

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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### PESTICIDE USE ON MARIJUANA AND HEMP

TO: Cultivators of Marijuana and Hemp

FROM: John Lebeaux, Commissioner

SUBJECT: Use of Pesticides on Marijuana and Hemp

DATE: September 26, 2018 (Updated)

With the passage of Chapter 55 of the Acts of 2017 (“Act”), it is now legal to cultivate marijuana for recreational use and to cultivate hemp for commercial use in Massachusetts. The Department anticipates that pests and how to control pests will be of concern to cultivators relative to the health and value of any crop. Pesticides are used as one of the many tools to control pests. Under the Act and in accordance with M.G.L. c. 132B, the Massachusetts Pesticide Control Act, the Massachusetts Department of Agricultural Resources (“Department”) retains jurisdiction over pesticides within the Commonwealth.

Currently, EPA does not allow the use of a registered pesticide on marijuana or hemp. The Department is not aware of any registered pesticide that has a label that would allow for use on marijuana or hemp under either federal law or M.G.L. c. 132B. Because of this, the use of pesticides on marijuana or hemp is prohibited in Massachusetts.

Examples of pesticides include, but are not limited to, the following:

- Insecticides
- Herbicides
- Fungicides
- Plant Growth Regulators

Please be aware that there are products that are marketed as “organic” or are on the Organic Material Review Institute (“OMRI”) list that are registered pesticides and cannot be used on marijuana or hemp. Any questions as to whether a product is a pesticide should be directed to the Department.

It should be noted that there are products that the EPA exempts from registration requirements, as these products or the ingredients within them are considered minimum risk by EPA. These products are commonly referred to as “25b products or Minimum Risk Pesticides” and to use these would not be considered a violation of M.G.L. c. 132B. Please refer to EPA’s website to find more information about these products and ingredients that

may be exempt from registration requirements.<sup>1</sup> While the Department has the authority to register products not registered by EPA, it does not currently do so. Any products that are exempt from EPA and Department registration are not subject to the same level of review, testing, and oversight as those that have been regulated. While these exempt products may be an alternative for pest control, it is important to understand that the use of any product is done at the risk of the grower without the benefit of review and testing by the EPA to determine health and safety or other impacts.

In the event a pesticide is used in violation of M.G.L. c. 132B or the regulations promulgated thereunder at 333 CMR 2.00 through 14.00, the Department may take enforcement action.

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<sup>1</sup> <https://www.epa.gov/minimum-risk-pesticides>