

Economic Development Act of 1990. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 1921 of this title and Tables.

§ 2204e. Office of Risk Assessment and Cost-Benefit Analysis

(a) Office of Risk Assessment and Cost-Benefit Analysis

The Secretary of Agriculture shall establish in the Department of Agriculture an Office of Risk Assessment and Cost-Benefit Analysis, which shall be under the direction of a Director appointed by the Secretary.

(b) Functions

The Director shall ensure that any regulatory analysis that is conducted under this section includes a risk assessment and cost-benefit analysis that is performed consistently and uses reasonably obtainable and sound scientific, technical, economic, and other data.

(1) In general

Effective six months after October 13, 1994, the Secretary of Agriculture shall publish in the Federal Register, for each proposed major regulation the primary purpose of which is to regulate issues of human health, human safety, or the environment that is promulgated by the Department after October 13, 1994, an analysis with as much specificity as practicable, of—

(A) the risk, including the effect of the risk, to human health, human safety, or the environment, and any combination thereof, addressed by the regulation, including, where applicable and practicable, the health and safety risks to persons who are disproportionately exposed or particularly sensitive;

(B) the costs associated with the implementation of, and compliance with, the regulation;

(C) where appropriate and meaningful, a comparison of that risk relative to other similar risks regulated by the Department or other Federal Agency, resulting from comparable activities and exposure pathways (such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks); and

(D) the quantitative and qualitative benefits of the regulation, including the reduction or prevention of risk expected from the regulation.

Where such a regulatory analysis is not practicable because of compelling circumstances, the Director shall provide an explanation in lieu of conducting an analysis under this section.

(2) Evaluation

The regulatory analysis referred to in paragraph (1) should also contain a statement that the Secretary of Agriculture evaluated—

(A) whether the regulation will advance the purpose of protecting against the risk referred to in paragraph (1)(A); and

(B) whether the regulation will produce benefits and reduce risks to human health, human safety, or the environment, and any combination thereof, in a cost-effective manner as a result of the implementation of and compliance with the regulation, by local, State, and Federal Government and other public and private entities, as estimated in paragraph (1)(B).

(3) Construction

This section shall not be construed to amend, modify, or alter any statute and shall not be subject to judicial review. This section shall not be construed to grant a cause of action to any person. The Secretary of Agriculture shall perform the analyses required in this section in such a manner that does not delay the promulgation or implementation of regulations mandated by statute or judicial order.

(c) “Major regulation” defined

As used in this section, the term “major regulation” means any regulation that the Secretary of Agriculture estimates is likely to have an annual impact on the economy of the United States of \$100,000,000 in 1994 dollars.

(Pub. L. 103-354, title III, §304, Oct. 13, 1994, 108 Stat. 3239.)

§ 2204f. Repealed. Pub. L. 107-171, title VI, § 6403(a), May 13, 2002, 116 Stat. 429

Section, Pub. L. 104-127, title VII, §793, Apr. 4, 1996, 110 Stat. 1152; Pub. L. 105-185, title II, §252, June 23, 1998, 112 Stat. 557; Pub. L. 105-277, div. A, §101(a) [title VII, §753(c)(1)], Oct. 21, 1998, 112 Stat. 2681, 2681-33, related to Fund for Rural America.

§ 2204g. Authority of Secretary of Agriculture to conduct census of agriculture

(a) Census of agriculture required

In 1998 and every fifth year thereafter, the Secretary of Agriculture shall take a census of agriculture.

(b) Methods

In connection with the census, the Secretary may conduct any survey or other information collection, and employ any sampling or other statistical method, that the Secretary determines is appropriate.

(c) Year of information

The information collected in each census taken under this section shall relate to the year immediately preceding the year in which the census is taken.

(d) Enforcement

(1) Fraud

A person over 18 years of age who willfully gives an answer that is false to a question, which is authorized by the Secretary to be submitted to the person in connection with a census under this section, shall be fined not more than \$500.

(2) Refusal or neglect to answer questions

A person over 18 years of age who refuses or willfully neglects to answer a question, which is authorized by the Secretary to be submitted