Cannabis and Pesticide Use

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The Michigan Department of Agriculture & Rural Development (MDARD) works to assure the food safety, agricultural, environmental, and economic interests of Michigan are met through service, partnership, and collaboration. MDARD's Pesticide & Plant Pest Management Division regulates pesticide use and distribution.

Michigan Regulatory authority:

- Natural Resources and Environmental Protection Act, Act 451 of 1994, Part 83, Pesticide Control
- Regulation 637, Pesticide Use
- Regulation 636, Pesticide Applicators
- Public Act 220 of 2020, the Industrial Hemp Growers Act, as amended

Federal Regulated Authority:

- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- Code of Federal Regulations, Title 40 (CFR).

Summary of regulatory requirements:

What is a pesticide?
A pesticide is defined as any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant growth regulator, defoliant, or desiccant. Pesticides include such products as herbicides, insecticides, fungicides, rodenticides, sanitizers, and disinfectants. Pesticides also include products made with organic ingredients.

Minimum risk pesticides
Minimum risk pesticides exempted under FIFRA Section 25(b), are registered differently than pesticides bearing an EPA Registration Number on the product label. Minimum risk pesticides have active and inert ingredients the Environmental Protection Agency (EPA) has found to pose little or no risk to human health or the environment when used according to the label; and are exempt from federal registration. MDARD requires all pesticides sold in Michigan, including those exempt by FIFRA 25(b), to be registered. More information about pesticide registration in Michigan can be found at www.michigan.gov/pestreg.

Label directions for these pesticides must be followed. State regulations related to pesticide use are still applicable.

Following the pesticide label
Applicators are responsible for following all the directions for use on a pesticide label. Label directions include mixing instructions, application rates, sites where the product can be applied, method(s) of application, personal protective equipment (PPE), and the Worker Protection Standard.

Applicators handling or applying pesticides must wear all PPE required by the pesticide label, such as protective eyewear, respirators, and chemical aprons. Failure to comply with label directions is a violation of state and federal law.

Directions for use
The pesticide label's directions describe how the product can legally be used as well as use restrictions of the product. This includes:

- The site(s) where the product can be used
- The pest(s) that the product can be used to control
- Application methods that are required or allowed
- Rates of application and annual maximum limits
- Frequency of applications
- Use restrictions
- Restricted entry intervals (REI)
- Preharvest intervals (PHI)

It is the pesticide applicator's legal responsibility to follow all directions on the pesticide label.

Certification
Owners and employees of private farms growing an agricultural commodity are exempt from certification if they are only applying general use products. Persons who apply Restricted Use Pesticides (aka RUPs) for an agricultural purpose are required to obtain applicator certification or be supervised by a certified applicator.

Certification is obtained by studying certification training manuals and taking exam(s). More information about pesticide applicator certification can be found at www.michigan.gov/mdardpestcert.

Commercial pesticide applicators applying pesticides for hire may be required to obtain a pesticide applicator business license (PABL). More information about PABL requirements can be found at www.michigan.gov/mdardpabl.

Pesticide storage and spill kits
Pesticides need to be handled, stored, displayed, or transported in a way that will not endanger humans and the environment. Pesticides should be stored separately from any PPE and away from any drains leading outside. Placing pesticide containers in plastic totes provides a secondary layer of containment in case of an accidental spill or container leak.

Any person who mixes, loads, or otherwise uses pesticides shall have immediate access to a spill kit. Spill kits do not require specific materials but need to be able to contain liquid or granular materials depending on the pesticides used at the facility. A spill kit may include absorbent snakes, pillows, sheets, powder, or kitty litter for liquid spills and a broom, shovel, or dustpan or granular spills.

Disposal
Before disposing of any pesticide containers, read the disposal directions on the pesticide product label. Triple rinse the container and collect any rinsate (wash water). Puncture the pesticide container and dispose of the container per label directions.

Repackaging
Pesticides offered for sale in Michigan must be in the registrant's or manufacturer's unbroken immediate container and have a label conforming to labeling requirements. Under FIFRA, the production of a pesticide needs to occur in a registered pesticide producing establishment. Repackaging is considered pesticide production. Any company producing or repackaging pesticides not considered to be minimum risk must obtain a U.S. EPA pesticide establishment number. Additional information can be found on EPA's website https://www.epa.gov/compliance/pesticide-establishment-registration-and-reporting.

Worker Protection Standard
The Worker Protection Standard (WPS) is a federal regulation intended to reduce the risks of illness or injury from pesticide exposure in the production of an agriculture commodity. In Michigan, cannabis is considered an agricultural commodity. When the WPS applies, agricultural employers are required to provide safety education and protections to workers, handlers, and other persons onsite. This may include but is not limited to:

- Training for workers and handlers
- Decontamination stations
- PPE
- Pesticide application information
- Emergency medical transportation
- Posting treated areas
- Hazard communication

WPS is applicable when the pesticide product labeling contains an "Agricultural-Use Requirements" box, and the product is used at an agricultural establishment to produce an agricultural commodity.

The Pesticide Educational Resource Collaborative is a resource for compliance assistance materials, pesticideresources.org//index.html. The website can assist in determining if WPS is applicable to your establishment.

This is a partial summary. Refer to the public acts and rules for applicable requirements.
For further information regarding pesticides and other areas regulated by MDARD, visit www.michigan.gov/mdardpest, or call 800-292-3939 and ask to be referred to your local pesticide inspector. MDARD inspectors can visit your operation to provide compliance assistance.