

“WAR ON DRUGS” UNDER PRESIDENT NIXON

Early 1970s U.S. Drug Enforcement Administration (DEA) eradicates illegal drugs domestically and abroad at source by spraying and killing unharvested cannabis plants.

HERBICIDE HEALTH CONCERNS ARISE

1975 Aerial eradication programs in Mexico kill unharvested cannabis plants using paraquat. Some members of Congress grow concerned about the health impacts of paraquat, given the acute toxicity of paraquat (swallowing a half-ounce is fatal).

1978 Government health officials state that heavy users of tainted cannabis may develop fibrosis, an irreversible lung disease.

1978 New York Times highlights “Poisonous Fallout from the War on Marijuana.”

1979 Secretary of Health, Education, and Welfare (HEW) Califano wrote to Secretary of State Vance “that the spraying of marijuana with paraquat is likely to cause serious harm to the health of persons who may consume the sprayed marijuana.”

“LAW AND ORDER” UNDER PRESIDENT REAGAN

Given the illegal status of cannabis, Presidents Reagan’s “law and order” administration led to little public outcry about cannabis herbicides health risks. Nonetheless, Congress’ focus on eradication programs eventually leads to changes in the DEA programs, reducing exposure to potentially toxic residues.

1981 Legislation ends the “Percy Amendment” (enacted in 1978, prohibiting U.S. aid to foreign governments for paraquat use). Funding renews for herbicides use on narcotics.

STATE LEGALIZATION BEGINS

1996 California becomes first state to legalize medicinal cannabis.

2012 Colorado and Washington become first states to legalize cannabis for adult-use.

RECENT EPA - STATE INTERACTIONS

EPA’s policies continued essentially unchanged into the 2010s when state laws legalizing cannabis for medicinal and recreational use began to spread across the country.

2014 State officials ask EPA about legal pesticide use on cannabis. EPA takes position that cannabis is not a part of an existing crop group, therefore there is no EPA-approved pesticide product specifically for use on cannabis.

2015 Jack Housenger, Director of EPA’s Office of Pesticide Programs, announces that EPA was willing to entertain submissions from state pesticide regulators to establish “special local needs” registration of pesticide products for cannabis.

2017 EPA reverses the policy in the 2015 Housenger letter. EPA Administrator Scott Pruitt determines “disapproval is reasonable because the EPA does not believe that Congress intended to use [policy] for the purpose of facilitating activities that generally are in violation of federal law.”

EXPLORE OUR RESOURCES

Pesticide Compliance in the Cannabis Industry

Pesticide Use in the Cannabis Industry

COMING SOON

PACKAGING, WATER, WASTE, AIR, PROCESSING AND EXTRACTIONS



ENVIRONMENTAL
LAW • INSTITUTE®



Thank you to James V. Aidala (Bergeson & Campbell, P.C.) and Bill Jordan (independent environmental consultant) for the written content of this brochure.

Special thanks to Bergeson & Campbell, P.C. for their enthusiastic support and contributions.

QUESTIONS? IDEAS?

Environmental Law Institute Innovation Lab
1730 M Street, NW Suite 700

Washington, D.C. 20036

innovationlab@eli.org  @ELI_Innovation

www.eli.org/innovation-lab

A HISTORY OF EPA’S REGULATION OF PESTICIDE USE ON CANNABIS



Pesticide regulation is a complex area. This pamphlet provides an overview of the area and should not replace specific legal advice.

April 2019

Nixon (1969-1974)

Ford (1974-1977)

Carter (1977-1981)

Reagan (1981-1989)

EARLY 1970s

PRESIDENT NIXON PROMOTES "WAR ON DRUGS" including programs killing unharvested cannabis crops with toxic herbicides



MID/LATE 1970s

HERBICIDE HEALTH CONCERNS ARISE among members of Congress, media, and the public



REAGAN ADMINISTRATION

Given the illegal status of cannabis, **PRESIDENT REAGAN'S "LAW AND ORDER"** emphasis led to little public outcry about health risks



G.W. Bush (2001-2009)

Clinton (1993-2001)

Bush (1989-1993)

1996

CALIFORNIA BECOMES FIRST STATE TO LEGALIZE MEDICINAL CANNABIS



COLORADO AND WASHINGTON BECOME FIRST STATES TO LEGALIZE CANNABIS FOR ADULT-USE

2012



STATE OFFICIALS ASK EPA ABOUT LEGAL PESTICIDE USE ON CANNABIS

2014



HOUSENGER LETTER PERMITS STATE-SPECIFIC PESTICIDE APPROVAL FOR CANNABIS

2015



PRUITT REVERSES 2015 HOUSENGER LETTER

2017

Obama (2009-2017)

Trump (2017-current)