Pesticide Section

Policy Summary – **Michigan Marijuana Pesticide List Evalution**

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The intent of this policy summary is to explain the evaluation process of pesticide products for inclusion on the Michigan Marijuana Pesticide List developed by the Michigan Department of Agriculture and Rural Development (MDARD)

Why does MDARD maintain a list of products approved for use on marijuana?

Currently, the federal government does not recognize marijuana as a legal crop, and therefore the U.S. Environmental Protection Agency (EPA) does not register pesticides for use on marijuana. Both state and federal law authorize MDARD to regulate pesticide use. Additionally, state law authorizes MDARD to determine the toxicity of pesticides to human beings. A pesticide label is an extension of federal law and is considered a legally enforceable document governing the use of that product. Applying a pesticide to a crop not listed on the pesticide label is a violation of both federal and state law. Therefore, MDARD is compelled to regulate requirements of the pesticide label.

Pesticides appearing on the Michigan Marijuana Pesticide List must be registered in the state of Michigan, appropriately labeled, and undergo a toxicological risk assessment for MDARD to support inclusion on the list. The products appearing on the list may change over time due to changing regulatory conditions and as updated pesticide safety information becomes available.

Evaluation of Products

The product evaluation process is outlined below.

1. Label Language Determination

   MDARD reviews the pesticide label to ensure the product can be legally applied to marijuana. Label language must be broad enough to allow for the use of the product on marijuana and not list specific crops without accompanying qualifying language. For instance, if a product is labeled for use on “greenhouse crops” and doesn’t list specific crop names, it would be acceptable to use on any crop in a greenhouse. Examples of language describing crop types deeming the pesticide acceptable for use on marijuana include:

   - “Greenhouse Crops”
   - “Food / Edible Crops”
   - “Nursery Crops”
   - “Greenhouse Plants”
   - “Food / Edible Plants”
   - “Nursery Plants”

If specific crops are listed on the pesticide label, qualifying language which allows for a broad interpretation of the listed crops must be included for the product to be considered acceptable for use on marijuana. According to EPA guidance, if specific crops are listed on a label and words like "such as" are used as part of their description, this language is determined to be a qualifier which would allow the product to be used in that area on any crop being grown. Therefore, if the label states "Greenhouse Grown Crops, such as lettuce, cabbage, string beans, broccoli…", the words "such as" indicate the product may be used on other greenhouse grown crops not listed on the label. Examples of acceptable qualifying language describing crop types:

- "…such as…"
- "…including…"
- "…including, but not limited to…"

2. Toxicology Risk Assessment

   If the label language determination deems a product acceptable for use on marijuana, an MDARD toxicologist will review available toxicity data. The toxicology risk assessment evaluates the potential risk the product poses to humans if it were used on marijuana. The product composition and labeled use patterns are evaluated to determine any anticipated adverse health effects which would prevent its use on cannabis.

3. The label language determination and toxicology risk assessment findings will be communicated via email by the MDARD Pesticide Registration Specialist. If approved for use on marijuana, the Pesticide Registration Specialist will add the product name to the Michigan Marijuana Pesticide List.

Appeal of an Evaluation Decision

Evaluation decisions may be appealed if an entity does not agree with the decision made by MDARD. To discuss an evaluation decision, reach out to the Pesticide Registration Specialist via email at MDARD-Pesticide@michigan.gov.

If the product is still deemed unacceptable for use on marijuana after an appeal, it is the responsibility of the requesting entity to address the issue with the product registrant to determine if label language can be changed to make it acceptable.

If it is determined the pesticide product does not pass the risk assessment conducted by the MDARD toxicologist, it is the responsibility of the requesting entity to provide additional data which would support the use of the product on marijuana for reevaluation.