



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

JUL 31 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:

The U.S. Environmental Protection Agency appreciates your May 8, 2019, letter on hemp and acknowledges the important challenges that states face regarding registration of pesticides for use on hemp and marijuana. We know that these issues are complex, and we wish to continue working with our state co-regulators to develop strategies to best address them. The EPA is also working to integrate our actions with those of federal entities and programs at the U.S. Department of Agriculture, the U.S. Department of Justice, the Food and Drug Administration, and the National Institutes of Health. On July 25, Assistant Administrator Alexandra Dapolito Dunn testified before the U.S. Senate Committee on Agriculture, Nutrition & Forestry on hemp production, alongside USDA and FDA.

As you know, the 2018 Agricultural Improvement Act (the farm bill) provided for the cultivation, transport and sale of hemp. As defined in section 10113 of the farm bill, the term "hemp" refers to any part or derivatives of the plant *Cannabis sativa L.* with a tetrahydrocannabinol concentration of not more than 0.3 percent on a dry-weight basis. Pesticides used on hemp should be federally registered. Based on this, the EPA is now able to work with registrants who submit Federal Insecticide, Fungicide and Rodenticide Act section 3 registration applications for use on hemp. Relative to FIFRA 24(c) actions, the EPA has concluded that states may issue a Special Local Need (SLN) registration provided the statutory and regulatory parameters of 40 CFR 162 can be addressed. An important consideration under 40 CFR 162 relates to whether there is an applicable tolerance or tolerance exemption in place for the requested chemical.

The farm bill does not include provisions for marijuana, including medicinal and recreational, which have THC concentrations 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 will disapprove SLN registrations that include use on marijuana. 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.

The EPA values its partnership with the states and is interested in continuing to dialogue and problem solve these issues with you and other state lead agencies.

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