



July 23, 2019

The Honorable Pat Roberts
Chairman
Committee on Agriculture, Nutrition & Forestry
United States Senate
Washington, DC 20510

The Honorable Debbie Stabenow
Ranking Member
Committee on Agriculture, Nutrition, & Forestry
United States Senate
Washington, DC 20510

This letter is submitted on behalf of the members of the Association of American Pesticide Control Officials, Inc. (AAPCO). Members of AAPCO consist of the officers charged by law with the execution of the state, territorial, provincial, and federal pesticide laws in the United States, including all its territories, and in Canada.

It is commonly recognized that hemp may be grown for a variety of purposes. These include, but are not limited to: as a protein or oil source utilizing the seed; as a source of fiber; and also for derivatives that contain no more than 0.3 percent delta-9-tetrahydrocannabinol (THC). There are currently many agricultural crops classified as food crops that are grown exclusively to extract oils or other substances. These include oils from seeds such as canola, oils extracted or distilled from foliage such as mint, or substances extracted from cones (flowers) such as hops. After extensive requirements are met, including the establishment of food tolerances, pesticides are eligible to be registered for use on these food crops.

It is the opinion of AAPCO that hemp should be treated similarly to other crops and regulated as a food crop, with the recognition that it may be grown for food products and its byproducts may be fed to livestock. Pesticides used on agricultural food and feed crops are heavily regulated by both federal and state agencies, using an established framework that is familiar to agricultural producers. For these reasons, AAPCO has provided comments to the Food and Drug Administration (FDA), urging them to classify hemp as a food crop and not as a supplement.

Prior to a pesticide being registered for use on a food or feed crop, a tolerance needs to be established by U.S. Environmental Protection Agency (EPA)¹. AAPCO has been working with EPA to encourage the development of food tolerances that would cover hemp seeds and/or derivatives extracted from hemp flower buds and leaves. EPA has indicated to AAPCO, that pesticide residue data have not been submitted to them by pesticide registrants or by the IR-4 Project² (IR-4) for their review. Therefore, they have not been able to establish tolerances or approve pesticide registrations for use on hemp.

¹ Unless exempted from the requirement of a tolerance

² The IR-4 Project is a national agriculture research project that is funded by the federal government and state Ag. Experimental Stations to facilitate the registration of crop protection products for specialty crops and minor uses.

In order to collect some of the data necessary for establishing tolerances, pesticide residue trials and sampling need to be conducted by pesticide registrants or by IR-4, under a highly specific and well-defined research protocol. The lack of such a protocol for hemp has been one of the barriers to data generation and therefore product registration. When EPA's Residue Chemistry Test Guidelines were developed decades ago, hemp was not a crop grown in the U.S. AAPCO is very supportive of EPA conducting a review and assessment of which fractions of the hemp plant need to be sampled, and how many samples need to be collected in each region. This information is critical for the development of a standard protocol, and can be used to update the Residue Chemistry Test Guidelines.

AAPCO has also been in contact with IR-4 and is aware that several states have requested IR-4 assistance in registering new crop protection products for hemp. Research activities have not been able to move forward until EPA updates their test guidance documents that clarifies what type of data are required.

An additional complication associated with hemp relates to the potential that substances or derivatives will be extracted from hemp plants using various methods (butane, CO₂, etc.). These extraction methods need to be examined to assess whether certain methods preferentially "pull-out" specific types of pesticides, thereby possibly resulting in the exceedance of an established tolerance level. It is hoped that IR-4 has the financial resources needed to examine this issue of potential concern, and also fund pesticide trials and the necessary laboratory analyses.

The needs identified by AAPCO to support hemp production in our states include:

- Pesticide registrants need to support registration of their products, which includes supporting efficacy and residue trials.
- EPA needs to provide an assessment of which fractions of the hemp plant need to be sampled, and how many samples need to be collected in each region.
- Standardized research guidelines in data collection and analysis need to be developed by EPA and implemented by IR-4 and registrants
- Pesticide residue trials need to be conducted.
- Extraction methods used by hemp processors need to be examined.
- Data necessary to allow EPA to assess a chemical to determine if a pesticide can be used with "reasonable certainty of no harm" must be available.
- Residue data need to be submitted to EPA for review and tolerance determinations made.
- Revised pesticide labels listing hemp as a crop need to be submitted to EPA.
- Adequate funding needs to be provided for IR-4.

On behalf of the Association of American Pesticide Control Officials, thank you for your interest in this matter. AAPCO is willing to serve as a source of subject matter expertise, when appropriate. AAPCO, EPA and IR-4 will continue to have discussions on issues regarding pesticide use on hemp.

Sincerely



Rose Kachadoorian
AAPCO President (March 2019 - March 2020)

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