



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Hemp/Federal Insecticide, Fungicide and Rodenticide Act: U.S. Environmental Protection Agency Announces Approval of 10 Pesticide Products

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The United States Environmental Protection Agency (“EPA”) on December 19th approved the use of 10 pesticide products on hemp pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (“FIFRA”).

Nine of these products are denominated biopesticides and one is described as a conventional pesticide.

EPA states that the approvals enable these products to be utilized during the 2020 growing season.

The Agricultural Improvement Act of 2018 (i.e., the “Farm Bill”) provided that the United States Department of Agriculture would regulate hemp. Further, the Farm Bill provided that hemp would no longer be considered a controlled substance under the jurisdiction of the United States Department of Justice.

FIFRA provides for the federal regulation of pesticide distribution, sale and use. All pesticides distributed or sold in the United States must be registered (i.e., licensed) by EPA. EPA may only register a pesticide under FIFRA if the applicant demonstrates, among other things, that using the pesticide according to its specifications will not generally cause unreasonable adverse effects on the environment.

FIFRA defines the term “unreasonable adverse effects on the environment” to include:

1. any unreasonable risk to man or the environment, taking into account the economic, social, environmental costs and benefits of the use of any pesticide, or
2. a human dietary risk from residues that result from a use of the pesticide in or on any food inconsistent with the standard under Section 408 of the Federal Food, Drug and Cosmetic Act.

A link to the EPA pesticide products that have been registered for use on hemp can be found [here](#).