



U.S. Domestic Hemp Production Program Minnesota Grower Forum

May 2023



Topics Covered

- What is AMS?
- State Hemp Plan vs USDA's Plan
 - MDA Hemp plan – Alignment with Federal Rules
- Final Rule Requirements
- USDA's Role in Regulation
- The Importance of FSA Reporting
- State Hemp Plan Requirements
- On the Horizon



AMS Program and Services

- **Administers programs that create domestic and international marketing opportunities for U.S. producers of food, fiber, and specialty crops.**

- Dairy
- Specialty Crops
- Livestock and Poultry
- Cotton and Tobacco Programs
- National Organic Program
- Science and Technology Program
- Transportation and Marketing Program
- And now hemp!





Rules and Regulations

Timeline

- 2018 Farm Bill directed USDA to establish a national regulatory framework for hemp production in the United States.
- 2019 Interim Final Rule established the U.S. Domestic Hemp Program (DHPP)
- 2020 Public Comments were summarized from 5,900 respondents
- 2021 Final Rule was published and provided updated regulations regarding the production of hemp in the United States. It became effective on March 22, 2021.



Final Rule Updates

As permitted by your State's approved Hemp Plan

- **Negligent violation** – FR raised the negligence threshold from 0.5 percent to 1.0 percent and limits the maximum number of negligent violations.
- **Disposal and remediation** of non-compliant plants – FR expanded the disposal and remediation methods available to producers.
- **Testing using DEA-registered laboratories** – FR allows non-DEA registered labs to test hemp until January 1, 2024.
- **Timing of sample collection** – FR extended this requirement from 15 days to 30 days before harvest.
- **Sampling method** – States and Tribes may adopt a performance-based approach to sampling in their plans; provided specific requirements are met.



What the USDA Regulates

States and Tribes with their own programs

- States and Tribes may manage hemp in their jurisdiction through an approved Hemp Plan.
- USDA reviews and approves the Hemp Plan to be sure it is in conformance with the Final Rule.
- USDA audits the State or Tribe to be sure they are following their approved Hemp Plan and the Final Rule.

USDA-managed States and Tribes

- USDA also directly manages growers in States or Tribes that do not wish to run their own Hemp Programs
- A State or Tribe notifies USDA that they wish USDA to manage growers in their jurisdiction.
- USDA provides direct oversight to these growers.



State Hemp Plan Requirements

To be approved, all Hemp Plans must include elements such as:

- Licensing
 - Including a background check for felony drug convictions in the previous 10 years
- Total THC definition
- Field Sampling Metrics
 - How many plants to collect per acre, where to pull samples on the plant, etc.
- Lab testing requirements
 - Use of standardized lab methods, post-decarboxylation, MU, etc.
- Reporting requirements
 - FSA reporting by growers, State/Tribal reporting to USDA
- Enforcement procedures
 - Negligent violations, corrective action plans, etc.

A stylized green hemp leaf with seven serrated leaflets, enclosed in a blue square border with rounded corners. The leaf is set against a light gray circular background.

Hemp Plans

Hemp Plans under the 2018 Farm Bill and Final Rule

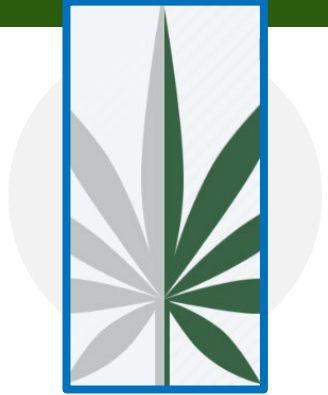
- Each State (or recognized Tribal Entity) must submit a Hemp Plan for USDA approval.
- The Plan must contain certain provisions required by the 2018 Farm Bill and/or the Final Rule.
- Plan may contain provisions that are more stringent or differ from the Final Rule as long as they are not in conflict. May not be less strict.
- If a State chooses not to operate under a Hemp Plan, the State may instead turn its hemp growers over to USDA to managed under the USDA Hemp Plan.

Minnesota's Hemp Plans

Hemp Plans under the 2018 Farm Bill and Final Rule

- Minnesota operates a compliant Hemp Plan.
- Minnesota's Hemp Plan takes full advantage of the Final Rule updates, such as
 - Performance based Sampling
 - The higher, 1.0%, negligent violation threshold
 - Remediation
- Minnesota, like every State, Tribe and US Territory must follow the enabling Law and Rules of the program.





The Importance of FSA Reporting

Every licensed grower must report to their local FSA office

- The data you provide to FSA on growing location of hemp is uploaded to the law enforcement database.
 - Cuts down on issues with Federal, State and Local Law Enforcement personnel.
 - Requirement of the Farm Bill to provide data to Law Enforcement.
- FSA also contains many resources for farmers, including programs for beginning farmers.
 - Move to make hemp more like traditional crops



The Importance of FSA Reporting

Every licensed grower must report to their local FSA office

- Minnesota's Hemp Plan has helpfully prepared a document for its growers on FSA reporting.



PLANT PROTECTION DIVISION
HEMP PROGRAM

FSA REPORTING GUIDANCE

The United States Department of Agriculture (USDA) requires that all growers must report hemp production of any size to the Farm Service Agency (FSA).

The first step in completing this reporting requirement is to contact your local FSA office to set up an account if you do not already have one. Use the search tool at the following link to locate your nearest office:

<https://offices.sc.egov.usda.gov/locator/app>

At this meeting, you should expect to provide the following information to FSA staff:

1. Name of entity producing the hemp (should match the license holder name on your MDA Hemp Program license),
2. Social Security Number, if a person entity, and Tax ID Number, if a business,
4. Street Address or Geospatial location(s) of each field, greenhouse, or other grow location where



The Importance of FSA Reporting

Every ² licensed grower must report to their local FSA office

The screenshot shows the 'Advanced Search' interface for finding licenses. It includes several input fields and a search button, with callouts A through G pointing to specific elements:

- A**: Points to the 'Growing Lot County' input field.
- B**: Points to the 'Entity Name' input field.
- C**: Points to the 'License Number' input field.
- D**: Points to the 'License Holder First Name' input field.
- E**: Points to the 'License Holder Last Name' input field.
- F**: Points to the 'Employer Identification Number' input field.
- G**: Points to the 'Sorted by' dropdown menu.

Additional callouts include a '2' at the top pointing to the main heading, and a '4' at the bottom right pointing to the 'Search' button. There is also a 'Clear Fields' button next to the 'Search' button.

- Stored behind a firewall



D. Click the Zoom In/Out feature to see the "Growing Lot Preview".

A screenshot of a web application interface showing license details for a "Producer Test Account 1-Business Entity". The interface includes a "Results" header, a "Print" button, and a "Map View" section. The "Map View" section displays a "Growing Lot Preview" map with a red location pin. Annotations A, B, C, and D are placed on the screenshot: A points to the "Show 20 results per page" dropdown; B points to the "Print" button; C points to the "Map" and "Satellite" tabs; D points to the zoom in (+) and zoom out (-) controls on the map.

Results

List View Map View

Showing 20 of 50 results

Show 20 results per page

6 **Producer Test Account 1-Business Entity** Active License

License Number: USDA_25_0001

Primary Contact	Headquarters Address
Regulatory Body Details	Producer Test Account 1-Business Entity
USDA	Boston, Massachusetts
farmbill.hemp.usda.gov	101-101-1010
202-720-2491	
License Expiration Date	Growing Lot Locations
2025-12-31	0001942-2437-1C-Massachusetts
	Hampden County

Growing Lot Preview

Map Satellite

Cady St

Google Keyboard shortcuts Map data ©2022 Google Terms of Use

6. Click the Entity Name to view the license in more detail.

- Stored behind a firewall



USDA Oversight of States and Tribes

USDA Manages through Approved Hemp Plans:

- 42 States
- 2 US Territories (Guam's Hemp Plan is in the review process.)
- 53 Tribes

On the Horizon for 2023



2022 National Hemp Production

Results of USDA's end-of-year reporting

National Production:

- 20,800 Acres planted
- 650 Acres destroyed due to non-compliance
- 15,500 Acres harvested
- 4,650 Acres lost due to natural causes

Primary causes of crop loss:

- Weeds
- Poor germination
- Drought/Weather
- Pest/Animal damage

These statistics are rounded estimates based on State, Tribe and Producer reporting.

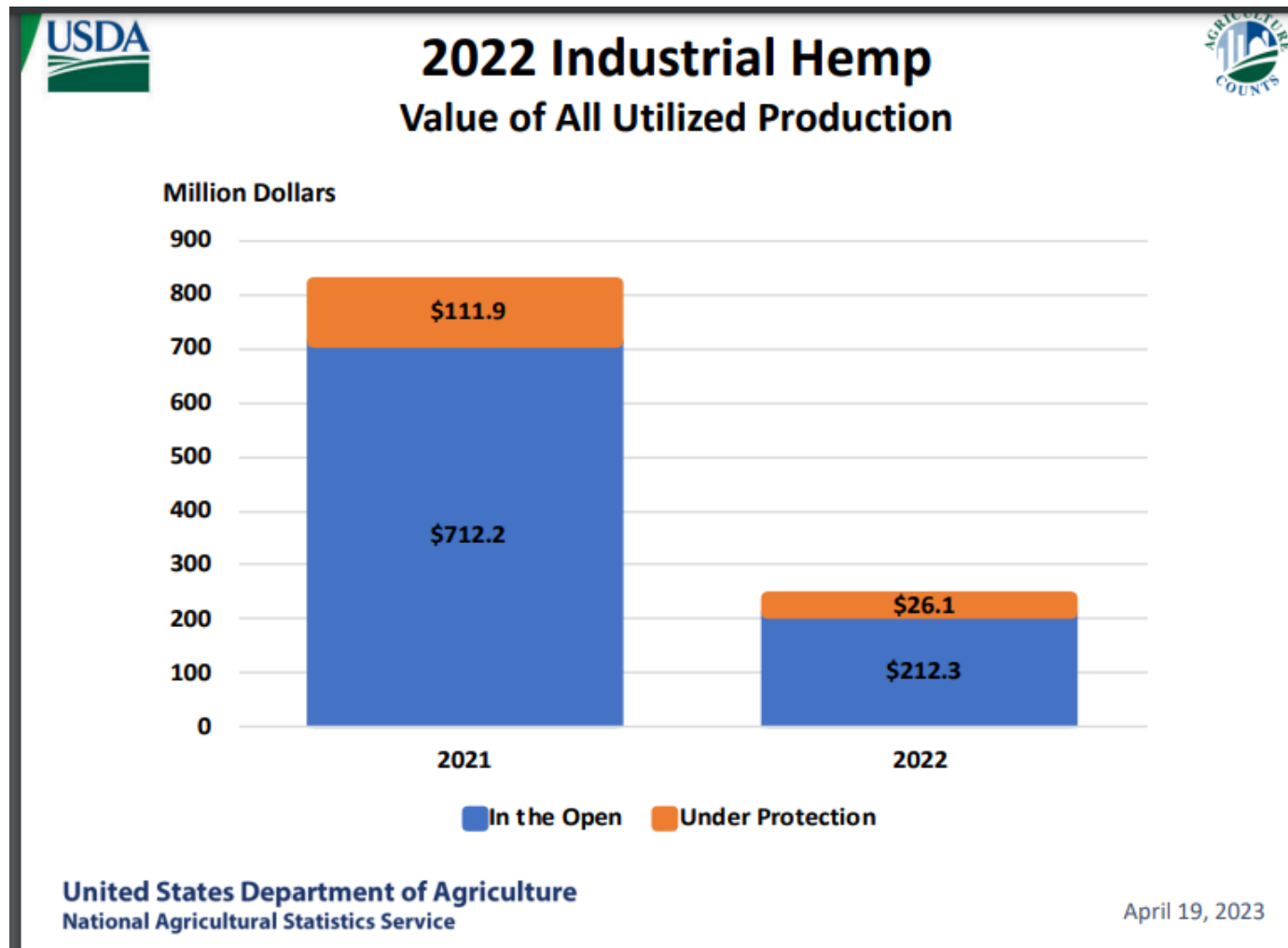
2022 National Hemp Production

Results of NASS Survey

- NASS Survey on Hemp conducted annually.
- Surveys sent to hemp growers across the nation.
- 2022 Survey Results released last month.
- Contact us if you'd like a link to the results or take a photo of this slide for later.

<https://release.nass.usda.gov/reports/hempan23.pdf>

https://www.nass.usda.gov/Newsroom/Executive_Briefings/2023/04-19-2023.pdf





Standards and Exports

- USDA has been working internally on potentially developing standards for a variety of hemp products.
- We are working with the USDA Foreign Agricultural Service to facilitate the import and export of hemp crops.
- We are also exploring additional HTS codes for hemp products.
- Farm Bill Status Update.
 - Talk to your elected officials about changes.



Hemp eLearning Platform (HeLP)



- Blackboard Learning Management System
 - Multi-media dynamic courses
- Current Courses Available
 - USDA Licensed Hemp Producer Training
 - Hemp Sampling Agent Training
- Courses in Development
 - Reporting Hemp Acreage to FSA
 - Testing Laboratories



For more information please visit:

<https://www.ams.usda.gov/rules-regulations/farmbill-hemp>

E-mail: Farmbill.Hemp@usda.gov

Phone: 888-721-HEMP (4367)