



Hemp Certification Requirements

Vermont Organic Farmers, LLC (VOF)

Northeast Organic Farming Association of Vermont (NOFA-VT)

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Objective:

To clarify the regulations and documentation required for industrial hemp products to be certified as organic by Vermont Organic Farmers, LLC.

Overview:

VOF can certify industrial hemp (*Cannabis sativa*), and any part of such plant that is used exclusively for industrial purposes (fiber and seed) with a tetrahydrocannabinols (THC) concentration of not more than 0.3 percent on a dry weight basis if it can be verified that the industrial hemp products were produced according to the USDA organic regulations.

Only hemp fiber and seed can meet the definition of "industrial purposes" and therefore obtain organic certification. Hemp oil (stalk, leaf, or seed) or hemp meal intended for human or livestock consumption cannot be certified organic, as these are not considered "industrial uses". However, products for human or livestock consumption that do not meet the definition of "industrial" (hemp oil, hemp meal, etc.) can be certified organic under other international standards (for example Canadian Organic Regime) and can be allowed as organic ingredients in NOP certified organic processed products as long as they meet the terms of the relevant equivalency agreement.

Hemp products may not be sold for the purpose of general commercial activity but may be sold for market research purposes and may not be sold in States where the sale of hemp is prohibited.

Non-certified products may not be labeled or represented as organic. However, products made from organic ingredients can identify those organic ingredients in the ingredient statement on the product label without the product being certified. In addition, truthful claims about how the product was grown and produced may be made on the side panel assuming that a reasonable consumer would not believe the final product to be certified organic.

Background:

The Vermont Legislature passed S.157/Act 84 authorizing the cultivation and production of hemp in the State of Vermont in 2013. Within the Vermont law is the requirement that persons wishing to grow hemp must register with the Secretary of Agriculture, Food and Markets. In 2017, the Agency began offering a voluntary sampling and analysis program for THC and other cannabinoids.

The 2014 U.S. Farm Bill authorized institutions of higher education and state departments of agriculture to establish industrial hemp research pilot programs in states where the production of industrial hemp is legal and subject to certain other conditions.

On August 12, 2016, the USDA, in consultation with the U.S. Drug Enforcement Administration and the U.S. Food and Drug Administration, published a Statement of Principles on Industrial Hemp regarding the applicability of Federal laws to activities associated with growing and cultivating industrial hemp.

The National Organic Program Memo 2040 (August 23, 2016) clarified USDA policy regarding the organic certification of industrial hemp production.

For hemp produced in the United States, only industrial hemp, produced in accordance with the 2014 Farm Bill, as articulated in the Statement of Principles on Industrial Hemp issued on August 12, 2016 by the USDA, may be certified as organic, if produced in accordance with USDA organic regulations.

Documentation:

The following is the list of requirements outlined by the USDA's Statement of Principles on Industrial Hemp and the documentation that could be used to verify that each requirement is being met. Please note that producers seeking organic certification of industrial hemp must also meet the additional record keeping requirements for all agricultural products as required by the USDA organic regulations 7 CFR Part 205.

Statement of Principles on Industrial Hemp Requirements	Documentation Needed
<i>The growth and cultivation of industrial hemp may only take place in accordance with an agricultural pilot program to study the growth, cultivation, or marketing of industrial hemp established by a State department of agriculture or State agency responsible for agriculture in a State where the production of industrial hemp is otherwise legal under State law.</i>	Registration with the Vermont Agency of Agriculture.
<i>The State agricultural pilot program must provide for State registration and certification of sites used for growing or cultivating industrial hemp. Although registration and certification is not further defined, it is recommended that such registration should include the name of the authorized manufacturer, the period of licensure or other time period during which such person is authorized by the State to manufacture industrial hemp, and the location, including Global Positioning System coordinates, where such person is authorized to manufacture industrial hemp.</i>	Registration with the Vermont Agency of Agriculture.
<i>Only State departments of agriculture, and persons licensed, registered, or otherwise authorized by them to conduct research under an agricultural pilot program in accordance with section 7606, and institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), or persons employed by or under a production contract or lease with them to conduct such research, may grow or cultivate industrial hemp as part of the agricultural pilot program.</i>	Registration with the Vermont Agency of Agriculture.
<i>The term "industrial hemp" includes the plant <i>Cannabis sativa</i> L. and any part or derivative of such plant, including seeds of such plant, whether growing or not, that is used exclusively for industrial purposes (fiber and seed) with a tetrahydrocannabinols concentration of not more than 0.3 percent on a dry weight basis. The term "tetrahydrocannabinols" includes all isomers, acids, salts, and salts of isomers of tetrahydrocannabinols.</i>	<ul style="list-style-type: none"> • Seed certificates • Purchase receipts • Name and description of hemp variety • Documentation that verifies consistent and stable THC levels from

	seeding through harvest. This could include results from the Vermont Agency of Agriculture's voluntary sampling and analysis program.
<i>For purposes of marketing research by institutions of higher education or State departments of agriculture (including distribution of marketing materials), but not for the purpose of general commercial activity, industrial hemp products may be sold in a State with an agricultural pilot program or among States with agricultural pilot programs but may not be sold in States where such sale is prohibited. Industrial hemp plants and seeds may not be transported across State lines.</i>	Sales records

Additional information:

USDA's Statement of Principles on Industrial Hemp contains the following information for which documentation is not required but with which all producers requesting organic certification should be familiar:

- Section 7606 specifically authorized certain entities to "grow or cultivate" industrial hemp but did not eliminate the requirement under the Controlled Substances Import and Export Act that the importation of viable cannabis seeds must be carried out by persons registered with the DEA to do so. In addition, any USDA phytosanitary requirements that normally would apply to the importation of plant material will apply to the importation of industrial hemp seed.
- Section 7606 did not amend the Federal Food, Drug, and Cosmetic Act. For example, section 7606 did not alter the approval process for new drug applications, the requirements for the conduct of clinical or nonclinical research, the oversight of marketing claims, or any other authorities of the FDA as they are set forth in that Act.
- The Federal Government does not construe section 7606 to alter the requirements of the Controlled Substances Act (CSA) that apply to the manufacture, distribution, and dispensing of drug products containing controlled substances. Manufacturers, distributors, dispensers of drug products derived from cannabis plants, as well as those conducting research with such drug products, must continue to adhere to the CSA requirements.
- Institutions of higher education and other participants authorized to carry out agricultural pilot programs under section 7606 may be able to participate in USDA research or other programs to the extent otherwise eligible for participation in those programs.