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TITLE 7--AGRICULTURE

CHAPTER 6--INSECTICIDES AND ENVIRONMENTAL PESTICIDE CONTROL

SUBCHAPTER II--ENVIRONMENTAL PESTICIDE CONTROL

Sec. 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.

(d) Studies

When any experimental use permit is issued for a pesticide containing any chemical or combination of chemicals which has not been included in any previously registered pesticide, the Administrator may specify that studies be conducted to detect whether the use of the pesticide under the permit may cause unreasonable adverse effects on the environment. All results of such studies shall be reported to the Administrator before such pesticide may be registered under section 136a of this title.

(e) Revocation

The Administrator may revoke any experimental use permit, at any time, if the Administrator finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment.

(f) State issuance of permits

Notwithstanding the foregoing provisions of this section, the Administrator shall, under such terms and conditions as the Administrator may by regulations prescribe, authorize any State to issue an experimental use permit for a pesticide. All provisions of section 136i of this title relating to State plans shall apply with equal force to a State plan for the issuance of experimental use permits under this section.

(g) Exemption for agricultural research agencies

Notwithstanding the foregoing provisions of this section, the Administrator may issue an experimental use permit for a pesticide to any public or private agricultural research agency or educational institution which applies for such permit. Each permit shall not exceed more than a one-year period or such other specific time as the Administrator may prescribe. Such permit shall be issued under such terms and conditions restricting the use of the pesticide as the Administrator may require. Such pesticide may be used only by such research agency or educational institution for purposes of experimentation.

(June 25, 1947, ch. 125, Sec. 5, as added Pub. L. 92-516, Sec. 2, Oct. 21, 1972, 86 Stat. 983; amended Pub. L. 94-140, Sec. 10, Nov. 28, 1975, 89 Stat. 754; Pub. L. 95-396, Sec. 10, Sept. 30, 1978, 92 Stat. 828; Pub. L. 100-532, title VIII, Sec. 801(d), (q)(1)(D), Oct. 25, 1988, 102 Stat. 2681, 2683; Pub. L. 102-237, title X, Sec. 1006(b)(1), Dec. 13, 1991, 105 Stat. 1895.)

Prior Provisions

A prior section 5 of act June 25, 1947, was classified to section 135c of this title prior to amendment of act June 25, 1947, by Pub. L. 92-516.

Amendments

1991--Subsecs. (b), (e), (f). Pub. L. 102-237 substituted ``the Administrator'' for ``he'' before ``may'' in subsec. (b), before ``finds'' in subsec. (e), and before ``may'' in subsec. (f).

1988--Subsec. (f). Pub. L. 100-532, Sec. 801(q)(1)(D), substituted ``136i'' for ``136b''.

Subsec. (g). Pub. L. 100-532, Sec. 801(d), substituted ``require. Such pesticide'' for ``require: Provided, That such pesticide''.

1978--Subsec. (a). Pub. L. 95-396, Sec. 10(1), provided for review of application, issuance or nonissuance of experimental use permit

within prescribed period including reasons for denial, correction of application, and waiver of conditions and substituted provision for filing an application for experimental use permit at any time for prior provision for filing at the time of or before or after an application for registration is filed.

Subsec. (f). Pub. L. 95-396, Sec. 10(2), substituted in first sentence ``shall'' for ``may'' where first appearing.

1975--Subsec. (g). Pub. L. 94-140 added subsec. (g).

Effective Date of 1988 Amendment

Amendment by Pub. L. 100-532 effective on expiration of 60 days after Oct. 25, 1988, see section 901 of Pub. L. 100-532, set out as a note under section 136 of this title.

Effective Date

For effective date of section, see section 4 of Pub. L. 92-516, set out as a note under section 136 of this title.

Section Referred to in Other Sections

This section is referred to in sections 136, 136a, 136j of this title.