



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 21 2019

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Ms. Liza Fleeson Trossbach  
Chair  
State FIFRA Issues Research and Evaluation Group  
102 Governor Street  
Room LL18  
Richmond, Virginia 23219

Dear Ms. Trossbach:

Thank you for your July 19, 2019, letter to the U.S. Environmental Protection Agency regarding the establishment and adoption of action levels by some state agencies for pesticides used on marijuana. We appreciate you raising this topic and sharing insights on developments occurring in the states. These emerging issues present complex challenges that will be increasingly important to understand since production acres for both hemp and marijuana are increasing.

As you know, the Agricultural Improvement Act of 2018 (the 2018 farm bill) does not include provisions for pesticide use on marijuana, including medicinal and recreational, which has a tetrahydrocannabinol (THC) concentration of greater than 0.3 percent. Marijuana is generally unlawful as a schedule 1 controlled substance under the Controlled Substances Act, and federal law currently prohibits sale or use of marijuana. Because marijuana is federally illegal, the EPA is not considering any applications of pesticides to be registered for use on marijuana, including the establishment of maximum residue limits, or tolerances.

Under the Federal Food, Drug and Cosmetic Act, as amended by the Food Quality Protection Act, the EPA is responsible for setting tolerances for pesticides used on foods, or we may determine that a pesticide product is exempt from a tolerance. Individual states may not set tolerances that differ from those set by the EPA. While the EPA sets tolerances, the U.S. Department of Agriculture and the Food and Drug Administration enforce tolerances to ensure that the nation's food supply is maintained safely.

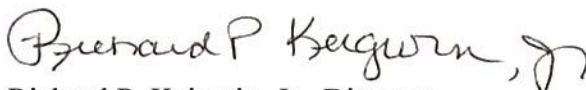
While marijuana remains federally illegal, the 2018 farm bill provides for the cultivation, transport and sale of hemp, which has a THC concentration of less than 0.3 percent. Accordingly, pesticides used on hemp must be federally registered. The EPA has not established any tolerances for hemp to date. We are currently reviewing 10 applications for pesticide products to be used on hemp. These pending applications involve pesticide products that are already covered by an existing tolerance exemption. In the future, we will review all applications for use on hemp on their merits and establish a tolerance if our review deems it necessary, as we would for any other application site. In any case, hemp growers should

always follow the federal label to ensure safe use of pesticides. Under certain circumstances, the Federal Insecticide, Fungicide, and Rodenticide Act section 24(c) provides mechanisms for states to register a pesticide for additional uses to meet special local needs.

The EPA understands these issues are important to the states. We look forward to continuing conversations on this topic during the SFIREG meeting in December 2019.

Again, thank you for bringing this to our attention. We encourage you and other state lead agencies to continue collaborating with the EPA on these emerging issues.

Sincerely,

A handwritten signature in black ink that reads "Richard P. Keigwin, Jr." with a stylized flourish at the end.

Richard P. Keigwin, Jr., Director  
Office of Pesticide Programs