

Hickenlooper issues executive order to declare tainted pot a threat to public

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Gov. John Hickenlooper on Thursday issued an executive order telling state agencies that any marijuana grown with unapproved pesticides is a threat to public safety and should be removed from commerce and destroyed.

The order is Hickenlooper's first word on a months-old controversy over pesticide use to grow cannabis and a more aggressive approach than the half-dozen recalls by Denver health officials have put on thousands of contaminated products, some of it later allowed back into commerce.

The order, effective immediately, was the result of a collaboration with officials from several state agencies — the departments of agriculture, revenue, and public health and environment among them — and "provides much needed clarity on the use of pesticides" and how agencies should treat them, according to a joint announcement.

"When a pesticide is applied to a crop in a manner that is inconsistent with the pesticide's label, and the crop is contaminated by that pesticide, it constitutes a threat to the public safety," the order says.

The order says agencies should use all investigative and enforcement authority to end the threat, "including, but not limited to, placing contaminated marijuana on administrative hold and destroying contaminated marijuana pursuant to existing law."

Industry spokespersons could not be immediately reached for comment late Thursday.

The order comes after Denver Post stories that showed how potentially harmful pesticides barred for use on cannabis were still being applied and found at high concentrations in products sold to consumers.

The Post also identified how state laws that barred the use of certain pesticides were not enforced and that testing requirements for pesticide residues were set aside.

"Threat to safety"

Thursday's bulletin specifically mandates state agencies to determine any off-label use of a pesticide "a threat to public safety" and ensure that the contaminated products are quarantined and destroyed.

That is a stiffer approach than the quarantines and recalls Denver health officials have put on marijuana products contaminated with unapproved pesticides. In most cases, the products were

allowed back into commerce once tests confirmed pesticide residues were at levels lower than what's allowed on other consumable crops.

Hickenlooper's order appears to leave no room for trace amounts and calls for the destruction of the affected plants and any derivative products.

A company could destroy any affected marijuana voluntarily or face administrative actions by the state to force the destruction, according to a policy statement issued by the chiefs of the three state agencies involved.

There is no pesticide specifically approved for use on marijuana because the chemicals are regulated by the U.S. Environmental Protection Agency and cannabis is illegal under federal law.

As a result, there have been no tests to show how pesticides used on marijuana could affect consumers or whether their use is safe.

But state agriculture officials have allowed certain pesticides to be used on marijuana crops only if it would not violate the restrictions of the product's label. It is a violation of federal law to use a pesticide contrary to its label.

Despite the prohibitions, The Post revealed in its own testing that a number of marijuana-infused products contained high levels of pesticides not allowed for use on cannabis.

What followed were a number of recalls issued by the Denver Department of Environmental Health after investigations into businesses connected with The Post's findings.

Plants quarantined

Although state officials had been battling around pesticide rules for more than a year, there was no enforcement until Denver health officials quarantined more than 100,000 plants it said were improperly grown with pesticides the state said could not be used.

The quarantines came after Denver fire inspectors found potentially hazardous pesticides in marijuana-growing facilities during routine inspections this year and reported it to health officials.

The state is amid rulemaking that would strictly limit the pesticides that can be used on marijuana only to those whose labels allow for unspecified crops; that can be used in greenhouses; and that are not prohibited from human consumption. Pesticides allowed in tobacco cultivation also would be approved.