



E. SCOTT PRUITT
ADMINISTRATOR

June 22, 2017

Mr. Brian R. Leahy
Director
California Department of Pesticide Regulation
1001 I Street
P.O. Box 4015
Sacramento, California 95812-4015

SUBJECT: **NOTICE OF INTENT TO DISAPPROVE**
SLN No. CA170005 – General Hydroponics Prevasyn (EPA Reg. No. 91865-1)
SLN No. CA170006 – General Hydroponics Exile (EPA Reg. No. 91865-2)
SLN No. CA170007 – General Hydroponics Defguard (EPA Reg. No. 91865-3)
SLN No. CA170008 – General Hydroponics Azamax (EPA Reg. No. 91865-4)

Dear Mr. Leahy:

On May 26, 2017, the California Department of Pesticide Regulation issued Special Local Need registrations under Section 24(c) of the Federal Insecticide, Fungicide and Rodenticide Act as amended, to Hawthorne Hydroponics LLC d/b/a General Hydroponics. These state registrations, submitted to the U.S. Environmental Protection Agency by Margaret Reiff of CDPR, were issued for the application of capsicum oleoresin extract, garlic oil and soybean oil (CA170005), potassium salts of fatty acids (CA170006), *Bacillus amyloliquefaciens* strain D747 (CA170007) and azadirachtin (CA170008) to control various insect pests, mites and/or diseases on cannabis. The aforementioned chemicals are not registered by the EPA for use on cannabis.

Decision: The EPA concludes that SLN Nos. CA170005, CA170006, CA170007 and CA170008 should be disapproved for the reasons provided below.

Reasons for Disapproval: Pursuant to FIFRA section 24(c), the EPA's regulations pertaining to state registrations of pesticides to meet special local needs state that "the Administrator may disapprove, on any reasonable grounds, any state registration which, when compared to a federally registered product, does not have . . . a similar use pattern . . ." 40 C.F.R. § 162.154(a)(1). The regulations define "similar use pattern" to mean "a use of a pesticide product . . . which is [among other things] substantially the same as the federally registered use." 40 C.F.R. § 162.151. Under federal law, cultivation (along with sale and use) of cannabis is


generally unlawful as a schedule I controlled substance under the Controlled Substances Act.¹ The EPA finds that the general illegality of cannabis cultivation makes pesticide use on cannabis a fundamentally different use pattern.

The Administrator may disapprove a different use pattern “on any reasonable grounds.” Here, in accordance with 40 C.F.R. section 162.154, the Administrator intends to determine disapproval is reasonable because the EPA does not believe that Congress intended the process under section 24(c) of FIFRA to be used for the purpose of facilitating activities that are generally in violation of federal law. While the EPA believes that it is not required to consider the general cost-benefit standard applicable to FIFRA registrations when disapproving a registration that is inextricably linked with violations of federal law, application of the cost-benefit standard would not yield a different result – any economic, social or environmental costs associated with pesticide use on cannabis would not be reasonable or justified in light of the fact that such use is in furtherance of an illegal act. The EPA has reviewed the SLN registrations submitted by the state and has not identified any significant risks associated with the SLN registrations; the EPA would not have been inclined to disapprove these registrations were cultivation and sale of marijuana generally lawful in the United States.

Response: CDPR may request a consultation with the EPA prior to a final disapproval decision within 10 days of receipt of this notice. Alternatively, CDPR may send a withdrawal letter electronically to the EPA within 10 days of receipt of this notice. Failure to respond in a timely and adequate manner may result in disapproval of SLN Nos. CA170005, CA170006, CA170007 and CA170008.

Thank you in advance for your timely response. If you have any questions, please contact Nancy Beck at (202) 564-2910 or beck.nancy@epa.gov.

Respectfully yours,



E. Scott Pruitt

cc: Margaret Reiff, California Department of Pesticide Regulation
Alexis Strauss, Acting Regional Administrator, EPA Region 9

¹ Marihuana, an older spelling of marijuana, and tetrahydrocannabinols are listed under schedule I in 21 U.S.C section 812(c).