

**COLORADO DEPARTMENT OF AGRICULTURE
PESTICIDE APPLICATORS' ACT
RULES AND REGULATIONS**

EFFECTIVE MARCH 30, 2016

Part 17. The Use of Pesticides in the Production of Cannabis

17.01: Definition and Construction of Terms for purposes of this Part 17, as used in these rules, unless the context otherwise requires:

- a) "Cannabis" means a plant of the genus *Cannabis* and any part of the plant.
- b) "Human Consumption" means the consumption of cannabis by a person through oral ingestion, absorption through the skin or inhalation through smoking, vaporization or other means.
- c) "Tolerance" means a level of pesticide residue in or on food that the Environmental Protection Agency has determined with reasonable certainty will not pose a hazard to public health when used in accordance with label directions.

17.02: Pesticide Use on Cannabis: These Rules establish the criteria under which certain pesticides may be legally used on cannabis in the State of Colorado. To assist cannabis growers, the Department will publish a list of pesticides that it has determined meet these criteria. As of the effective date of these Rules, there are currently no pesticides that are specifically labeled or have pesticide residue tolerances established for use on cannabis by the federal government or the state of Colorado. The Colorado Department of Agriculture does not recommend the use of any pesticide not specifically tested, labeled and assigned a tolerance for use on cannabis because the health effects on consumers are unknown.

17.03: Any pesticide used in the cultivation of cannabis must be registered with the Colorado Department of Agriculture.

17.04: Any pesticide registered with the Colorado Department of Agriculture may be used in accordance with its label or labeling directions for the cultivation of cannabis in the State of Colorado under the following conditions:

- a) For products registered by the Environmental Protection Agency under Section 3 of the Federal Insecticide, Fungicide, Rodenticide Act:
 - 1) All active ingredients of the pesticide product are exempt from the requirements of a tolerance, as established under 40 C.F.R. Part 180, Subparts D and E, and;
 - 2) The pesticide product label allows use on the intended site of application. The term "site" for purposes of this Rule includes any location or crop to which the application is made, and;
 - 3) The pesticide product label expressly allows use on crops or plants intended for human consumption, and;
 - 4) The active ingredients of the pesticide product are allowed for use on tobacco by the Environmental Protection Agency.
- b. Notwithstanding paragraph 3, the Commissioner has the authority to permit the use of a pesticide product, that does not expressly allow use on crops intended for human consumption if:

- 1) The active and inert ingredients are exempt under 40 C.F.R. Part 180, Subparts D and E, and;
 - 2) The pesticide product label allows use on the intended site of application, and;
 - 3) The active ingredients of the pesticide product are allowed for use on tobacco.
- c) The pesticide product label specifically allows use on cannabis.
- d) For 25(b) minimum risk pesticide products as defined in 40 CFR 152.25(f); the pesticide product label allows use on the intended site of application and allows use on crops or plants intended for human consumption.
- e) For pesticide products with a Colorado Special Local Need registration, issued under section 24(c) of the Federal Insecticide, Fungicide and Rodenticide Act; the Colorado Special Local Need label allows use on cannabis.

17.05: The Commissioner may prohibit the use of any pesticide product for the cultivation of cannabis if the Commissioner determines that such use poses a significant threat to public health and safety or the environment.