, 1981, 95 Stat. 376.)

AMENDMENTS

1981—Pub. L. 97-35 added subsec. (a). Former unlettered provisions were designated subsec. (b) and, as so designated, struck out authorization of the Secretary to employ personnel and make administrative expenditures.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, see section 159(b) of Pub. L. 97-35, set out as a note under section 94 of this title.

§ 99. Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provisions to other persons and circumstances shall not be affected thereby.

(Mar. 3, 1923, ch. 217, § 9, 42 Stat. 1437.)

CHAPTER 5—IMPORTATION OF ADULTERATED SEEDS

§§ 111 to 116. Repealed. Aug. 9, 1939, ch. 615, § 419, 53 Stat. 1290

Sections, act Aug. 24, 1912, ch. 382, §§ 1-6, 37 Stat. 506, related to regulation of foreign commerce by prohibiting admission into United States of adulterated grain and seeds. See section 1551 et seq. of this title.

Section 111 amended by acts Aug. 11, 1916, ch. 313, 39 Stat. 453; Apr. 26, 1926, ch. 186, § 1, 44 Stat. 325.

Section 113 amended by act Aug. 11, 1916, ch. 313, 39 Stat. 453.

Sections 115 and 116 amended by act Apr. 26, 1926, ch. 186, § 2, 44 Stat. 325.

EFFECTIVE DATE OF REPEAL; EXCEPTIONS

Repeal effective on the one hundred and eightieth day after Aug. 9, 1939, except that notices with respect to 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.

Sec.		Sec.	
	(i) District court.		(e) Conditional registration.
	(j) Environment.		(f) General provisions.
	(k) Fungus.		(g) Notice for stored pesticides with canceled or suspended registrations.
	(l) Imminent hazard.		(h) Judicial review.
	(m) Inert ingredient.	136e.	Registration of establishments.
	(n) Ingredient statement.		(a) Requirement.
	(o) Insect.		(b) Registration.
	(p) Label and labeling.		(c) Information required.
	(q) Misbranded.		(d) Confidential records and information.
	(r) Nematode.	136f.	Books and records.
	(s) Person.		(a) Requirements.
	(t) Pest.		(b) Inspection.
	(u) Pesticide.	136g.	Inspection of establishments, etc.
	(v) Plant regulator.		(a) In general.
	(w) Producer and produce.		(b) Warrants.
	(x) Protect health and the environment.		(c) Enforcement.
	(y) Registrant.	136h.	Protection of trade secrets and other information.
	(z) Registration.		(a) In general.
	(aa) State.		(b) Disclosure.
	(bb) Unreasonable adverse effects on the environment.		(c) Disputes.
	(cc) Weed.		(d) Limitations.
	(dd) Establishment.		(e) Disclosure to contractors.
	(ee) To use any registered pesticide in a manner inconsistent with its labeling.		(f) Penalty for disclosure by Federal employees.
	(ff) Outstanding data requirement.		(g) Disclosure to foreign and multinational pesticide producers.
	(gg) To distribute or sell.	136i.	Use of restricted use pesticides; applicators.
	(hh) Nitrogen stabilizer.		(a) Certification procedure.
	(jj) Maintenance applicator.		(b) State plans.
	(kk) Service technician.		(c) Instruction in integrated pest management techniques.
	(ll) Minor use.		(d) In general.
	(mm) Antimicrobial pesticide.		(e) Separate standards.
	(nn) Public health pesticide.	136i-1.	Pesticide recordkeeping.
	(oo) Vector.		(a) Requirements.
136a.	Registration of pesticides.		(b) Access.
	(a) Requirement of registration.		(c) Health care personnel.
	(b) Exemptions.		(d) Penalty.
	(c) Procedure for registration.		(e) Federal or State provisions.
	(d) Classification of pesticides.		(f) Surveys and reports.
	(e) Products with same formulation and claims.		(g) Regulations.
	(f) Miscellaneous.	136i-2.	Collection of pesticide use information.
	(g) Registration review.		(a) In general.
	(h) Registration requirements for antimicrobial pesticides.		(b) Collection.
136a-1.	Reregistration of registered pesticides.		(c) Coordination.
	(a) General rule.	136j.	Unlawful acts.
	(b) Reregistration phases.		(a) In general.
	(c) Phase one.		(b) Exemptions.
	(d) Phase two.	136k.	Stop sale, use, removal, and seizure.
	(e) Phase three.		(a) Stop sale, etc., orders.
	(f) Phase four.		(b) Seizure.
	(g) Phase five.		(c) Disposition after condemnation.
	(h) Compensation of data submitter.		(d) Court costs, etc.
	(i) Fees.	136l.	Penalties.
	(j) Exemption of certain registrants.		(a) Civil penalties.
	(k) Reregistration and expedited processing fund.		(b) Criminal penalties.
	(l) Performance measures and goals.	136m.	Indemnities.
	(m) Judicial review.		(a) General indemnification.
	(n) Authorization of funds to develop public health data.		(b) Indemnification of end users, dealers, and distributors.
136b.	Transferred.		(c) Amount of payment.
136c.	Experimental use permits.	136n.	Administrative procedure; judicial review.
	(a) Issuance.		(a) District court review.
	(b) Temporary tolerance level.		(b) Review by court of appeals.
	(c) Use under permit.		(c) Jurisdiction of district courts.
	(d) Studies.		(d) Notice of judgments.
	(e) Revocation.	136o.	Imports and exports.
	(f) State issuance of permits.		(a) Pesticides and devices intended for export.
	(g) Exemption for agricultural research agencies.		(b) Cancellation notices furnished to foreign governments.
136d.	Administrative review; suspension.		(c) Importation of pesticides and devices.
	(a) Existing stocks and information.		(d) Cooperation in international efforts.
	(b) Cancellation and change in classification.		(e) Regulations.
	(c) Suspension.	136p.	Exemption of Federal and State agencies.
	(d) Public hearings and scientific review.	136q.	Storage, disposal, transportation, and recall.
			(a) Storage, disposal, and transportation.

- Sec.
- (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.
- 136w-4. Omitted.
- 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.
- 136w-8. Pesticide registration service fees.
- (a) Definition of costs.
 - (b) Fees.
 - (c) Pesticide Registration Fund.
 - (d) Assessment of fees.
 - (e) Reforms to reduce decision time review periods.
 - (f) Decision time review periods.
 - (g) Judicial review.
 - (h) Accounting.
 - (i) Auditing.
 - (j) Personnel levels.
 - (k) Reports.
 - (l) Savings clause.
 - (m) Termination of effectiveness.

- Sec.
- 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 PROVISION

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

§§ 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.

Section 135k related to cooperation between departments and agencies.

§ 136. Definitions

For purposes of this subchapter—

(a) Active ingredient

The term "active ingredient" means—

(1) in the case of a pesticide other than a plant regulator, defoliant, desiccant, or nitrogen stabilizer, an ingredient which will prevent, destroy, repel, or mitigate any pest;

(2) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate