



# HEMP GROWERS

## FARMER ADVISORY COMMITTEE

### Fit for Purpose Licensing Brief

The Texas Hemp Growers Association Farmer Advisory Board Agriculture has dedicated resources to developing recommendations for farm bill inclusion that will provide relief to farmers, laboratories and the agencies seeking to regulate a new and diverse crop. THGA has reviewed approved state hemp program plans from across the country including Kentucky, Virginia, Montana, Texas, and others. The proposed plan utilizes some of these and provides recommendations for USDA licensing to provide structure and regulatory clarity.

#### **Fit-for-Purpose, FFP, Performance-Based Sampling, PBS, and testing of hemp crops.**

The USDA has existing authority for establishing nationwide testing standards of hemp crops. The proposed FFP license structure is designed to help hemp grow as a US farm product commodity by providing the farmer a pathway for compliance testing appropriate to each crop's end use in the agricultural supply chain.

1. The "Fit for Purpose" FFP license structure will specify appropriate sampling and testing protocols for the hemp crop's intended end use, and harvest method.
2. Testing and monitoring requirements are matched to compliance risk based on the specific license for the cultivation of fiber, grain, flower, seed breeding, R&D and Nursery uses.
3. Random sampling is at the discretion of the agency having jurisdiction and visual inspections to verify higher planting density will be employed for crops with a low likelihood of THC expression (Fiber and Grain Crops).
4. Focuses hemp harvest compliance testing at the farm gate and encourages the development of export markets.
5. 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
6. Multiple licenses are available, based on the intended purpose, there may be more than one end use purpose like Grain and Fiber.

At the time of **Registration** a Fit For Purpose license shall be designated as: grain, fiber, Multipurpose, cannabinoid, nursery or for R&D.

1. Fiber: Visual inspection and density verification, one post harvest compliance test for the farm product lot. The test shall be conducted on one homogenous sample taken from 31 random post harvest representative samples from the entire fiber crop. Fiber crop is typically harvested in advance of flowering.

The related law of large numbers holds that the central limit theorem is valid as random samples become large enough, usually defined as an  $n \geq 30$ . In research-related hypothesis testing, the term "statistically significant" is used to describe when an observed difference or association has met a certain threshold.



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2. Grain: Visual inspection and density verification, one post harvest compliance test for the farm product, grain, lot. The test shall be conducted on one homogenous sample taken from 31 random representative, post harvest samples from the entire grain crop.

3. Multi-purpose: crop is broad acre outdoor production and must be harvested as one whole plant lot, with no plant part separation. Multi-purpose crops will be sampled pre-harvest. Testing will consist of homogenous whole plant material, samples will be either 10% of plants, or a maximum of 31, whichever is greater, of random but representative samples of the whole plant material to ensure compliance.

4. Cannabinoids: Cannabinoid cultivation requires pre-harvest testing. Testing shall include the top of the flower, flowering side branches, leaves and stems. Sampling will be either 10% of plants, or 31 samples, whichever is greater, taken from random representative plants including flower and tertiary leaves and stems from the entire lot.

5. R&D: Research and Development: The 2014 Farm Bill limits research in hemp cultivation to 4-year Universities, prohibiting research by other interested persons such as farmers or farm cooperatives, trade associations, private agricultural research institutions (like Rodale), and community colleges. This increases the cost of crop evaluation and reduces the establishment of comparative trials hindering the hemp industry's growth. This license requires an approved plan to dispose of all crops on the farm/research site and does not require compliance testing since none of the crop is destined for market. Any agricultural products produced under this license intended for market will be subject to post harvest compliance testing requirements.

6. Seed Breeding: Hemp seeds and clones fit for the purpose of planting shall be licensed for propagation. With the intention of gaining variety approval through seed certification or documentation of compliance testing under an approved state or federal performance based hemp sampling program. Certification licenses will require a minimum of three consecutive pre-harvest samples, based on the intended crop purpose/s to show compliance.

8. Nursery: Immature plants that are under 12 inches tall and do not have flowers, do not require compliance testing upon licensing and reporting, visual inspection is allowed.

No hemp farm product may be transferred or sold without a Fit for Purpose license that includes compliance.