



November 21, 2016

Dear Cannabis Producer,

As a follow up to cannabis pesticide testing rules that took effect on October 1, 2016 and with the impact of failed test results for pesticides, the three agencies responsible for cannabis regulation—Oregon Department of Agriculture (ODA), Oregon Health Authority (OHA), and Oregon Liquor Control Commission (OLCC)—want to remind cannabis producers of two things:

- 1. It is illegal to use ANY pesticide on cannabis not found on ODA's cannabis and pesticide guidelist, and the pesticide product MUST be used according to the label directions.**
- 2. Failed pesticide test results are referred to ODA for investigation under the Oregon Pesticide Control Act, ORS 634 (<http://bit.do/ors634>). Note: This is not the only reason for ODA to initiate an investigation.**

Despite cannabis producers receiving test results below OHA pesticide action levels for cannabis (set in OHA rule), producers may still be in violation of the Oregon Pesticide Control Act if any levels of illegal pesticides are detected.

The Oregon Department of Agriculture (ODA) maintains a list of pesticide products (<http://bit.do/pesticides-cannabis>) to help guide marijuana growers and pesticide applicators throughout the state.

Products on this list meet the following qualifications:

- Intended for unspecified food products
- Exempt from a tolerance
- Considered low risk

Because marijuana remains a Schedule 1 narcotic under the Controlled Substances Act, the EPA has neither assessed the potential health hazards posed by treating marijuana with pesticides, nor has it authorized the application of any pesticide specifically for use on cannabis.

Until a scientific risk assessment establishes which additional pesticides can be applied to cannabis, you may ONLY use pesticides from the approved pesticide guidelist. The illegal use of any pesticide on cannabis is a threat to the public.



Oregon
Department
of Agriculture

Lisa Charpiloz Hanson
Acting Director, ODA
www.oregon.gov/ODA

Oregon
Health
Authority

Lynne Saxton
Director, OHA
www.oregon.gov/OHA



Steven Marks
Executive Director, OLCC
www.oregon.gov/OLCC

What is a pesticide?

A pesticide is anything that kills, repels, or mitigates a pest. This also includes plant growth regulators. It does NOT include fertilizers, nutrients, or soil amendments. Examples of pesticides include: insecticides, fungicides, herbicides, rodenticides, sanitizers/disinfectants, and plant growth regulators.

Which pesticides can the cannabis industry use?

The Oregon Department of Agriculture (ODA) maintains a list of pesticide products (<http://bit.do/pesticides-cannabis>) to help guide marijuana growers and pesticide applicators throughout the state.

Products on this list meet the following qualifications:

- Intended for unspecified food products
- Exempt from a tolerance
- Considered low risk

Cannabis producers should consult the guidelist, follow product labels, and use products according to label directions. The use of all other pesticide products is illegal and, if laboratory testing finds the presence of illegal pesticide residues, it likely will result in a violation of the Oregon Pesticide Law, ORS 634.

What are the testing requirements?

The Oregon Health Authority (OHA) is responsible for *cannabis* testing rules that apply to both the medical and retail markets. All marijuana or marijuana products intended to be sold at a dispensary or retail shop must be sampled and tested according to the testing rules. An overview of the testing rules can be found at the OHA's marijuana testing requirements webpage at: healthoregon.org/marijuanatesting

All marijuana and marijuana products must pass testing before being transferred or sold to a dispensary or a retail shop.

What happens if a product fails testing?

OHA and the Oregon Liquor Control Commission (OLCC) report failed pesticide test results to ODA. ODA may initiate an investigation into the illegal use of pesticides based upon receiving failed pesticide reports, separate from any action taken by OHA/OLCC, into the suspected use of prohibited pesticides.

It is illegal for OHA registrants and OLCC licensees to transfer or sell any marijuana or marijuana products that fail testing. A dispensary or retail shop may not accept the transfer or sale of any marijuana or marijuana product that has failed testing. All marijuana or marijuana products that fail pesticide testing must be destroyed.

Any producer, processor, retailer, or dispensary that does not correctly follow testing requirements, or fails to label, store, or retain product that failed a test, will be subject to enforcement action, which may include civil penalties, suspension, or revocation of their license/registration with OLCC or OHA. Entities found to have violated the Oregon Pesticide Control Act will be subject to enforcement action, which may include notice of violation or civil penalty.

Why are most pesticides not labeled for use on cannabis?

The US Environmental Protection Agency (EPA) registers and regulates pesticides and their legal application. Before allowing the use of a pesticide on food or feed crop, the EPA sets a tolerance, which is the amount of pesticide residue allowed to remain in or on each treated food commodity. In order to set tolerances, the EPA performs comprehensive scientific risk assessments of the product. The EPA's evaluations are conducted to prevent potential harm to humans, wildlife, and the environment. The EPA also evaluates and approves the language that appears on each pesticide label to ensure safe use of the product.

The State of Oregon regulates pesticide use under the Oregon Pesticide Control Act and rules under the Act. It is a violation of state and federal law to use pesticides in a manner that is inconsistent with the EPA's label directions. When a pesticide is applied to a crop in a manner inconsistent with the pesticide label and the crop is contaminated by that pesticide, it constitutes a threat to the public.

Bottom line?

- Use the ODA pesticide guidelist to determine which pesticides can be legally applied to cannabis.
- Use pesticides from the guidelist according to the label directions.
- Follow testing rules and requirements.
- Any pesticide used that is not on the ODA guidelist is considered illegal.

For more information:

Oregon Department of Agriculture: bit.do/CannabisODA — (503) 986-4565 — marijuana@oda.state.or.us

Oregon Health Authority: healthoregon.org/ommp — (971) 673-1234 — OMMP.Labs@state.or.us

Oregon Liquor Control Commission: marijuana.oregon.gov — (503) 872-5000 — marijuana@oregon.gov