

Cannabis Status Update

PPDC Meeting November 1, 2017 – Session 5

Background

- Cannabis¹ is regulated under Schedule 1 of the Controlled Substances Act of 1970.
- The 2014 federal Farm Bill, codified at 7 U.S.C. section 5940, allows for production of industrial hemp if 1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and 2) it is allowed under state law.
- Eight states and the District of Columbia have legalized recreational marijuana; 42 other states have legalized medical marijuana and/or industrial hemp.
- There are no pesticides registered by EPA specifically for use on marijuana; however, some pesticide labels do list industrial hemp among the crops. There are no tolerances established for marijuana or hemp and cannabis does not fit into an existing crop group.
- Pesticides that are exempt from federal registration requirements under section 25(b) are not prohibited from use on cannabis.

Status Update

- In spring 2017, Vermont, Nevada, Washington, and California each issued 4 Special Local Needs (SLN) registrations for tolerance exempt products to use on cannabis. On June 22, 2017, EPA sent letters notifying the states of the agency's intent to disapprove the registrations. Three of the states decided to withdraw the SLN registrations; the agency disapproved Nevada's registration on July 3, 2017.
- There has been interest in SLNs for use on industrial hemp. OPP will consider SLNs for industrial hemp grown under the 2014 Farm Bill provisions.
- Some states have established pesticide residue action levels for cannabis. SFIREG has raised concerns related to these state-established pesticide residue action levels.

¹ For the purposes of this document, the Agency is using the following draft definitions.

Cannabis: Plants in the genus Cannabis that are grown for production purposes. Includes both "marijuana" and "hemp" as defined below. Both forms are controlled substances under the Controlled Substances Act.

Marijuana: Cannabis plants (*Cannabis sativa* L. or *Cannabis indica*) and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol [THC] concentration of more than 0.3 percent on a dry weight basis.

Hemp: The plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol [THC] concentration of not more than 0.3 percent on a dry weight basis. Also referred to as "industrial hemp." USDA further defines industrial hemp as "including seeds of such plant, whether growing or not, that is used exclusively for industrial purposes (fiber and seed)" and defines tetrahydrocannabinols as "all isomers, acids, salts, and salts of isomers of tetrahydrocannabinols" (Federal Register, Vol. 81, No. 156, page 53395-53396).