



DIVISION OF PUBLIC and BEHAVIORAL HEALTH Policy

Control #	Rev.	Type	Title	Effective Date	Page
MME018	2		Pesticide Use and Testing	2015-06-30	1 of 3

1.0 POLICY

This policy supersedes the Division Policy MME0018 entitled, *Pesticides Use and Testing*, dated May 1, 2015. Pursuant to Senate Bill (SB) 447, signed by the Governor on June 10, 2015, a medical marijuana establishment may use a pesticide if the pesticide:

- 1.) Is exempt from registration pursuant to 40 Code of Federal Regulations (C.F.R.) Section 152.25, or is allowed to be used on Crop Group 19 as defined in 40 C.F.R. Section 180.41(c)26 or listed for use on hops;
- 2.) Has affixed a label which allows the pesticide to be used at the intended site of application; and
- 3.) Has affixed a label which allows the pesticide to be used on crops and plants intended for human consumption.

Independent Testing Laboratories must analyze for pesticides allowed to be used on Crop Group 19, as defined in 40 C.F.R. Part 180.41(c)26 and listed for use on hops to ensure that any detected residues in the marijuana samples are detected in amounts no greater than the lowest tolerance listed for those groups. Further, at its discretion, the Division may require Independent Testing Laboratories to test for other substances including fungicides, herbicides, or growth regulators that are not identified above.

2.0 PURPOSE

The purpose of this policy is to provide all MMEs with direction on pesticide use and testing procedure to be utilized by all Independent Testing Laboratories.

3.0 SCOPE

This policy applies to all Medical Marijuana Establishments (MMEs).

4.0 PROCEDURE

4.1 Each Independent Testing Laboratory will collect a random sample from a cultivator or production facility for pesticide testing, as specified in Nevada Administrative Code (NAC) 453A.658 (1).

4.2 Each Independent Testing Laboratory is required to perform a Mass Spectrometry pesticide analysis test using a combination of both Gas Chromatography-Mass Spectrometry (GC-MS) and Liquid Chromatography-Mass Spectrometry (LC-MS) techniques to detect the pesticides listed in Crop Group 19, as defined in 40 C.F.R. Part 180.41(c)26 and listed for use on hops.



DIVISION OF PUBLIC and BEHAVIORAL HEALTH Policy

Control #	Rev.	Type	Title	Effective Date	Page
MME018	2		Pesticide Use and Testing	2015-06-30	2 of 3

The list of acceptable substances and their respective lowest tolerances as specified by the U.S. Environmental Protection Agency (EPA) can be found at

[http://dpbh.nv.gov/Reg/MME/dta/Policies/Medical_Marijuana_Establishments_\(MME\)_-Policies/](http://dpbh.nv.gov/Reg/MME/dta/Policies/Medical_Marijuana_Establishments_(MME)_-Policies/)

The methodologies used by the laboratory must have detection limits and quantification limits that can achieve the lowest tolerance levels listed for those groups. Any batch with pesticide residue above the lowest tolerance levels is deemed failed.

Unknown peaks that appear in the resulting chromatogram must be inspected by the analyst. If the analyst suspects that an unknown peak is a pesticide based on the National Institute of Standards and Technology (NIST) search, another analysis must be performed using a reference standard of the suspected pesticide. If the analyst positively identifies the unknown peak as the suspected pesticide, the batch will fail the test.

4.3 Any measurable and positively verified detection of a pesticide/analyte not exempt from registration pursuant to 40 C.F.R. Section 152.25, not listed as allowable for use on Crop Group 19, as defined in 40 C.F.R. Part 180.41(c)26 or for use on hops, will result in a failed test.

4.4 Any allowed substance from Crop Group 19 or hops that exceeds the lowest tolerance level for that pesticide constitutes a failed test.

4.5 The results of all failed pesticide tests will be reported to the Division, including the analyte name and the amount of residue detected. Laboratories will send a hard copy of the report to the Inspector; and will send electronic files to the Inspector, Auditor and Program Manager. The batch from which the failed sample originated may not be manufactured, packaged, labeled for sale or otherwise processed, but shall be destroyed. Upon notification of the failed test, the MME will continue to quarantine the batch per NAC 453A.658. The MME will then schedule an appointment with the Medical Marijuana program so that a staff person can witness the destruction of the batch. If this destruction procedure is not strictly complied with, disciplinary action may be taken pursuant to NAC 453A.658 (12).

4.6 If an MME believes that the results of the pesticide testing were not accurate, the MME may request one retest at its own expense from the Nevada Department of Agriculture.

4.7 If the MME wishes to reserve the option of requesting a retest from the Nevada Department of Agriculture per Section 4.6, then twice the Sample Size Needed to Complete all Tests from the table in NAC 453A.654 must be provided to the Independent Testing Laboratory at the time of sample collection.



DIVISION OF PUBLIC and BEHAVIORAL HEALTH Policy

Control #	Rev.	Type	Title	Effective Date	Page
MME018	2		Pesticide Use and Testing	2015-06-30	3 of 3

5.0 RELATED DOCUMENTS

40 C.F.R. Subsection 152.25

http://www.ecfr.gov/cgi-bin/text-idx?SID=e1adc8eca9425d545c1fc12df3a8fb41&mc=true&node=se40.24.152_125&rgn=div8

Crop Group 19, as defined in 40 C.F.R. Part 180.41(c)26 is found at:

http://www.ecfr.gov/cgi-bin/text-idx?SID=0830966002e832ff07eb0827d2356acd&node=pt40.24.180&rgn=div5#se40.24.180_141

Tolerance levels for pesticides allowed for use on Crop Group 19

<http://www.epa.gov/opp00001/regulating/tolerances-commodity.pdf>

Hops Allowable Pesticides and Tolerances (starts on page 154)

<http://www.epa.gov/opp00001/regulating/tolerances-commodity.pdf>

DPBH List of acceptable Pest Control Substances and applicable lowest tolerances as specified by the U.S. EPA and Senate Bill 447

[http://dpbh.nv.gov/Reg/MME/dta/Policies/Medical_Marijuana_Establishments_\(MME\)_-Policies/](http://dpbh.nv.gov/Reg/MME/dta/Policies/Medical_Marijuana_Establishments_(MME)_-Policies/)

Note: DPBH's list of Pest Control Substances is a courtesy to the industry, but the final determination regarding pesticides or their use resides with the U.S. EPA. DPBH's list is not intended to override or supersede anything published in the Code of Federal Regulations (CFR).