

fore period at end “, or to determine the volume usage for public health pesticides”.

Subsec. (k)(1). Pub. L. 104-170, §501(b), inserted “which shall be known as the Reregistration and Expedited Processing Fund” before period at end.

Subsec. (k)(2). Pub. L. 104-170, §501(c), amended heading and text of par. (2) generally. Prior to amendment, text read as follows: “All fees collected by the Administrator under subsection (i) of this section shall be deposited into the fund and shall be available to the Administrator, without fiscal year limitation, to carry out reregistration and expedited processing of similar applications.”

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 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.

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.