

§ 136w-5. Minimum requirements for training of maintenance applicators and service technicians

Each State may establish minimum requirements for training of maintenance applicators and service technicians. Such training may include instruction in the safe and effective handling and use of pesticides in accordance with the Environmental Protection Agency approved labeling, and instruction in integrated pest management techniques. The authority of the Administrator with respect to minimum requirements for training of maintenance applicators and service technicians shall be limited to ensuring that each State understands the provisions of this section.

(June 25, 1947, ch. 125, §30, as added Pub. L. 104-170, title I, §121(2), Aug. 3, 1996, 110 Stat. 1492.)

Editorial Notes

PRIOR PROVISIONS

A prior section 30 of act June 25, 1947, ch. 125, was re-numbered section 34 and is classified to section 136x of this title.

§ 136w-6. Environmental Protection Agency minor use program

(a) The Administrator shall assure coordination of minor use issues through the establishment of a minor use program within the Office of Pesticide Programs. Such office shall be responsible for coordinating the development of minor use programs and policies and consulting with growers regarding minor use issues and registrations and amendments which are submitted to the Environmental Protection Agency.

(b) The Office of Pesticide Programs shall prepare a public report concerning the progress made on the registration of minor uses, including implementation of the exclusive use as an incentive for registering new minor uses, within 3 years of the passage of the Food Quality Protection Act of 1996.

(June 25, 1947, ch. 125, §31, as added Pub. L. 104-170, title II, §210(i), Aug. 3, 1996, 110 Stat. 1500.)

Editorial Notes

REFERENCES IN TEXT

The passage of the Food Quality Protection Act of 1996, referred to in subsec. (b), probably means the date of enactment of Pub. L. 104-170, which was approved Aug. 3, 1996.

PRIOR PROVISIONS

A prior section 31 of act June 25, 1947, ch. 125, was re-numbered section 35 and is classified to section 136y of this title.

§ 136w-7. Department of Agriculture minor use program

(a) In general

The Secretary of Agriculture (hereinafter in this section referred to as the "Secretary") shall assure the coordination of the responsibilities of the Department of Agriculture related to minor uses of pesticides, including—

(1) carrying out the Inter-Regional Project Number 4 (IR-4) as described in section 2 of Public Law 89-106 (7 U.S.C. 450i(e))¹ and the national pesticide resistance monitoring program established under section 1651¹ of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5882);

(2) supporting integrated pest management research;

(3) consulting with growers to develop data for minor uses; and

(4) providing assistance for minor use registrations, tolerances, and reregistrations with the Environmental Protection Agency.

(b) Minor use pesticide data and revolving fund

(1) Minor use pesticide data

(A) Grant authority

The Secretary, in consultation with the Administrator, shall establish a program to make grants for the development of data to support minor use pesticide registrations and reregistrations. The amount of any such grant shall not exceed ½ of the cost of the project for which the grant is made.

(B) Applicants

Any person who wants to develop data to support minor use pesticide registrations and reregistrations may apply for a grant under subparagraph (A). Priority shall be given to an applicant for such a grant who does not directly receive funds from the sale of pesticides registered for minor uses.

(C) Data ownership

Any data that is developed under a grant under subparagraph (A) shall be jointly owned by the Department of Agriculture and the person who received the grant. Such a person shall enter into an agreement with the Secretary under which such person shall share any fee paid to such person under section 136a(c)(1)(F) of this title.

(2) Minor Use Pesticide Data Revolving Fund

(A) Establishment

There is established in the Treasury of the United States a revolving fund to be known as the Minor Use Pesticide Data Revolving Fund. The Fund shall be available without fiscal year limitation to carry out the authorized purposes of this subsection.

(B) Contents of the Fund

There shall be deposited in the Fund—

(i) such amounts as may be appropriated to support the purposes of this subsection; and

(ii) fees collected by the Secretary for any data developed under a grant under paragraph (1)(A).

(C) Authorizations of appropriations

There are authorized to be appropriated for each fiscal year to carry out the purposes of this subsection \$10,000,000 to remain available until expended.

(June 25, 1947, ch. 125, §32, as added Pub. L. 104-170, title II, §210(j), Aug. 3, 1996, 110 Stat. 1501.)

¹ See References in Text note below.

Editorial Notes**REFERENCES IN TEXT**

Section 2 of Public Law 89-106, referred to in subsec. (a)(1), was formerly classified to section 450i of this title prior to editorial reclassification and renumbering as section 3157 of this title.

Section 1651 of the Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (a)(1), was classified to section 5882 of this title prior to repeal by Pub. L. 104-127, title VIII, § 862(a), Apr. 4, 1996, 110 Stat. 1174.

§ 136w-8. Pesticide registration service fees**(a) Definition of costs**

In this section, the term “costs”, when used with respect to review and decisionmaking pertaining to an application for which registration service fees are paid under this section, means—

(1) costs to the extent that—

(A) officers and employees provide direct support for the review and decisionmaking for covered pesticide applications, associated tolerances, and corresponding risk and benefits information and analyses;

(B) persons and organizations under contract with the Administrator engage in the review of the applications, and corresponding risk and benefits information and assessments; and

(C) advisory committees and other accredited persons or organizations, on the request of the Administrator, engage in the peer review of risk or benefits information associated with covered pesticide applications;

(2) costs of management of information, and the acquisition, maintenance, and repair of computer and telecommunication resources (including software), used to support review of pesticide applications, associated tolerances, and corresponding risk and benefits information and analyses; and

(3) costs of collecting registration service fees under subsections (b) and (c) and reporting, auditing, and accounting under this section.

(b) Fees**(1) In general**

Effective beginning on the effective date of the Pesticide Registration Improvement Act of 2003, the Administrator shall assess and collect covered pesticide registration service fees in accordance with this section.

(2) Covered applications**(A) In general**

An application for the registration of a pesticide covered by this subchapter that is received by the Administrator on or after the effective date of the Pesticide Registration Improvement Act of 2003 or for any other action covered by a table specified in paragraph (3)(B) shall be subject to a registration service fee under this section.

(B) Existing applications**(i) In general**

Subject to clause (ii), an application for the registration of a pesticide that was submitted to the Administrator before the

effective date of the Pesticide Registration Improvement Act of 2003 and is pending on that effective date shall be subject to a service fee under this section if the application is for the registration of a new active ingredient that is not listed in the Registration Division 2003 Work Plan of the Office of Pesticide Programs of the Environmental Protection Agency.

(ii) Tolerance or exemption fees

The amount of any fee otherwise payable for an application described in clause (i) under this section shall be reduced by the amount of any fees paid to support the related petition for a pesticide tolerance or exemption under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(C) Documentation

An application subject to a registration service fee under this section shall be submitted with documentation certifying—

(i) payment of the registration service fee; or

(ii) payment of at least 25 percent of the registration service fee and a request for a waiver from or reduction of the remaining amount of the registration service fee.

(D) Payment

The registration service fee required under this subsection shall be due upon submission of the application.

(E) Applications subject to additional fees

An application may be subject to additional fees if—

(i) the applicant identified the incorrect registration service fee and decision review period;

(ii) after review of a waiver request, the Administrator denies the waiver request; or

(iii) on completion of, where appropriate, the initial screening of the contents of the application or the preliminary technical screening of the application, the Administrator determines that a different registration service fee and decision review period apply to the application.

(F) Effect of failure to pay fees

The Administrator shall reject any application submitted without the required registration service fee.

(G) Non-refundable portion of fees**(i) In general**

The Administrator shall retain 25 percent of the applicable registration service fee.

(ii) Limitation

Any waiver, refund, credit or other reduction in the registration service fee shall not exceed 75 percent of the registration service fee.

(H) Collection of unpaid fees

In any case in which the Administrator does not receive payment of a registration service fee (or applicable portion of the reg-