



Washington
State Department of
Agriculture



WSDA Hemp Program

Informational Presentation



2014 Farm Bill



- State departments of agriculture and institutions of higher education were permitted to produce hemp as part of a pilot program for research purposes.
- Did not allow for the production of hemp for general commercial activity.
- Did not remove industrial hemp from the controlled substances list.



2018 Farm Bill



- Removed industrial hemp from Schedule 1 list under the Controlled Substances Act.
- Initiated the state legislature to create and pass a state bill for hemp (E2SSB 5276) which;
- Directed WSDA to:
 - a. Submit a state plan for regulating Hemp to USDA for approval.
 - b. Establish new program rules for 2020, including;
 - i. Allowing the interstate transportation or shipment of hemp lawfully produced in the state under a license issued by WSDA.

USDA Final Interim Rule



- The USDA Interim Final Rule (IFR) was effective upon publication in the Federal Register on October 31, 2019
- The IFR also included a public comment period (expires January 29, 2020) allowing USDA to seek input on the rule as it was enacted. USDA will use the 2020 growing season as a chance to “test drive the interim rule to guide any adjustments that are made in the final rule.”
- The IFR sunsets after two years, which allows time both to make it through a full crop cycle and to deliver a final rule.

Key Provisions of the WSDA Plan



- The USDA IFR provided guidance on basic provisions needed from Washington State for plan approval:
 - Procedures for tracking the land where hemp is grown.
 - Procedures for testing, using post-decarboxylation or other similarly reliable methods, delta-9 THC concentration levels.
 - Procedures for disposing of non-compliant plants
 - Procedures to share information with USDA
 - Certification of available resources to manage the plan.

Key Provisions of the WSDA Rules



- Sampling – WSDA will ensure that a representative sample of the hemp produced is physically collected.
- Submit Hemp Harvest Inspection/Sampling Request form at least 30-days prior to expected harvest to WSDA.
- Sampling must be conducted within 15-days prior to the anticipated harvest.
- WSDA approved field inspector will collect samples.
- WSDA sampling protocol has specific steps for sampling, including how to collect a statistically representative sample (the document can be found on the WSDA Hemp FAQ website).



Key Provisions of the WSDA Rules continued



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Testing Protocol for Identifying Delta-9 Tetrahydrocannabinol (THC) Concentration In Hemp

This document is based on language from USDA's interim final rule establishing a U.S. Domestic Hemp Production Program, with adjustments to align to Washington State's RCW 34.05.353.

Email: hemp@ag.wa.gov
Visit ag.wa.gov and click on Hemp Info in the "What do you need today?" box.

AGR-FWB-801-411 (1/12/19)
Do you need this publication to email or text a friend?
Contact the WSDA Receptionist at (360) 895-6454 or TTY (360) 895-4815.

- Testing – must be completed by a DEA-registered laboratory. Testing protocol can be accessed via the Hemp FAQ website.
- A measurement of uncertainty or "MU" must be estimated and reported with test results to ensure the test uncertainty is taken into account. If the actual THC level is within the range of MU, the results will be considered to be acceptable. A measurement of uncertainty is a scientific calculation that make allowances for variation and sampling and testing procedures.
- If a licensee's hemp tests higher than 0.3 percent but less than 0.5 percent THC concentration, the licensee may either request a THC retest within thirty days or resampling of the same lot, at their own expense.

- At a minimum, licensees are required to post a sign on each side of every registered land area listed on the application including the following information:
 - a) The department-issued license number;
 - b) Crop type; and
 - c) The department contact phone number.

Total THC versus Delta-9 THC

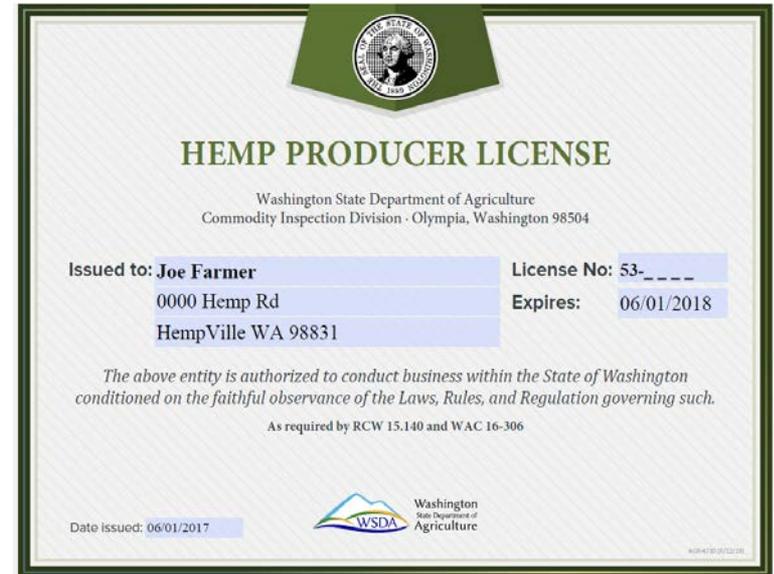


- Delta-9 THC is the number that needs to be 0.3 percent or below for Hemp. There are two common testing methodologies for THC concentration testing:
 1. Gas Chromatography: This method uses heat and de-carboxylates the THCA in the material tested. The only result that is measured is delta-9 THC.
 2. High-Performance Liquid Chromatography (HPLC): This method is without heat and the THCA amount is measured, including delta-9 THC if present (Total THC). HPLC is the method Washington State prefers.
 - a. After the HPLC measurement a scientific calculation is applied to find the delta-9 THC amount in the THCA: $(\text{delta-9 THC} = \text{delta-9 THC} + (\text{THCA} * .877))$
- The equation states 87.7% of the measured THCA is delta-9 THC. The remaining 13.3% is the carbon molecule that is lost during de-carboxylation. This is then added to the delta-9 THC amount that was measured in the Hemp material. The result is the total delta-9 THC in the material tested.
- Delta-9 THC can naturally be present in plant material and is caused by things such as sunlight, heat, amount of time flower has been on the plant, stress etc.

Hemp Licensing



- The only license given for processing hemp is a Food Processor license through the WSDA Food Safety division.
- The WSDA Hemp Program does not have regulatory authority over the general processing of Hemp.
- Hemp products developed from processing other than Food Processing need to be FDA approved.
- To produce hemp, you first need to be licensed or authorized under the WSDA hemp program.
- Applications to obtain a license to produce hemp are available on the WSDA hemp program website.
- Please remember that you cannot receive a hemp production license under the WSDA hemp program, if you have been convicted of a state or federal felony related to a controlled substance anytime in the last 10 years.



Hemp Licensing continued



- Basic steps to becoming a hemp producer under the WSDA hemp program are as follows:
- Step one, apply to the WSDA and receive a license to grow hemp. (Criminal History Report is required with application – within 60-days). Form and payment must be mailed to WSDA – email submissions will not be accepted.
 - **WAC 16-306-140 Hemp producer license fees.**

Effective January 1, 2020, license fees are as follows:

<u>Annual License Fee</u>	<u>License Modification Fee</u>
\$750	\$200

Effective June 1, 2020, license fees are as follows:

<u>Annual License Fee</u>	<u>License Modification Fee</u>	<u>Late License Fee (After March 31, 2021)</u>
\$1200	\$200	\$200

- Step two. After you have planted hemp visit your local USDA Farm Service Agency office, provide the FSA office with your state license.
- You should also provide the FSA office with the geospatial locations where you are growing hemp. Upon doing so you will receive a lot number or, lot numbers, from the FSA.

Hemp Harvest Procedures



- Please remember when it is time to sample your lot for THC content, you will submit a harvest/sample inspection request 30-days from anticipated harvest. Form is available on the Hemp Program website. Submit form to hemp@agr.wa.gov
- The sample will not be taken until 15-days before anticipated harvest.
 - \$200 inspection fee plus time (\$40 per hour) and mileage (\$0.58) a mile one-way from where the field inspector originates
- If the sample test is compliant at or below 0.3 percent WSDA will issue THC Certification. Hemp is not allowed to be transported from the registered land area until certification is given.
- Voluntary testing of Hemp material is also available through WSDA. This option can be selected on the Hemp Harvest Inspection/Sampling Request form. Mycotoxins, Heavy Metals, and Non-approved pesticides are measured.
- A certificate for human consumption will be issued if material is compliant – see WAC 16-306-100 for testing specifics.

 Washington State Department of Agriculture | Hemp Program
PO Box 42291 | Olympia WA 98504-2591 | hemp@agr.wa.gov

Human Consumption Certification (Voluntary)
This lot of hemp material is suitable for human consumption in compliance with WAC 16-306-100.

Date:

Name:

License Number: 53-

Address:

Field / Lot ID #:

Name and DEA Registration # of Lab:

Pesticide Compliant: Yes No

Mycotoxin Compliant: Yes No

Heavy Metal Compliant: Yes No

AGR-4154 (01/12/19)

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THC Certification
This lot of hemp material is suitable for interstate commerce in compliance with chapters [RCW 15.140](#) and WAC 16-306.

Date:

Name:

License Number: 53-

Address:

Field / Lot ID #:

Name and DEA Registration # of Lab:

Test Result:

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Corrective Action Plan



• A hemp licensee may be subject to a corrective action plan established by the department to correct negligent violations of this chapter including, but not limited to:

- Failing to provide a legal description of land on which the producer produces hemp;
- Failing to obtain a license or other required authorization from the department; or
- Producing Cannabis Sativa L. with delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

• A hemp licensee shall comply with a corrective action plan established by the department to correct the negligent violation, including:

- A reasonable date by which the hemp producer shall correct the negligent violation;
- A requirement that the hemp producer shall periodically report to the department, as applicable, on the compliance of the hemp producer with the regulations under this chapter for a period of at least two calendar years.





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Thank You!

WSDA Hemp Program

For additional information, contact:

hemp@agr.wa.gov