



HEMP GROWERS

FARMER ADVISORY COMMITTEE

2024 Farm Bill Recommendations

The Agricultural Act of 2014 (2014 Farm Bill) and the Agriculture Improvement Act of 2018 (2018 Farm Bill) re-legalized the production of hemp, but the United States has fallen short in developing the hemp crop as an agricultural commodity at significant scale. As Congress takes up our nation's next Farm Bill, the time has come to apply the many lessons learned over the past decade and resolve these shortcomings.

These recommendations represent the public policy and regulatory concerns of constituents of the Texas Hemp Growers Association and traditional farmers across the US who are growing hemp. Our members are farmers practicing broad acre outdoor production of organic, regenerative and conventional food and livestock commodities across the United States. It is the goal of APS to present our Farm Bill recommendations to unburden hemp as a rotational and cash crop for farmers. This will encourage farmers to plant hemp to meet the global demand for: high-protein foods and feeds from its seeds; industrial applications for its stalks and fiber; including textiles, paper, bioplastics, building materials, renewable energy, advanced composites; and wellness products.

Additionally, grown at scale, hemp offers unparalleled opportunity for climate-smart agriculture, resilient rural economies, and increased domestic self-reliance in food security and manufacturing. The following recommendations will relieve regulatory confusion, provide the resources to stabilize hemp genetics for farmers and clarify the legal status so that traditional and family farms will feel confident in planting millions of acres of American hemp.

1. **PERFORMANCE BASED SAMPLING AND FIT FOR PURPOSE LICENSING** (policy brief attached).

Fit-for-purpose licensing for appropriate testing of farm products using Performance Based Sampling.

- a. The USDA has existing authority in the 2018 Farm Bill to establish nationwide testing standards for hemp crops.
- b. Performance Based Sampling allows certified seed and varieties that are shown to be compliant in the state for three consecutive years to be tested once/three years to maintain compliance, and
- c. Utilizes fit for purpose identity to determine how much and when testing occurs based on the hemp crops intended farm product:
- d. FFP licenses: grain, fiber, Multipurpose, cannabinoid, seed breeding, nursery or for R&D.
- e. Focuses hemp harvest compliance testing at the farm gate and encourages the development of export markets.

2. **AUTHORIZE FEDERAL FUNDING TO PROPERLY STAFF A USDA-LED INTER-DEPARTMENTAL HEMP WORKING GROUP AND FACA COMMITTEE** that includes multiple agencies, departments, and

- a. representative cross-section of hemp industry stakeholders, chartered to:
- b. Advise on regulatory frameworks within USDA and other Departments.
- c. Provide guidance to states on implementation of Federal law/regs, advising on impact to farmers and other industry stakeholders of differences between state and federal.
- d. Guidance on highway safety and transportation issues.



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- e. Guidance on pesticide standards and worker protection standards/OSHA - environment and health standards.
- f. Guidance on harmonization/integration of hemp regulations with broader frameworks for agricultural and nursery crops, incl. Phytosanitary.
- g. Analyze/advise on how evolving Federal cannabis policy would impact hemp
- h. Advise on HTS and other export/import regulations.

3. AUTHORIZE HEMP SEED AND HEMPSEED BY-PRODUCTS AS PET FEED INGREDIENTS

Allow hemp seed and hempseed by-products to be used as ingredients in the production of animal rations, commercial and specialty feed formulas for pets, horses and animals not intended for human consumption or for the production of animal products for human consumption.

- a. Include hemp seed and its by-products or substances derived from the processing of hemp grain to be used as an ingredient; and as feed in "Commercial feed".
 - "Commercial feed" means all materials or combinations of materials that are distributed or intended for distribution for use as feed or for mixing in feed.
- b. Pets shall include pets, specialty and exotic pets, horses; and animals not intended for human consumption; or for the production of animal by-products intended to be consumed by humans.

4. HEMP DERIVED PRODUCTS SHOULD BE CLASSIFIED AS FOODS OR DIETARY SUPPLEMENTS

under the Dietary Supplement Health and Education Act of 1994, which gives the FDA authority to regulate food, feed and dietary supplements. Congress should direct through legislation that the FDA regulate hemp as a food and dietary supplement. This will create market stability and allow the industry and its stakeholders a voice in the development and promulgation of regulations under the APA's notice-and-comment process.

- a. Many states have promulgated hemp food, cosmetic and dietary supplement regulations using 21CFR (Code of Federal Regulations).

5. ADOPT THE NASDA-RECOMMENDED THRESHOLD OF 1% TOTAL CONCENTRATION OF ALL TETRAHYDROCANNABINOLS FOR COMPLIANT HEMP

to provide much needed certainty to farmers and protect against false findings of non-compliance. The current legal benchmark for hemp – 0.3% delta-9 THC on a dry weight basis – has posed challenges, minor adjustments to statute can reduce risk for farmers, provide certainty to processors and protect consumers, **without altering that basic definition:**

Hemp Crops: Too often, because of climate and soil conditions or due to errors in sampling and testing, farmers are unduly forced to destroy hemp that is believed to exceed the federal THC threshold. Congress should mandate that crops shall be deemed compliant unless they exceed 1% total THC, as defined by USDA.

"Total Tetrahydrocannabinols" is the sum of: Delta-8 and its isomers, Delta-9 and its isomers, Delta-10 and its isomers, Exo-tetrahydrocannabinol, and Hexahydrocannabinol; Ester forms of Tetrahydrocannabinol including Delta-8-THC-O-Acetate, Delta-9-THC-O-Acetate, AND Hexahydrocannabinol-O-Acetate; and 87.7% of Delta-9-Tetrahydrocannabinol-Acid.