

Public Law 86-139

AN ACT

August 7, 1959
[H. R. 6436]

To amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliant, and desiccants, and for other purposes.

Nematocide,
Plant Regulator,
Defoliant, and Desiccant
Amendment
of 1959.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959".

SEC. 2. (A) The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135-135k) is amended so that sections 2a and 2b read as follows:

"a. The term 'economic poison' means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Secretary shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

"b. The term 'device' means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi, nematodes, or such other pests as may be designated by the Secretary, but not including equipment used for the application of economic poisons when sold separately therefrom."

(B) Section 2 of such Act is further amended by redesignating subsections g through u to be subsections l through z respectively; and by adding new subsections g, h, i, j, and k, and amending new subsections p and z, to read respectively as follows:

"g. The term 'nematocide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating nematodes.

"h. The term 'plant regulator' means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

"i. The term 'defoliant' means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

"j. The term 'desiccant' means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

"k. The term 'nematode' means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

"p. The term 'active ingredient' means—

"(1) in the case of an economic poison other than a plant regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests;

"(2) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

"(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

"(4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

"z. The term 'misbranded' shall apply—

"(1) to any economic poison or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

"(2) to any economic poison—

"(a) if it is an imitation of or is offered for sale under the name of another economic poison;

"(b) if its labeling bears any reference to registration under this Act;

"(c) if the labeling accompanying it does not contain directions for use which are necessary and if complied with adequate for the protection of the public;

"(d) if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals;

"(e) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase: *Provided*, That the Secretary may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

"(f) if any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or

"(g) if in the case of an insecticide, nematocide, fungicide, or herbicide when used as directed or in accordance with commonly recognized practice it shall be injurious to living man or other vertebrate animals, or vegetation, except weeds, to which it is applied, or to the person applying such economic poison; or

"(h) if in the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such economic poison: *Provided*, That physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations."

SEC. 3. This Act shall take effect on the date of its enactment, except that—

Effective date.

(a) with respect to any nematocide, plant regulator, defoliant, or desiccant which was marketed commercially prior to the date of enactment and whose use does not result in residues of same

remaining in or on a food, and with respect to any nematocide, plant regulator, defoliant, or desiccant whose use does result in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, section 3, "Prohibited Acts"; section 8, "Penalties"; section 9, "Seizures"; and section 10, "Imports", of the Federal Insecticide, Fungicide, and Rodenticide Act, which this Act amends, shall not be applicable until—

7 USC 135a, 135f, 135g.

(1) March 5, 1960, or such later date, not beyond March 5, 1961, as the Secretary of Agriculture may prescribe on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships, or

(2) the date on which a registration for such use is issued under the Federal Insecticide, Fungicide, and Rodenticide Act,

61 Stat. 163.
7 USC 135 note.

whichever date first occurs; and

(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, section 406(a) and clause (2) of section 402(a) of the Federal Food, Drug, and Cosmetic Act as in force prior to the date of the enactment of the Act of July 22, 1954 (68 Stat. 511) (relating to pesticide chemicals on raw agricultural commodities) shall apply until—

52 Stat. 1049, 1046.

21 USC 346, 342.

(1) March 5, 1960, or the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) becomes effective,

68 Stat. 511.

whichever date first occurs.

Approved August 7, 1959.

Public Law 86-140

AN ACT

August 7, 1959
[H. R. 3290]

To amend title 10, United States Code, to eliminate the requirement that each chaplain make an annual report to the Secretary of the Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 6031 of title 10, United States Code, is hereby repealed.

70A Stat. 378.

Approved August 7, 1959.

Public Law 86-141

AN ACT

August 7, 1959
[H. R. 1219]

To amend section 2038 of the Internal Revenue Code of 1954 (relating to revocable transfers).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2038 of the Internal Revenue Code of 1954 (relating to the treatment of

68A Stat. 383.
26 USC 2038.