

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2015-015

EXECUTIVE ORDER

Directing State Agencies to Address Threats to Public Safety Posed by Marijuana Contaminated by Pesticide

Pursuant to the authority vested in the Governor of the State of Colorado, and in particular, pursuant to Article IV, Section 2 of the Colorado Constitution, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order directing state agencies to address threats to public safety posed by marijuana contaminated by pesticide.

I. Background and Purpose

Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, the Environmental Protection Agency (the "EPA") regulates pesticides that are sold and distributed in the United States. Before a pesticide can be distributed, the EPA performs a comprehensive scientific risk assessment of the product. The EPA's evaluations are conducted to prevent potential harm to humans, wildlife, and the environment. The EPA also evaluates and approves the language that appears on each pesticide label to ensure safe use of the product.

Because marijuana remains a schedule 1 narcotic under the Controlled Substances Act, the EPA has neither assessed the potential health hazards posed by treating marijuana with pesticides, nor has it authorized the application of any pesticide specifically for use on marijuana.

The State of Colorado regulates pesticide use pursuant to the Colorado Pesticide Applicators' Act and rules promulgated under the Act. It is a violation of state and federal law to use pesticides in a manner that is inconsistent with the EPA's label directions or otherwise unsafe. When a pesticide is applied to a crop in a manner that is inconsistent with the pesticide's label (an "Off-Label Pesticide"), and the crop is contaminated by that pesticide, it constitutes a threat to the public safety.

Until scientific assessment establishes which additional pesticides can be safely applied to marijuana, marijuana contaminated by an Off-Label Pesticide shall constitute a threat to the public safety.

II. Declaration and Directives

1. The Colorado Department of Health and Environment (“CDPHE”) shall hereby deem all marijuana contaminated by an Off-Label Pesticide a risk to public health, and the Department of Revenue is authorized to find such contaminated marijuana a threat to public safety.
2. Several executive branch agencies, including CDPHE, the Colorado Department of Agriculture (“CDA”) and the Colorado Department of Revenue (“DOR”) are statutorily charged with executing state policy governing cultivation and sale of marijuana. These agencies are hereby directed to utilize all existing investigatory and enforcement authorities established by law to protect against threats to the public safety posed by contaminated marijuana including, but not limited to, placing contaminated marijuana on administrative hold and destroying contaminated marijuana pursuant to existing law.

III. Duration

This Executive Order shall remain in full force and effect until amended or rescinded by further executive order or otherwise superseded by Colorado law.



GIVEN under my hand and the
Executive Seal of the State of
Colorado this 12th day of
November, 2015.

A handwritten signature in blue ink, which appears to read "John W. Hickenlooper". The signature is written in a cursive, flowing style.

John W. Hickenlooper
Governor