Association of American Pest Control Officials Meeting

The Evolution of Cannabis Pesticide Use and Enforcement
Go ahead….light up!

- 2000 medical MJ approved
- December 2012 recreational use signed into law
- 2014 retail sales begin
Prior to 2015

• Questions – what can I use?
• No resources to dedicate a focused effort on outreach or inspections

• 2012 first complaint, disgruntled employee, violations found, CDO (WPS, Azamax, Avid and Floramite)

• 2013 Governor EO – develop list of pesticides that cannot be used
February 2015

- Denver fire magazine article prompts a discussion to assure state-wide uniformity

- Denver Fire, DEH, communicate visual observations and concerns for safety regarding pesticides
Pandora’s Box
Lessons learned...

• Establish Partnerships Now!
• Understand lines of authority – No USDA
  – State Uniformity
  – Pesticide Use vs. Public Health vs. MJ Licensure
• Plan how information will be communicated
  – Media
  – Inter-agency
Be prepared for legal challenges

• Industry has $$$$$$ …and lots of it!
• State Uniformity
  – CDA doing Heath’s job – Health acting as an agent of CDA
  – CDA’s authority to regulate use when we can’t confirm “safety” of a pesticide
  – Allegations of arbitrary label determinations
Law is inconvenient – change it

• Prepare to educate
  – Through media, legislators, industry
  – Industry education campaign vs. SLAs

• Legislation proposed in 2015 and 2016
  – Block local government
  – Organic MJ
  – Establish tolerances
Communication

• Media
  – Industry
    • Downplay risks associated with pesticides
    • Claim government overreach
    • SLA can’t prove pesticides unsafe – you can use it on other crops!

• Open records requests
  – Man hours
  – Extensive - BROAD requests
  – All communications between agencies a public record. Watch what you say!
Program Impacts

• More than doubled inspection universe
  – 1200 + MJ facilities
  – ? Medical … ?

• In last 12 months – 102 MJ investigations
  – Impacting other program services

• WPS Employer Training – 700 +

• 300 Compliance Assistance WPS meetings

• Fiscal Note:
  – Request for 14 FTE’s – approved for seven
  – Lab funding: Time of Flight Equipment and one FTE
Investigation Considerations

• Multiple licensees/entities in one facility

• Edible recalls – can set off multiple investigations of multiple entities

• Two inspectors for all investigations
  – PPE needed (lights, not sure if applications have occurred, CO2 use, poor ventilation, dermal exposure)
  – All conversations recorded
Investigation Considerations

- **Sampling**
  - Detailed questions of method of application (records, videos, statements)
  - Room by room – Veg, flower and dried product
    - One leaf per plant – minimum of 5 leaves (dependent on size of room for # collected)
    - Different sides / different heights
    - RFID tags associated with sample
    - Harvested, no less than 2 grams
    - Photo or video sample collection
Investigation Considerations

• Lab issues with the sticky-icky
  – Transporting samples
  – Volume of samples coming in
  – Time to process, equipment challenges
  – Quantifying results vs. presence of

• Public health considerations
  – Need fast turn around
  – Sample results communicated immediately to other agencies to take public safety actions
  – CORA requests for sample results
24(c) Considerations

• Tolerance exempt a.i. – express MJ uses
• Consumption data lacking – will be requesting more data
  – Dermal, ingestion and inhalation considerations
• Express statement: *For use on Cannabis intended for human consumption*
• Legal challenges?
Adulterated Products

• Large number of products – leaf washes, fertilizers, plant amendments, etc.
  – Industry claims – if illegal a.i. shows up…look at these!
  – Requested help from EPA to perform formulation samples
• Mighty Wash - Pyrethrin
• 25(b) - Guardian Mite Spray
  – Oregon and Colorado confirmed presence of Abamectin
Further Restrictions on Use

• PAA Rule effective March 30, 2016
  – Broad label language
  – Tolerance exempt a.i.
  – Express food uses
  – A.I. has allowed uses on tobacco
• 25(b) w/express food uses
• Approved 24(c)
• Broad authority to prohibit use of products
• Gov. Order 2015-015
Questions?

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