

103D CONGRESS
1ST SESSION

S. 985

To amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19 (legislative day, APRIL 19), 1993

Mr. INOUE (for himself, Mr. LUGAR, Mr. GORTON, Mr. GRAHAM, Mr. CAMPBELL, Mr. DORGAN, Mr. BOREN, Mr. MACK, Mr. CONRAD, Mr. SPECTER, Mr. COCHRAN, Mr. COATS, Mr. HATCH, Mr. CRAIG, Mr. HOLLINGS, Mr. MATHEWS, Mr. NICKLES, Mr. COHEN, Mr. HELMS, Mr. PACKWOOD, Mr. DOLE, Mr. GRASSLEY, Mr. MCCONNELL, Mr. BENNETT, Mrs. KASSEBAUM, Mr. HEFLIN, Mr. PRYOR, and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor uses of pesticides, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND REFERENCE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Minor Crop Pesticides Act of 1993”.

6 (b) REFERENCE.—Whenever is this Act an amend-
7 ment or repeal is expressed in terms of an amendment

1 to, or repeal of, a section or other provision, the reference
2 shall be considered to be made to a section or other provi-
3 sion of the Federal Insecticide, Fungicide, and
4 Rodenticide Act (7 U.S.C. 136 et seq.).

5 **SEC. 2. MINOR USE OF PESTICIDES.**

6 (a) DEFINITION.—Section 2 (7 U.S.C. 136) is
7 amended by adding at the end the following new sub-
8 section:

9 “(hh) MINOR USE.—The term ‘minor use’ means the
10 use of a pesticide on an animal, on a commercial agricul-
11 tural crop or site, or for the protection of public health
12 in any case in which—

13 “(1) the Administrator, in consultation with the
14 Secretary of Agriculture, determines on the basis of
15 information provided by an applicant, that the use
16 does not provide sufficient economic incentive to
17 support the initial registration or continued registra-
18 tion of a pesticide for the use; and

19 “(2) the Administrator has not determined on
20 the basis of data available to the Administrator, that
21 the use presents a risk of an unreasonable adverse
22 effect on the environment.”.

23 (b) EXCLUSIVE DATA USE.—Section 3(c)(1)(F) (7
24 U.S.C. 136a(c)(1)(F)) is amended—

1 (1) by redesignating clause (iii) as clause (iv);
2 and

3 (2) by inserting after clause (ii) the following
4 new clause:

5 “(iii)(I) With respect to data submit-
6 ted after the date of enactment of this
7 clause by an applicant or registrant to—

8 “(aa) support an amendment
9 adding a new use to a registration in
10 existence at the time the data is sub-
11 mitted;

12 “(bb) support or maintain in ef-
13 fect a registration referred to in item
14 (aa);

15 “(cc) support a new application
16 for a registration; or

17 “(dd) support a reregistration,
18 if the data relates solely to a minor use of
19 a pesticide, the Administrator shall not,
20 without the written permission of the per-
21 son that initially submitted the data, con-
22 sider the data to support an application for
23 a minor use by another person during the
24 10-year period following the date of sub-
25 mission of the data.

1 “(II) If the minor use registration
2 that is supported by data submitted pursu-
3 ant to this subsection is voluntarily can-
4 celed or if the data are subsequently used
5 to support a use that is not a minor use,
6 the data shall—

7 “(aa) cease to be subject to the
8 exclusive use provisions of this clause;
9 and

10 “(bb) be considered by the Ad-
11 ministrator in accordance with clause
12 (i) or (ii).”.

13 (c) TIME EXTENSIONS FOR DEVELOPMENT OF
14 MINOR USE DATA.—

15 (1) DATA CALL-IN.—Section 3(c)(2)(B) (7
16 U.S.C. 136a(c)(2)(B)) is amended by adding at the
17 end the following new clause:

18 “(vi)(I) On the request of a registrant, the
19 Administrator shall, in the case of a minor use,
20 extend the deadline for the production of resi-
21 due chemistry data under this subsection for
22 data required solely to support the minor use
23 until the date that is 2 years after the final
24 deadline for submission of data for the other
25 uses of the pesticide if—

1 “(aa) the registrant provides data to
2 support other uses of the pesticide;

3 “(bb) the registrant, in submitting a
4 request for the extension, provides a sched-
5 ule, including interim dates to measure
6 progress, to ensure that the data produc-
7 tion will be completed before the expiration
8 of the extension period;

9 “(cc) the Administrator determines
10 that the extension would not significantly
11 delay the schedule of the Administrator for
12 issuing a reregistration eligibility deter-
13 mination required under section 4; and

14 “(dd) the Administrator makes a writ-
15 ten determination that, on the basis of
16 data available to the Administrator, the ex-
17 tension would not significantly increase the
18 risk of any unreasonable adverse effect on
19 the environment.

20 “(II)(aa) If the Administrator grants an
21 extension under this clause, the Administrator
22 shall monitor the development of the data and
23 shall ensure that the registrant meets the
24 schedule for the production of the data.

1 “(bb) If the Administrator determines that
2 the registrant has not met the schedule for the
3 production of the data, the Administrator may
4 proceed in accordance with clause (iv) concern-
5 ing the continued registration of the minor use.

6 “(cc) The Administrator shall provide pub-
7 lic notice of any action taken under this
8 subclause.

9 “(III) If, during the extension period
10 under this subparagraph, the registrant fur-
11 nishes the Administrator data that are suffi-
12 cient for the Administrator to make a deter-
13 mination of an unreasonable adverse effect in-
14 volving the minor use of the pesticide, the Ad-
15 ministrators shall provide written notice to the
16 registrant to revoke the extension for submis-
17 sion of data. The registrant shall be required to
18 submit the data not later than 30 days after re-
19 ceipt of the notice.

20 “(IV) Nothing in this clause is intended to
21 preclude the Administrator from proceeding in
22 accordance with section 6.”.

23 (2) REREGISTRATION.—Subsections (d)(4)(B),
24 (e)(2)(B), and (f)(2)(B) of section 4 (7 U.S.C.
25 136a-1) are each amended—

1 (A) by inserting “(i)” after “(B)”; and

2 (B) by adding at the end the following new
3 clauses:

4 “(ii) Notwithstanding clause (i), on the re-
5 quest of a registrant, the Administrator shall,
6 in the case of a minor use, extend the deadline
7 for the production of residue chemistry data
8 under this subsection for data required solely to
9 support the minor use for a period of 2 years
10 after the expiration of the period prescribed for
11 submission of data for the other uses of the
12 pesticide if—

13 “(I) the registrant provides the data
14 to support other uses;

15 “(II) in submitting a request for the
16 extension, the registrant provides a sched-
17 ule, including interim dates to measure
18 progress, to ensure that the data produc-
19 tion will be completed before the expiration
20 of the extension period;

21 “(III) the Administrator determines
22 that the extension would not significantly
23 delay the schedule of the Administrator for
24 issuing a reregistration eligibility deter-
25 mination required under this section; and

1 “(IV) the Administrator makes a writ-
2 ten determination that, on the basis of
3 data available to the Administrator, the ex-
4 tension would not significantly increase the
5 risk of any unreasonable adverse effect on
6 the environment.

7 “(iii) If the Administrator determines that
8 the registrant has not met the schedule for the
9 production of the data, the Administrator may
10 proceed in accordance with section
11 3(c)(2)(B)(iv) regarding the continued registra-
12 tion of the minor use, and shall inform the pub-
13 lic of the action to proceed.

14 “(iv) If, during the extension period for a
15 minor use under this subparagraph, the reg-
16 istrant furnishes the Administrator data that
17 are sufficient for the Administrator to make a
18 determination of an unreasonable adverse effect
19 involving the minor use of the pesticide, the Ad-
20 ministrator shall provide written notice to the
21 registrant that the Administrator has revoked
22 the extension for submission of data. The reg-
23 istrant shall be required to submit the data not
24 later than 30 days after receipt of the notice.

1 “(v) Nothing in this subparagraph is in-
2 tended to preclude the Administrator from pro-
3 ceeding in accordance with section 6.”.

4 (d) MINOR USE WAIVER.—Section 3(c)(2) (7 U.S.C.
5 136a(c)(2)) is amended—

6 (1) in subparagraph (A), by inserting “IN GEN-
7 ERAL.—” after “(A)”;

8 (2) in subparagraph (B), by inserting “ADDI-
9 TIONAL DATA.—” after “(B)”;

10 (3) in subparagraph (C), by inserting “SIM-
11 PLIFIED PROCEDURES.—” after “(C)”; and

12 (4) by adding at the end the following new sub-
13 paragraph:

14 “(E) MINOR USE WAIVER.—With respect
15 to a registration of a pesticide for a minor use,
16 the Administrator may waive a data require-
17 ment that would otherwise apply if the Admin-
18 istrator determines that the waiver of the data
19 requirement will not prevent the Administrator
20 from determining—

21 “(i) any incremental risk presented by
22 the minor use of the pesticide; and

23 “(ii) that the risk, if any, would not
24 constitute an unreasonable adverse effect
25 on the environment.”.

1 (e) EXPEDITING MINOR USE REGISTRATIONS.—Sec-
2 tion 3(c)(3) (7 U.S.C. 136a(c)(3)) is amended—

3 (1) in subparagraph (A), by inserting “IN GEN-
4 ERAL.—” after “(A)”;

5 (2) in subparagraph (B), by inserting “IDEN-
6 TICAL OR SUBSTANTIALLY SIMILAR.—” after “(B)”;

7 and

8 (3) by adding at the end the following new sub-
9 paragraph:

10 “(C) MINOR USE REGISTRATION.—(i) Not
11 later than 180 days after the date of submis-
12 sion of the application, the Administrator shall
13 complete a review and evaluation of all data
14 submitted with an application, to the greatest
15 extent practicable, and act on any application—

16 “(I) that proposes the initial registra-
17 tion of an active ingredient of a pesticide
18 if the active ingredient is proposed to be
19 registered solely for—

20 “(aa) a minor use;

21 “(bb) a use that is not a minor
22 use and at least 3 minor uses; or

23 “(cc) a significant minor use; or

24 “(II) for an amendment to the reg-
25 istration that proposes a new minor use for

1 a pesticide that has been registered for
2 other uses.

3 “(ii) As used in this subparagraph, the
4 term ‘significant minor use’ means a minor use
5 that the Administrator determines would—

6 “(I) serve as a replacement for any
7 use that has been canceled in the 5-year
8 period preceding the receipt of the applica-
9 tion; or

10 “(II) obviate the need for the
11 reissuance of an emergency exemption
12 under section 18 for the minor use.

13 “(D) ADEQUATE TIME FOR SUBMISSION OF
14 MINOR USE DATA.—If—

15 “(i) a registrant makes a good faith
16 request for a minor use waiver regarding
17 data required by the Administrator pursu-
18 ant to paragraph (2)(B); and

19 “(ii) the Administrator denies in
20 whole or in part the request for the waiver
21 referred to in clause (i),

22 the Administrator shall extend the period of
23 time specified for submitting the data for a pe-
24 riod equal to the initial period. The Adminis-
25 trator may not extend the time period if the

1 Administrator determines that the registrant
2 did not make a good faith request for the waiver.
3 The Administrator shall provide written notice
4 of any determination by the Administrator
5 that a request for the waiver was not submitted
6 in good faith. The Administrator shall provide
7 a copy of the written determination to the registrant.
8 The determination shall be subject to
9 judicial review under the procedures prescribed
10 by section 16(b).”.

11 (f) CONDITIONAL REGISTRATION FOR MINOR
12 USES.—Section 3(c)(7) (7 U.S.C. 136a(c)(7)) is amended—
13 ed—

14 (1) in subparagraph (A), by inserting “IN GENERAL.—”
15 after “(A)”;

16 (2) in subparagraph (B), by inserting “CONDITIONAL
17 AMENDMENT.—” after “(B)”;

18 (3) in subparagraph (C), by inserting “CONDITIONAL
19 REGISTRATION.—” after “(C)”;

20 (4) by adding at the end the following new subparagraph:
21

22 “(D) ADDITIONAL MINOR USES.—(i) The
23 Administrator shall conditionally amend the
24 registration of a pesticide to permit additional
25 minor uses of the pesticide without regard to

1 whether data concerning the pesticide are insuf-
2 ficient to support a registration amendment
3 that is unconditional, if the Administrator de-
4 termines that—

5 “(I) the applicant has submitted satis-
6 factory data pertaining to the proposed ad-
7 ditional minor use; and

8 “(II) amending the registration in the
9 manner proposed by the applicant would
10 not significantly increase the risk of any
11 unreasonable adverse effect on the environ-
12 ment.

13 “(ii) Notwithstanding clause (i), no reg-
14 istration of a pesticide may be amended to per-
15 mit an additional minor use of the pesticide
16 if—

17 “(I) the Administrator has issued a
18 notice stating that the pesticide, or any in-
19 gredient of the pesticide, meets or exceeds
20 risk criteria associated in whole or in part
21 with human dietary exposure as described
22 in regulations issued under this Act; and

23 “(II) during the pendency of any risk-
24 benefit evaluation initiated by the notice,

1 at least 1 of the conditions described to in
2 clause (iii) are met.

3 “(iii) The conditions described in this
4 clause are as follows:

5 “(I) The additional minor use of the
6 pesticide referred to in clause (ii) involves
7 a major food or feed crop.

8 “(II) The additional minor use of the
9 pesticide referred to in clause (ii) involves
10 a minor food or feed crop and the Admin-
11 istrator determines, with the concurrence
12 of the Secretary of Agriculture, that an ef-
13 fective alternative pesticide that does not
14 meet or exceed the risk criteria is avail-
15 able.

16 “(iv) An applicant seeking an amendment
17 to a registration under this subparagraph shall
18 submit the data that would be required to be
19 submitted to obtain a registration for a similar
20 pesticide under paragraph (5). If the applicant
21 is unable to submit an item of data (other than
22 an item of data pertaining to the proposed ad-
23 ditional minor use) because the item of data
24 has not been generated, the Administrator shall
25 amend the registration on the condition that

1 the item of data will be submitted not later
2 than the date the item of data is required to be
3 submitted with respect to similar pesticides reg-
4 istered under this Act. The Administrator shall
5 provide written notice of each determination
6 under this clause to the registrant. The deter-
7 mination shall be subject to judicial review
8 under the procedures prescribed by section
9 16(b).”.

10 (g) EXPEDITED CONDITIONAL REGISTRATION TO
11 REPLACE PREVIOUSLY CANCELED REGISTRATIONS OR
12 DELETED USES ON A ONE-TIME BASIS.—Section 3(c)(7)
13 (7 U.S.C. 136a(c)(7)), as amended by subsection (f), is
14 further amended by adding at the end the following new
15 subparagraph:

16 “(E) CONDITIONAL MINOR USE REGISTRA-
17 TION.—(i) The Administrator may conditionally
18 register or amend the registration of a pesticide
19 for a minor use if the registrant establishes to
20 the satisfaction of the Administrator that—

21 “(I) the active ingredient has been
22 listed by the Administrator for reregistra-
23 tion, as required by section 4;

24 “(II) the minor use proposed for reg-
25 istration is a registered use of a product

1 that, after December 24, 1988, has been
2 canceled, proposed for cancellation, or de-
3 leted as a use under section 4 or 6; and

4 “(III) the use directly requires only
5 data concerning residue chemistry for re-
6 registration.

7 “(ii) The Administrator may not grant a
8 conditional registration or amendment referred
9 to in clause (i) unless the Administrator makes
10 a determination that—

11 “(I) approval by the Administrator of
12 the registration or amendment in the man-
13 ner proposed by the applicant would not
14 significantly increase the risk of an unrea-
15 sonable adverse effect on the environment;
16 and

17 “(II) there is a tolerance for the use
18 at the time of the determination.

19 “(iii) In making the application, the appli-
20 cant shall either—

21 “(I) make assurances that the appli-
22 cant will submit the data required for re-
23 registration of the pesticide or use by the
24 final deadline, established by the Adminis-
25 trator, for the submission of all data to

1 support registration of the active ingredi-
2 ent of the pesticide on the date of the ap-
3 proval of the application by the Adminis-
4 trator; or

5 “(II) agree to cease distribution and
6 sale of the pesticide by the date specified
7 in subclause (I).

8 “(iv) If the registrant provides assurances
9 for the submission of data pursuant to clause
10 (iii), the Administrator may extend the expira-
11 tion date for the conditional registration to the
12 date that is 6 months after the scheduled date
13 for submission of the data (determined in ac-
14 cordance with the schedule established by the
15 Administrator) to allow time for the Adminis-
16 trator to review the application.

17 “(v) Distribution and sale by the registrant
18 of pesticides registered for the use that is the
19 subject of the conditional registration referred
20 to in clause (iv) shall cease on the date of ter-
21 mination of the extension referred to in clause
22 (iv).

23 “(vi) The Administrator shall provide expe-
24 dited review of each application under this sec-
25 tion in accordance with paragraph (3).

1 “(vii) The Administrator may take action
2 at any time prior to the date established under
3 clause (iv) to order the deletion of a use ap-
4 proved under this subsection, if—

5 “(I) no registrant is fulfilling commit-
6 ments for other uses; or

7 “(II) the Administrator determines
8 that the delay may result in a risk of an
9 unreasonable adverse effect on the environ-
10 ment.

11 “(viii) If the registrant does not voluntarily
12 comply with an order requesting the deletion of
13 use, the Administrator may cancel each reg-
14 istration of the registrant that includes the use
15 by order without a hearing. Each application
16 for a conditional registration or amendment
17 under this subparagraph shall be submitted to
18 the Administrator not later than 1 year after
19 the date of enactment of this subparagraph.”.

20 (h) TEMPORARY EXTENSION OF REGISTRATION FOR
21 UNSUPPORTED MINOR USES.—

22 (1) REREGISTRATION.—

23 (A) IN GENERAL.—Subsections (d)(6) and
24 (f)(3) of section 4 (7 U.S.C. 136a-1) are each
25 amended by adding at the end the following

1 new sentences: “If the registrant does not sup-
2 port a specific minor use of the pesticide, but
3 supports, and provides data in a timely fashion
4 to support, other food uses, at the written re-
5 quest of the registrant, the Administrator shall
6 not take any action pursuant to this paragraph
7 with regard to the unsupported minor use until
8 the date specified for the submission of data for
9 the supported uses under this paragraph. On
10 receipt of the request from the registrant, the
11 Administrator shall publish in the Federal Reg-
12 ister a notice of the receipt of the request and
13 the date by which the uses that the registrant
14 does not support shall be voluntarily deleted
15 from the registration. Notwithstanding the pre-
16 ceding sentences in this paragraph, the Admin-
17 istrator may cancel or suspend the minor use
18 pursuant to section 6, if the Administrator de-
19 termines that the continuation of the minor use
20 may cause an unreasonable adverse effect on
21 the environment.”.

22 (B) REQUEST FOR DELAY.—Section
23 4(e)(3)(A) (7 U.S.C. 136a-1(e)(3)(A)) is
24 amended by adding at the end the following
25 new sentences: “If the registrant does not sup-

1 port a specific minor use of the pesticide, but
2 supports and provides data in a timely fashion
3 to support other uses, at the written request of
4 the registrant, the Administrator shall not take
5 any action pursuant to this subparagraph with
6 regard to the unsupported minor use until the
7 date specified for the submission of data for the
8 supported uses under this subparagraph. On re-
9 ceipt of the request from the registrant, the Ad-
10 ministrator shall publish in the Federal Reg-
11 ister a notice of the receipt of the request and
12 the date by which the uses that the registrant
13 does not support shall be voluntarily deleted
14 from the registration. Notwithstanding the pre-
15 ceding sentences of this subparagraph, the Ad-
16 ministrator may cancel or suspend the minor
17 use, pursuant to section 6, if the Administrator
18 determines that the continuation of the minor
19 use may cause an unreasonable adverse effect
20 on the environment .”.

21 (2) DATA.—Section 3(c)(2)(B) (7 U.S.C.
22 136a(c)(2)(B)), as amended by subsection (c)(1), is
23 further amended by adding at the end the following
24 new clause:

1 “(vii) If the registrant does not support a
2 specific minor use of the pesticide, but supports
3 and provides data in a timely fashion to support
4 other uses, at the written request of the reg-
5 istrant, the Administrator shall not take any
6 action pursuant to this subparagraph with re-
7 gard to the unsupported minor use until the
8 date specified for the submission of data for the
9 supported uses under this paragraph. On re-
10 ceipt of the request from the registrant, the Ad-
11 ministrator shall publish in the Federal Reg-
12 ister a notice of the receipt of the request and
13 the date by which the uses that the registrant
14 does not support shall be voluntarily deleted
15 from the registration. Notwithstanding the pre-
16 ceding sentences of this subparagraph, the Ad-
17 ministrator may cancel or suspend such minor
18 use, pursuant to section 6, if the Administrator
19 determines that the continuation of the minor
20 use would violate the criteria described in sec-
21 tion 6.”.

22 (i) UTILIZATION OF DATA FOR VOLUNTARILY CAN-
23 CELED CHEMICALS.—Section 6(f) (7 U.S.C. 136d(f)) is
24 amended by adding at the end the following new para-
25 graph:

1 “(4) UTILIZATION OF DATA FOR VOLUNTARILY
2 CANCELED CHEMICALS.—

3 “(A) Except as provided in subparagraph
4 (B), if a registrant files an application with the
5 Administrator for the registration of a pesticide
6 for a minor use not later than 2 years after an-
7 other registrant voluntarily cancels the registra-
8 tion for an identical or substantially similar
9 pesticide for an identical or substantially simi-
10 lar use, the Administrator shall, for the pur-
11 poses of using the data from the registrant that
12 canceled a registration, process, review, and
13 evaluate the pending application as if the vol-
14 untary cancellation had not yet taken place.

15 “(B) If the Administrator determines, on
16 the basis of evidence available to the Adminis-
17 trator, that the minor use referred to in sub-
18 paragraph (A) poses a risk of an unreasonable
19 adverse effect on the environment, the Adminis-
20 trator may not apply subparagraph (A) with re-
21 spect to an application for a registration.”.

22 (j) MINOR USE PROGRAMS OF THE ENVIRONMENTAL
23 PROTECTION AGENCY AND THE DEPARTMENT OF AGRI-
24 CULTURE.—

1 (1) REDESIGNATION.—The Act is amended by
2 redesignating sections 30 and 31 as sections 32 and
3 33, respectively.

4 (2) MINOR USE PROGRAMS.—The Act is amend-
5 ed by inserting after section 29 the following new
6 sections:

7 **“SEC. 30. ENVIRONMENTAL PROTECTION AGENCY MINOR**
8 **USE PROGRAM.**

9 “(a) IN GENERAL.—The Administrator shall estab-
10 lish a minor use program within the Office of Pesticide
11 Programs (referred to in this section as the ‘Office’) to
12 ensure the coordination of minor use issues.

13 “(b) DUTIES OF THE DIRECTOR.—The Director of
14 the Office shall be responsible for coordinating the devel-
15 opment of minor use programs and policies, consulting
16 with growers regarding minor use issues and registrations,
17 and tracking and expediting minor use registrations and
18 amendments that are submitted to the Administrator.

19 **“SEC. 31. DEPARTMENT OF AGRICULTURE MINOR USE PRO-**
20 **GRAM.**

21 “(a) IN GENERAL.—The Secretary of Agriculture
22 (referred to in this section as the ‘Secretary’) shall ensure
23 the coordination of the responsibilities of the Department
24 of Agriculture related to minor uses of pesticides, includ-
25 ing—

1 “(1) carrying out the Inter-Region Project
2 Number 4 (IR-4) as described in section 2(e) of the
3 Act entitled “An Act to facilitate the work of the
4 Department of Agriculture, and for other purposes”
5 (7 U.S.C. 450i(e)) and the national pesticide resist-
6 ance monitoring program established under section
7 1651 of the Food, Agriculture, Conservation, and
8 Trade Act of 1990 (7 U.S.C. 5882);

9 “(2) supporting integrated pest management
10 research;

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

13 “(4) providing assistance for minor use reg-
14 istrations, tolerances, and reregistrations with the
15 Environmental Protection Agency.

16 “(b) MATCHING FUND PROGRAM.—

17 “(1) ESTABLISHMENT.—The Secretary shall es-
18 tablish a minor use grant program to provide finan-
19 cial assistance to any person or entity that submits
20 an application that is approved by the Secretary.

21 “(2) GRANTS.—The Secretary may award a
22 grant pursuant to this subsection to ensure the con-
23 tinued availability of a minor use crop protection
24 chemical. The grant shall be awarded to provide as-
25 sistance for the development of data to support the

1 registration or reregistration of a pesticide for a
2 minor use.

3 “(3) PRIORITY FOR GRANT AWARDS.—In
4 awarding grants under this subsection, the Secretary
5 shall give priority to applicants that do not directly
6 receive funds from the sale of products that are
7 specified in the registration for a minor use.

8 “(4) CONDITIONS FOR GRANTS.—A grant under
9 this subsection may be awarded only on the follow-
10 ing conditions:

11 “(A) The grant recipient shall match, on a
12 dollar for dollar basis, from non-Federal
13 sources, the amount of the grant award.

14 “(B) Both the grant recipient and the De-
15 partment of Agriculture shall share a property
16 interest in the data generated pursuant to the
17 grant.

18 “(5) USE OF DATA.—The data referred to in
19 paragraph (4)(B) may be used by another person or
20 entity that applies for a registration if the person or
21 entity receives written permission from the Secretary
22 and the grant recipient.

23 “(6) FEES.—The Secretary may assess a fee
24 for the use of the data referred to in paragraph (5).

1 “(7) REVOLVING FUND.—The Secretary shall
2 establish a revolving fund. The revolving fund shall
3 consist of—

4 “(A) the amounts appropriated for deposit
5 to the fund pursuant to the authorization under
6 paragraph (8); and

7 “(B) the amounts received as fees under
8 paragraph (6).

9 “(8) AUTHORIZATION OF APPROPRIATIONS.—
10 There are authorized to be appropriated to the De-
11 partment of Agriculture for deposit in the revolving
12 fund referred to in paragraph (7) an amount not to
13 exceed \$10,000,000 for fiscal year 1994, and each
14 fiscal year thereafter.”.

15 (k) CONFORMING AMENDMENTS TO FIFRA TABLE
16 OF CONTENTS.—The table of contents in section 1(b) (7
17 U.S.C. prec. 121) is amended—

18 (1) by adding at the end of the items relating
19 to section 2 the following new item:

 “(hh) Minor use.”;

20 (2) by adding at the end of the items relating
21 to section 6(f) the following new item:

 “(4) Utilization of data for voluntarily canceled chemi-
 cals.”;

22 (3) in the item relating to section 30, by strik-
23 ing “30” and inserting “32”;

- 1 (4) in the item relating to section 31, by strik-
- 2 ing “31” and inserting “33”; and
- 3 (5) by inserting after the item relating to sec-
- 4 tion 29 the following new items:

“Sec. 30. Environmental Protection Agency minor use program.

“ (a) In general.

“ (b) Duties of the director.

“Sec. 31. Department of Agriculture minor use program.

“ (a) In general.

“ (b) Matching fund program.

“ (1) Establishment.

“ (2) Grants.

“ (3) Priority for grant awards.

“ (4) Conditions for grants.

“ (5) Use of data.

“ (6) Fees.

“ (7) Revolving fund.

“ (8) Authorization of appropriations.”.

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