

Information Regarding Pesticide Use in the Production of Marijuana in Alaska

(Posted July 28, 2016 and subject to updates. Please check <http://dec.alaska.gov/eh/pest/index.htm> for updates.)

The Alaska Department of Environmental Conservation (DEC) is providing the following for informational purposes only and does not authorize, permit, endorse, or in any way approve or recommend the use of any pesticide on marijuana for any purpose. In general, DEC does not make recommendations on which pesticides, if any, to use for a specific crop or pest problem. In particular, DEC is not making a recommendation for the use of any pesticide on marijuana.

Criteria for DEC's Review of Pesticides Used on Marijuana in Alaska

At this time, there are no pesticides specifically approved by federal or state of Alaska regulatory agencies for use on marijuana that might be ingested or smoked. (Please see "Discussion" below.) However, it is the opinion of DEC that pesticides that meet the following criteria can probably be used on marijuana without significant risk, **provided that all label language is followed**. Absent some special circumstance, DEC would likely not have regulatory concerns with such use. DEC is concerned that pesticides that **do not** meet these criteria could pose greater risks to human health if used on marijuana and thus would be more likely to have regulatory concerns with such use.

- 1) For pesticides that require EPA registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Section 3:
 - a) Label language must be broad enough that their use would be allowable on marijuana (i.e., "for use on food crops" or "greenhouse uses"). There are no pesticides that are registered specifically for use on marijuana;
 - b) Pesticides must be exempt from food residue tolerance requirements ([40 C.F.R. 180](#));
 - c) Pesticides must be registered with EPA and DEC; and
 - d) The pesticide's active ingredient must be allowed for use on tobacco by EPA if the marijuana might be smoked.
- 2) For pesticides exempt from EPA registration requirements as a minimum risk pesticide under FIFRA section 25(b) ([40 C.F.R. 152.25\(f\)](#)):
 - a) Label language must be broad enough that their use would be allowable on marijuana (i.e., "for use on food crops" or "greenhouse uses"); and
 - b) Pesticides must be registered with DEC.

Product List

DEC may compile a list of pesticides that meet the criteria stated above. This list will be posted on DEC's website and will be updated periodically. The intent of the list is to assist growers and is not an endorsement or recommendation to use these products in the production of marijuana in Alaska.

Adjuvant Use

Any spray adjuvant that is labeled for use on food crops can be used with a pesticide that is applied to marijuana, as long as the intended use is allowed by the spray adjuvant label. For example, there are some spray adjuvants that are allowed for use on food crops, but can only be used with an herbicide. A spray adjuvant with this use limitation is not allowed for use with an insecticide or a fungicide.

Discussion

As some states, including Alaska, have changed their laws to allow commercial cultivation and sale of products containing marijuana, concerns have arisen whether some growers might use pesticides on the marijuana. California, Washington, Oregon, and Colorado have developed internal or public advisories, guidance, or other information that might help their agencies and the public in their states assess the relative risk of using different pesticides on marijuana. DEC has considered their different approaches in development of this document.

Pesticide products have not been tested by the U.S Environmental Protection Agency (EPA) or other regulatory agencies to determine their potential health effects if used on marijuana that will be eaten, smoked, or otherwise consumed, and thus the health risks to consumers are unknown. Possible health risks to pesticide handlers, applicators, and post-application workers in marijuana production settings are also unknown, because use on marijuana constitutes a new use pattern for which exposure assessments have not been conducted.

Both state and federal law require that pesticides be applied according to label directions. Before using any pesticide, it is important to read and understand all of the label directions. As part of the directions for use, pesticide labels will specify the particular crops and/or sites to which they can be applied. Depending on the particular pesticide, the crops/sites listed on the label can be expressed very specifically (e.g., “wheat”), or more generally (e.g., “grain crops”). While a pesticide with a label that specifies “wheat” can only be applied to wheat, a pesticide that lists “grain crops” on the label can be applied to wheat, barley, oats, rye, etc.

The criteria in this Information Sheet include pesticide use on marijuana when the pesticide product is labeled for use on unspecified food crops, home gardens, or herbs (outdoor or enclosed), including unspecified food crops or herbs grown as bedding plants. This could be construed by some users to imply the product has been specifically *approved* for use on marijuana since marijuana or marijuana extracts are sometimes added to food that may be consumed; however, while health assessments may have been conducted relating to use of pesticides on “food crops” other than marijuana, this is not a reliable guide on whether it would be safe to use the pesticide on marijuana that will be consumed.

This Information Sheet is not a final agency action and does not create any rights, duties, obligations, or defenses, implied or otherwise, in any third parties. This Information Sheet should not be construed as a rule, although some of it may describe existing state laws. The information provided in this Information Sheet should not be construed as a requirement of rule or statute. This information is being provided for informational use only. The publishing of this criteria, or associated list, does not constitute rulemaking on behalf of the State of Alaska.

Additional information on the DEC regulations pertaining to pesticides can be found at 18 AAC 90 and on the Pesticide Program website at <http://dec.alaska.gov/eh/pest/index.htm>.