

Hemp

ASSOCIATION OF AMERICAN PESTICIDE CONTROL OFFICIALS

EPA PRESENTATION

MARCH 6, 2019



Overview

Farm Bills

Hemp

Questions



2014 Farm Bill - Enacted

The 2014 federal Farm Bill allowed for production of industrial hemp if:

- 1) the industrial hemp was cultivated for purposes of research; and
- 2) it was allowed under state law.



2018 Farm Bill - Enacted

SEC. 12619. CONFORMING CHANGES TO CONTROLLED SUBSTANCES ACT.

(a) IN GENERAL.—Section 102(16) of the Controlled Substances Act (21 U.S.C. 802(16)) is amended—

(2) by striking “Such term does not include the” and inserting the following:

“(B) The term ‘marihuana’ does not include—

“(i) hemp, as defined in section 297A of the Agricultural Marketing Act of 1946



Hemp

“The term ‘hemp’ means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.”



Hemp

“A State or Indian tribe desiring to have primary regulatory authority over the production of hemp in the State or territory of the Indian tribe shall submit to the Secretary, through the State department of agriculture (in consultation with the Governor and chief law enforcement officer of the State) or the Tribal government, as applicable, a plan under which the State or Indian tribe monitors and regulates that production as described in paragraph (2)”



Hemp

“SEC. 297C. DEPARTMENT OF AGRICULTURE.

“(a) DEPARTMENT OF AGRICULTURE PLAN.—

“(1) IN GENERAL.—In the case of a State or Indian tribe for which a State or Tribal plan is not approved under section 297B, the production of hemp in that State or the territory of that Indian tribe shall be subject to a plan established by the Secretary to monitor and regulate that production in accordance with paragraph (2)



Hemp

Violations

“(i) failing to provide a legal description of land on which the producer produces hemp;

“(ii) failing to obtain a license or other required authorization from the State department of agriculture or Tribal government, as applicable; or

“(iii) producing *Cannabis sativa* L. with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.



Hemp

SEC. 10114. INTERSTATE COMMERCE.

(a) **RULE OF CONSTRUCTION.**—Nothing in this title or an amendment made by this title prohibits the interstate commerce of hemp (as defined in section 297A of the Agricultural Marketing Act of 1946 (as added by section 10113)) or hemp products.

(b) **TRANSPORTATION OF HEMP AND HEMP PRODUCTS.**—No State or Indian Tribe shall prohibit the transportation or shipment of hemp or hemp products produced in accordance with subtitle G of the Agricultural Marketing Act of 1946 (as added by section 10113) through the State or the territory of the Indian Tribe, as applicable.



Hemp

There are currently no pesticides registered by EPA specifically for use on cannabis.

Some pesticide labels do list industrial hemp among listed crops.

Currently, there are no tolerances established for marijuana or hemp.



Hemp – Current Questions

What are the studies that EPA will require?

How will EPA conduct the risk assessments?

What are the use patterns?

Are bio-pesticides good first candidates?