

NOTICES

DEPARTMENT OF AGRICULTURE

General Permit Standards and Requirements for Hemp

Recitals.

This Notice amends and replaces the previous Notice “General Permit Standards and Requirements for Hemp” published in the April 3, 2021 *Pennsylvania Bulletin* [51 Pa.B. 1831, Saturday, April 3, 2021].

A. The Act relating to Controlled Plants and Noxious Weeds (“Act”)(3 Pa.C.S.A. § 1501 *et seq.*) authorizes the Department of Agriculture (Department) through the Controlled Plant and Noxious Weed Committee (Committee) to establish a controlled plant list and to add plants to or remove plants from the controlled plant list (3 Pa.C.S.A. § 1511(b)(3)(ii)(iii)).

B. The Act provides for publication of the noxious weed and the controlled plant list and additions or removals or changes thereto to be published as a notice in the *Pennsylvania Bulletin* and for such additions or removals to become effective sixty (60) days from publication (3 Pa.C.S.A. § 1511(b)(3)(iv)).

C. Pursuant to that authority, the Committee acted to add hemp to the Controlled Plant List and published such Notice in the *Pennsylvania Bulletin* on April 6, 2019 (49 Pa.B. 1667, Saturday April 6, 2019).

D. Section 1513 of the Act authorizes the Department to issue General Permits, on a Statewide or Regional basis, for the research, marketing, retail, wholesale, transport, storage, warehousing, display, distribution, cultivation or propagation of controlled plants, where the controlled plants have similar characteristics and are capable of being cultivated, propagated, processed and controlled or eradicated in a similar fashion (3 Pa.C.S.A. § 1513(1)).

E. General Permits and applications for General Permits must address at least those requirements set forth at section 1514(5)(i)-(viii)(3 Pa.C.S.A. § 1514(5)(i)-(viii)), but may include and address additional requirements as established by the Department herein (3 Pa.C.S.A. § 1513(3)).

F. General permits shall be published in the *Pennsylvania Bulletin* and become effective upon publication (3 Pa.C.S.A. § 1513(2)).

G. Hemp is also regulated on the federal level by the United States Department of Agriculture (USDA) as authorized by the Agricultural Improvement Act of 2018 (115-334), (2018 Farm Bill).

H. The 2018 Farm Bill defined “hemp” as the plant species *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

I. The 2018 Farm Bill directed USDA to establish guidelines for states to follow in establishing plans to allow for state primacy in the regulation of growing or cultivation of hemp plants.

J. With the designation of hemp as a Controlled Plant under the authority of the Act, persons are required to obtain a permit from the Department prior to cultivating, propagating, growing or processing hemp.

K. Hemp has been designated a controlled plant in Pennsylvania and its propagation, cultivation, testing, transportation, warehousing and storage, processing, distribution and sale is of a statewide concern.

L. This General Permit establishes rules and requirements for the distribution and sale of hemp planting materials, and for the propagation, cultivation, testing, transportation, warehousing, storage, and processing of hemp as authorized by the Act.

M. This General Permit does not and may not abrogate the provisions of the act related to industrial hemp research, at 3 Pa.C.S.A. §§ 701-710, including, permitted growers must still submit fingerprints to the Pennsylvania State Police for the purpose of obtaining criminal history record checks. The Pennsylvania State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the applicant and obtaining a current record of any criminal arrests and convictions.

General Permit.

With the forgoing recitals incorporated into this General Permit by reference, the Department hereby establishes a General Permit, under the authority of the act related to controlled plants and noxious weeds (Act)(3 Pa.C.S.A. § 1501 *et seq.*), for the Controlled Plant, hemp. The terms of the General Permit are as follows:

Article I. General Provisions and Definitions.

(a) *Establishment of the Hemp General Permit.* A General permit is hereby established for the Controlled Plant, hemp, defined as the plant *Cannabis sativa L.* and any viable part of that plant, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis. This General Permit covers the entire Commonwealth.

(b) *Purpose of the General Permit.* The purpose of this general permit is as follows:

(1) To establish provisions to control the planting, growing, propagation and cultivation of hemp.

(2) To establish requirements under which persons may apply to plant, grow, propagate or cultivate hemp in the Commonwealth for the purpose of research or commercial production.

(3) To establish requirements detailing where hemp may be planted, grown, propagated and cultivated in the Commonwealth.

(4) To establish requirements for sale and distribution of hemp nursery stock.

(5) To establish requirements under which persons may apply to process hemp in the Commonwealth.

(6) To establish requirements for tetrahydrocannabinol (THC) testing of hemp planted, grown, propagated, cultivated or processed in the Commonwealth.

(7) To establish requirements for the transportation of hemp planted, grown, propagated and cultivated in the Commonwealth.

(8) To establish requirements for storage and warehousing of hemp planted, grown, propagated and cultivated in the Commonwealth.

(9) To establish requirements for the disposal of a permitted crop where the THC concentration exceeds 0.3 percent on a dry weight basis.

(c) *Definitions*

Acceptable hemp THC level. When a laboratory tests a sample, it must report the total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis and the measurement of uncertainty. The acceptable hemp THC level for the purpose of compliance with the requirements of this General Permit is when the application of the measurement of uncertainty to the reported total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3 percent or less. For example, if the reported total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis is 0.35 percent and the measurement of uncertainty is ± 0.06 percent, the measured total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis for this sample ranges from 0.29 percent to 0.41 percent. Because 0.3 percent is within the distribution or range, the sample is within the acceptable hemp THC level for the purpose of plan compliance.

Act. The act of October 30, 2017, P.L. 774, No. 46, at 3 Pa.C.S.A. §§ 1501- 1562, related to controlled plants and noxious weeds.

Agent or inspector. A representative of the Department of Agriculture duly appointed by the Secretary of Agriculture to carry out the provision of the Act and this General Permit.

Applicant. A person(s) signing and submitting a hemp application and responsible for ensuring compliance with the terms of the application and permit.

Committee. The Controlled Plant and Noxious Weed Committee established in section 1511 (relating to designation of noxious weeds and controlled plants).

Control order. A written order issued by the department to a person detailing required treatment measures to control noxious weeds or controlled plants.

Controlled plant. A plant species or subspecies that has been designated by the Committee as a controlled plant and is regulated to prevent uncontained growth and to negate undesirable characteristics.

Controlled Substances Act (CSA). The Federal statute codified in 21 U.S.C. 801-971, establishing federal U.S. drug policy under which the manufacture, importation, exportation, possession, use and distribution of certain substances is regulated.

Conviction. Any plea of guilty or nolo contendere, or any finding of guilt, except when the finding of guilt is subsequently overturned on appeal, pardoned, or expunged.

Culpable mental state greater than negligence. To act intentionally, knowingly, willfully or recklessly.

Decarboxylation. The removal or elimination of carboxyl groups from a molecule or organic compound. Refers to the completion of the chemical reaction that converts THCA into delta-9 THC, the intoxicating component of cannabis. The decarboxylated value is also calculated using a molecular mass conversion ratio that sums delta-9 THC and eighty-seven and seven tenths (87.7) percent of THC-acid $((\text{delta-9 THC}) + (0.877 * \text{THCA}))$.

Delta-9 tetrahydrocannabinol. Also referred to as “Delta-9 THC” or “THC” is the primary psychoactive component of cannabis. For the purposes of this General Permit, delta-9 THC and THC are interchangeable.

Department. The Department of Agriculture of the Commonwealth.

Distribute or distribution. To barter, consign, exchange, give away, import, in any way transfer, offer for sale, sell or otherwise supply or transport a noxious weed or controlled plant in this Commonwealth.

Drug Enforcement Administration (DEA). A federal law enforcement agency under the United States Department of Justice, and the lead agency for domestic enforcement of the Controlled Substances Act.

Dry weight basis. The ratio of the amount of moisture in a sample to the amount of dry solid in a sample. A basis for expressing the percentage of a chemical in a substance after removing the moisture from the substance. Percentage of THC on a dry weight basis means the percentage of THC, by weight, in a cannabis item (plant, extract, or other derivative), after excluding moisture from the item.

Eradication. The elimination or removal of a noxious weed or controlled plant so that no further growth occurs for at least three consecutive years.

Farm Service Agency (FSA). An agency of the United States Department of Agriculture that provides services to farm operations.

General permit. A Statewide or regional permit that is issued by the department for a controlled plant and specifies terms and conditions for distribution, cultivation or propagation of the controlled plant.

Hemp. The plant *Cannabis sativa L.* and any viable part of that plant, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis.

Key participants. A sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer, and chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.

Landowner. A person in whom is vested the title of property or with any rights in real property that permit possession or control of surface activities on the real property. The term includes a department, board, commission, agency and instrumentality of the Federal Government and the Commonwealth and any of its political subdivisions.

Lessee. A person who has entered into a contract granting the person occupation or use of property during a certain period of time in exchange for a specified rent.

Lot. The term “lot”, as defined in the Agricultural Marketing Service Final Rule (FR) on the Establishment of a Domestic Hemp Production Program (86 FR 5596), refers to a contiguous area in a field, greenhouse or indoor growing structure containing the same variety or strain of cannabis throughout the area. In addition, “lot” refers to the batch of contiguous, homogeneous whole of a product being sold to a single buyer at a single time. To be defined by the producer in terms of farm location, field acreage and variety (i.e. cultivar) and to be reported as such to the Department and the FSA.

Negligence. Failure to exercise the level of care that a reasonably prudent person would exercise in complying with the regulations and standards established.

Permit. A document issued by the Department authorizing a person to perform functions and activities related to hemp which require adherence to the rules and requirements established by this General Permit.

Person. An individual, corporation, association, partnership, municipality or any other entity.

Processor. Any person who converts hemp material from its form while in the field into a different form or product, as well as any person who receives viable hemp material from a secondary supplier, to further convert into a different form or product

Propagate. To increase, multiply or spread a plant or crop through planting, cultivation or any means of reproduction.

Remediation. The process of rendering non-compliant cannabis, compliant. Remediation can occur by removing and destroying flower material while retaining stalk, stems, leaf material, and seeds. Remediation can also occur by shredding the entire plant into a bio-mass like material, then re-testing the shredded biomass material for compliance.

School Property. Any property used by students that is under the jurisdiction of a public school district, intermediate unit, area vocational-technical school, charter school or non-public school.

THC. The chemical delta-9 tetrahydrocannabinol. For the purposes of this General Permit, THC shall include total potential delta-9 tetrahydrocannabinol in a plant or product. THC value is determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expresses the potential total delta-9

tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. This post-decarboxylation value of THC can be calculated by using a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. Thus, this test calculates the total potential THC in a given sample. The total THC can also be calculated by using a liquid chromatograph technique, which keeps the THCA intact. This technique requires the use of the following conversion: $[\text{Total THC} = (0.877 \times \text{THCA}) + \text{THC}]$ which calculates the potential total THC in a given sample.

USDA. The United States Department of Agriculture.

Article II. Procedure for Application and Permitting.

(a) *Permit Application Process.* The following rules and requirements apply to permitting and the application for a permit.

(1) To produce, process or research hemp under the Pennsylvania Hemp General Permit, a person must apply for and be issued a Permit from the Department.

(2) No permit shall be issued to grow, cultivate or propagate hemp for personal use.

(3) Research permits shall only be issued to Institutions of Higher Education or established research institutes.

(4) Conditions and terms of this General Permit may change upon future conditions, including requirements imposed by USDA in acceptance of the Pennsylvania State Hemp Plan, legal standards imposed by another federal agency, statutory or regulatory changes or changes in other legal requirements.

(5) Application periods will be announced by the Department and published at <https://agriculture.pa.gov/hemp>. Persons anticipating late season or indoor planting must submit their applications during published application periods.

(6) The permit application will be available for download from the Department's Hemp Program website at <https://agriculture.pa.gov/hemp>. At that website, there will also be announcements of availability of the hemp application process online through PA Plants. Applications may also be requested by contacting The Bureau of Plant Industry Hemp Program at 223-666-2561 or by mail at:

Hemp Program
Pennsylvania Department of Agriculture
2301 North Cameron Street, Harrisburg, PA 17110.

(7) Applications shall be submitted with the application fee and supporting documents. The completed application along with all required reporting constitutes a written plan as required by the Act. Incomplete applications will not be processed.

(8) Any persons who materially falsify any information in their application shall be deemed ineligible to participate in the program.

(9) Upon successful review of completed applications, the Department will issue permit documents to approved applicants.

(b) *Application Contents.* All applications shall comply with the requirements established herein.

(1) *Contact Information.* Set forth contact information including at a minimum, legal name, address, day and evening telephone numbers, and email address (if available). If the applicant is a business entity, the applicant shall provide the full name of the business, address of the principal business location, full name and title of the key participants, an email address if available, and an EIN number of the business entity.

(2) *Location Information.* Provide the physical location, including a detailed plot map and description of the site to be planted or the site where the hemp will be propagated, cultivated, stored or processed. A separate “Permit Location Information” page is required and shall be submitted for each physical address (individually titled property) of a growing, cultivating, propagating, researching or processing location. Storage location information is optional at time of application but must be provided before any hemp is moved into storage.

(i) The description of the location shall include the county and municipality.

(ii) Contain a legal description of the land, plot map and geospatial location of the overall site and each separate field, greenhouse, building or other site where hemp will be produced, warehoused or processed. The plot map must show the name of each road bordering the physical location.

(iii) If the address/facility is not owned by the applicant:

(A) The applicant must attest to the fact that the property is completely controlled by this applicant.

(B) A lease shall be executed between the property owner and the permit holder for the land on which hemp will be planted, propagated, cultivated, stored or processed and must be retained by the applicant and provided to the Department upon request. This lease shall specifically grant access to the property by the Department during the entirety of the lease agreement.

(C) With the application, the applicant must provide an agreement signed by both the property owner and the lessee granting the Department access to the property for up to 3 years following the termination of the lease and allowing for the destruction of any hemp plants found on the property (at the expense of the hemp permit holder) in that time. A template of this access agreement is available on the Department’s website.

(iv) *Location Restrictions:*

(A) Given the potential of hemp pollen to interfere with medical marijuana crops, hemp may not be planted within three miles of an approved medical marijuana growing facility.

(B) Hemp may not be grown, cultivated, propagated or planted in or within 200 feet of any structure that is used for residential purposes, without prior written approval from the Department. Any written approval may establish additional requirements set forth by the Department therein.

(C) A person shall not handle, process, warehouse or store leaf or floral material from hemp in a facility or field location that is in or within 200 feet of any structure that is used for residential purposes, without prior written approval from the Department. Any written approval may establish additional requirements set forth by the Department therein.

(D) A person may not plant less than 50 hemp plants in any outdoor location nor less than 1,000 square feet and 50 hemp plants in any indoor facility, unless prior written approval is provided by the Department. Any written approval may establish additional requirements set forth by the Department therein.

(E) A person shall not grow, plant, cultivate or propagate hemp within 1,000 feet of a pre-kindergarten through 12th grade school property or a public recreational area, unless prior written approval is provided by the Department. Any written approval may establish additional requirements set forth by the Department therein.

(F) A person shall not include on application or Site Modification Request any property for growing, planting, cultivating or propagating hemp that is not owned or completely controlled by the applicant or permitted grower.

(G) Hemp shall be physically segregated from other crops unless prior written approval is obtained in writing from the Department. Any written approval may establish additional requirements set forth by the Department therein.

(H) Each hemp lot planted must be distinct and separate from any other planted hemp lot, so that plants from separate lots are not co-mingled and may be clearly distinguished for sampling purposes.

(I) The use of land, properties and facilities shall comply with all laws, regulations and requirements of any governmental agency or other regulating authority, including building, commercial, environmental, zoning and other regulated categories.

(3) *Hemp Variety Information.* Applicants shall list the type and amount of seed, clones, propagules or cuttings they have acquired or intend to acquire and hemp varieties they intend to plant, propagate and cultivate. (The Planting Report Form will provide a field to report changes to this information at the time of planting.)

(i) For all hemp seed, clones, propagules or cuttings which will be grown, cultivated, propagated or planted the source, including the legal name and address, shall be listed.

(ii) The anticipated acreage or indoor sq. footage for each type or variety of hemp shall be listed.

(iii) The type of product(s), (such as fiber, seed, dried flower, CBD or other) to be produced or processed.

(4) *Criminal History Information.* Applications shall be accompanied by proof of completed criminal history reports for the applicant and any other key participants in hemp program activities. This shall include a Federal Bureau of Investigation (FBI) background check. These must be dated no more than sixty (60) days prior to the date the application is received by the Department in the initial year the information is submitted.

(i) Key participants are a person or persons who have a direct or indirect financial interest in the entity producing hemp, such as a sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation.

(ii) Key participant does not include other management positions like farm, field or shift managers.

(iii) Any key participant having a disqualifying criminal history background, such as a disqualifying felony as provided for by section 297B(e)(3)(B)(i) of the 2018 Farm Bill, will not meet the requirements of this General Permit and may not participate in the Hemp Program. A disqualified key participant will result in rejection of the Hemp Program application.

(iv) The criminal history reports must indicate that the applicant and key participants have not been convicted of a State or Federal felony related to a controlled substance for a period of 10 years prior to the date when the report was completed.

(v) FBI background checks are valid for 3 years. Directions for obtaining FBI background checks meeting the Hemp Program requirements are available on the Department's website at <https://agriculture.pa.gov/hemp>.

(5) *Attestations*. The applicant shall attest to all the following:

(i) That subject to the criminal penalties for unsworn falsifications to authorities, at 18 Pa. C.S.A. § 4904, they have not had a felony drug conviction in the past 10 years, and that during the time period of the application, this permit and the General Permit, they will immediately report to the Department any key participant of the permit that is convicted of a state or federal controlled-substance-related felony.

(ii) That subject to the criminal penalties for unsworn falsification to authorities, at 18 Pa.C.S.A. § 4904, the plant materials shall be selected from apparently disease-free and pest-free sources.

(iii) That in growing, propagating, cultivating, harvesting, transporting and processing of hemp, all biosecurity safeguards will be utilized in order to assure isolation from the domestic environment outside of permitted locations.

(iv) That subject to the criminal penalties for unsworn falsification to authorities, at 18 Pa.C.S.A. § 4904, the approved applicant and permit holder will continue to comply with the permit and General Permit requirements for the duration of time the hemp plants, plant parts or hemp materials are in the permit holder's possession, including any regrowth of the hemp.

(c) *Hemp Permit Approval and Renewal*. Once a Permit application has been approved by the Department, the Department will issue a Permit to the applicant for the approved site. Permits are issued and renewed on a calendar year basis. All the following rules and requirements apply.

(1) Permits are not transferrable in any manner.

(2) An applicant whose application has been approved will not be considered permitted under this General Permit and shall not commence any activities, including purchase or planting of any hemp seeds, hemp plants, hemp plant parts, hemp materials or hemp products until the applicant is issued a Permit by the Department for that year.

(3) Permits are issued on a calendar year basis, do not renew automatically and must be renewed every calendar year

(4) Applications for renewal will be subject to the same terms, conditions and approval process as set forth in the General Permit and application for initial or new permits.

(5) Permits will be valid until December 31 of each calendar year. Extensions may be announced, at the discretion of the Department, if application and renewal processes do not allow for continuity of operations.

(d) Permit Holder Responsibilities.

(1) An approved applicant and permit holder, or any person propagating, cultivating, transporting, storing, warehousing, distributing, retailing, wholesaling, processing or researching hemp and required to have a permit, shall comply with all the provisions of this General Permit.

(2) *Compliance.* The approved applicant and permit holder shall continue to comply with the permit requirements established in this General Permit for the duration of time the hemp or hemp materials are in the permit holder's possession, including any regrowth of the hemp.

(3) Upon receipt of a Hemp Program permit, the permit holder shall provide their unique Department hemp permit number and associated hemp production locations and acreage information to the Farm Service Agency (FSA).

(4) *Change in Information or Status.* The following rules and requirements apply to any change in Permit information.

(i) A Permit holder must notify the Department immediately should there be any change in the contact information provided on the Permit application or any change in ownership of the permitted land, via a Hemp Permit Change form provided by the Department.

(ii) A Permit holder must report changes to hemp varieties and/or sources, hemp plant part planted, type of hemp cultivated and/or size of plantings to the Department via the Hemp Planting Report form.

(iii) If at any time, there is a change to the information submitted in the permit application, a permit modification is required. FSA must also be notified of changes.

(iv) Any change to the growing, planting, cultivating or propagation location or control of the location shall require a new permit and must be submitted during the permit submission time period for that calendar year.

(5) *Abandonment or closure of permitted hemp site.* The permitted hemp grower shall, prior to abandonment or closure of the permitted site, notify the Department in writing of his intent to close or abandon the site. Failure to do so will result in the permitted grower being charged and responsible for any destruction costs, including destruction of hemp that may have escaped the boundaries of the permit location and may result in the assessment of other penalties as allowed under the Act.

(6) Permit holders, including all key participants, are responsible for and shall immediately notify The Department of any drug related convictions they receive during the time period of a permit.

Article III. Propagation and Cultivation.

The following rules and requirements apply to the propagation and cultivation of hemp.

(a) *Hemp Source Materials*. The permit holder is responsible for sourcing, purchasing, and acquiring the hemp seed, clones, propagules or cuttings which they will be growing, planting, cultivating or propagating and shall ensure that this complies with all the requirements of this general permit.

(1) *Prohibited Hemp Varieties and Varieties of Concern*. A permit holder shall check the Department's website or request a list of Prohibited Hemp Varieties and Varieties of Concern.

(i) Prohibited Hemp Varieties. Prohibited Hemp Varieties have consistently tested higher than 1.0% THC in previous years and resulted in required crop destruction.

(A) Prohibited Hemp Varieties and the seed thereof, listed by the Department, shall not be approved for planting, propagation, cultivation, sale, transfer, retail, wholesale, distribution, transportation, storage or warehousing in the Commonwealth.

(B) Prohibited Hemp Varieties and the seed thereof shall be illegal in the Commonwealth and shall be subject to a Control Order, ordering its destruction, a stop-sale order or a seizure and condemnation order or any combination of the above and the imposition of penalties as allowed under the Act.

(ii) *Hemp Varieties of Concern*. Hemp Varieties of Concern are varieties that have tested higher than 0.3% THC in some Pennsylvania planting locations in previous years, or have tested high in other states, resulting in crop destruction. Hemp Varieties of Concern are listed by the Department as an aid to growers making variety choices, since these varieties may present greater risk for loss. There is, however, no prohibition on planting, propagation, cultivation, sale, transfer, retail, wholesale, distribution, transportation, storage, warehousing, or processing of Hemp Varieties of Concern in the Commonwealth.

(2) *Hemp seed source*. All the following requirements shall be met:

(i) The permit holder shall be responsible for sourcing and purchasing all hemp seed and shall assure the seed, whether internationally or domestically sourced, meets all phytosanitary requirements for movement of seed.

(ii) *Hemp seed labeling*. All seed shall meet the labeling requirements of the PA Seed Act (3 Pa.C.S.A. § 7101 *et seq.*). A summary of these requirements is available on the Department's Hemp Program webpage: <https://agriculture.pa.gov/hemp>.

(iii) The permit holder shall obtain a statement from the licensed producer or guarantor supplying the seed that the variety has a THC content equal to or less than 0.3% on a dry weight basis, as determined by an independent third-party laboratory.

(iv) *Reuse of hemp seed*. Seed produced by a permit holder may only be saved or used for future planting under the following conditions:

(A) The original seed source holding rights to the seed grants such permission to the permit holder and provides written approval and documentation of their authority to grant that permission.

(B) The permit holder has registered with the Department's certified seed program and met the requirements of the Seed Act (3 Pa.C.S.A. § 7101 *et seq.*) and its attendant regulations.

(C) Any seed produced from a permit holder's hemp breeding may only be sold/planted for production upon the variety's acceptance by AOSCA Variety Review Board or USDA's Plant Variety Protection Office.

(v) *Sale of hemp seed.* The provisions of the Seed Act (3 Pa.C.S.A. § 7101 *et seq.*), its attendant regulations and this General Permit shall apply to the sale of hemp seeds.

(3) *Hemp nursery stock:* Hemp clones, cuttings and seedlings for planting, propagation and cultivation are permitted under the following conditions:

(i) Hemp clones, cuttings and propagules being shipped into the Commonwealth for planting, propagation, cultivation or sale or transfer shall be accompanied by a Federal Phytosanitary certificate, a state of origin-issued health certificate or certification that the plants were grown at a state licensed and inspected nursery.

(ii) Any permit holder receiving hemp nursery stock, whether for propagation of additional nursery stock or for production planting, shall obtain a statement from the licensed producer or guarantor supplying the hemp clones, cuttings or propagules that mature plants from the variety have a THC content of less than 0.3% on a dry weight basis, determined by an independent third-party laboratory.

(iii) Production of hemp nursery stock is permitted under the following conditions:

(A) Any permit holder who is vegetatively propagating plant material must have documentation verifying that the person holding rights to the source material has granted permission to the permit holder for this activity.

(B) Permit holders who intend to sell or distribute hemp nursery stock

1. shall hold a Pennsylvania Nursery License under the Plant Pest Act (PPA)(act of December 16, 1992, P.L. 1228, No. 162)(3 P.S. § 258.1 *et seq.*), and make all transactions in accordance with provisions of the PPA and its attendant regulations.

2. Shall only sell hemp stock plants to permit holders within Pennsylvania or to out-of-state persons that meet the requirements of the hemp program rules in their state, which may be verified by requesting visible proof of state permit or referencing a state listing of permit or license holders.

3. *Records of planting material sales:* Records of the sale or distribution of hemp nursery stock shall be maintained for a minimum of three (3) years and shall contain the following information for each sale or distribution.

(aa) Date of the sale or distribution.

(bb) Date of shipment.

(cc) Name, Address, telephone number, license or permit number of the purchaser and final grower, cultivator or propagator if different.

(dd) Quantity of plants in shipment, by variety and stage of development (cutting, seedling, rooted cutting, etc.)

(ee) Source of mother plants for nursery stock.

(ff) Seed information including a seed tag for plants started from seed.

(gg) The Federal Phytosanitary certificate, state of origin-issued health certificate or certification that the plants were grown at a state licensed and inspected nursery for each sale, distribution or shipment.

(hh) A copy of all attestations required above for seeds, clones, cuttings and propagules.

(ii) A copy of all Reports required for seeds, clones, cuttings and propagules.

(jj) A copy of all written grants of permission required for seeds, clones, cutting and propagules.

(b) *Inspection.* The Department may conduct unannounced inspections during normal business hours. The permit holder shall grant Department inspectors unrestricted access, during normal business hours, to all permitted sites or sites required to be permitted under the provisions of the Act and this General Permit, including all growing, planting, cultivation and propagation locations and adjacent areas, buildings, storage and processing areas and all other grounds, structures, and facilities involved in the hemp production.

(1) Where practicable the Department will notify the permit holder of an inspection.

(2) Where the permit holder is given notice of an inspection the permit holder, or a designated representative thereof, shall be present to accompany the Department inspector.

(c) *Reporting and Recordkeeping.* Permit holders shall comply with the following.

(1) *Reports.* The following reports are required from Permit Holders:

(i) *Report of production acreage, filed with FSA; FSA Report detail.* Permitted growers are required to report their hemp crop acreage with the Farm Service Agency (FSA), and to provide FSA with specific information regarding field acreage, greenhouse, or indoor square footage of hemp planted. Information reported to FSA shall include all the following:

(A) Name, street address, geospatial location or other comparable identification method specifying where the hemp will be produced, and the legal description of the land.

(B) Geospatial location or other methods of identifying the production locations.

(C) The information shall be provided for each field, greenhouse, building, or site where hemp will be grown, planted, cultivated or propagated.

(D) Follow the specific procedures for reporting hemp acreage to FSA which will be posted on the USDA Domestic Hemp Production Program website.

(ii) *Planting Report, filed with the Department* – The permit holder shall submit to the Department on forms provided by the Department, within 10 days after planting. The Report shall set forth all the following:

(A) Date planted.

(B) Stage of development at the time of planting (seed, cutting, etc).

(C) Variety and quantity of each variety planted.

(D) The plot map and geospatial location where each lot was planted including each separate field, greenhouse, building or other site and the square footage, acreage or plot dimensions of each.

(iii) *Inactive Permit report, filed with the Department.* The permit holder shall submit this report to the Department on a form provided by the Department, when the permit holder determines that there will be no activity under the permit.

(iv) *Crop Loss Report, filed with the Department.* The permit holder shall submit this report to the Department on a form provided by the Department, if the crop is not suitable for harvest and rendered useless at the planting, cultivation, propagation or growing site. To be submitted within ten (10) business days of destruction of any surviving hemp plants.

(iv) *Harvest Report, filed with the Department.* The permit holder shall submit this report to the Department on a form provided by the Department. The report shall include harvested quantities and disposition of crop, by lot.

(2) *Recordkeeping Requirements.* Permitted growers shall maintain copies of all records and reports necessary to demonstrate compliance with the permit program. These records include those that support, document, or verify the information provided in the forms submitted to the Department, including:

(i) For each permitted location.

(A) The information provided on the application for a permit

(B) Permit document received from the Department

(C) A detailed map of the permitted site meeting all the requirements of subsection above [Article II(b)(2)].

(D) For each leased location, a copy of the fully-executed lease.

(E) At least one label from every different lot of seed or nursery stock, along with any Material Transfer Agreements or THC testing documentation received from the source.

(F) Invoice(s) showing the amount of seed and hemp plants, hemp parts, hemp material and hemp products purchased and the name and address of the source of the material. This information shall cross reference the Permit number under which the materials were procured.

(G) The specific field and location where the seed, hemp plants, hemp parts, hemp material and hemp products were planted, cultivated and propagated (site map with planting sites indicated) and the corresponding permit for each.

(ii) For each individual lot

(A) Acreage (outdoor) or square footage (indoor)

(B) Variety name and amount planted, cultivated and propagated and the corresponding permit number.

(C) Type of Hemp- Fiber, Grain, Seed, CBD

(D) Planting Date

(E) Harvest Date

(F) THC test date and results (copy of analysis report(s))

(G) The yield of the site at harvest

(H) Any factors impacting harvest, including seed pressure, irrigation, storm damage, flooding, drought or any other issue arising)

(3) All records, reports and documents shall be kept and maintained for a minimum of three years and made available to the Department for inspection upon request.

(d) General Responsibilities.

(1) Assure all hemp plants and products are within the boundaries of the legal description of the land, plot map and geospatial location submissions made to the Department as required by subsection (ii) above. Cannabis plants found planted, cultivated, propagated or growing outside of the boundaries will not be covered by the permit, will constitute a violation of this General Permit and will be subject to destruction.

(2) *Cessation of propagation.* If the permit holder intends to stop planting, growing, propagating or cultivating hemp, the permit holder shall notify the Department and implement all measures ordered by the Department to destroy the hemp, including all regrowth, seeds, plantings, cultivars and parts of the hemp plant.

(3) *Abandonment.* If the permit holder abandons, relinquishes possession or ownership of, control over or responsibility for the hemp in a manner inconsistent with the provisions of this General Permit, all plant material, regrowth, seeds, plantings, cultivars and parts of the hemp plant shall be destroyed in a manner ordered and approved by the department.

(4) *Continued responsibility.* The original permit holder shall continue to be responsible for the hemp and hemp materials, seeds, regrowth, plantings, cultivars and parts of the hemp plant and the cost of destruction and eradication thereof.

(5) *Penalties.* The original permit holder shall continue to be subject to the penalties imposed under the Act and this General Permit.

Article IV. Sampling and Testing for THC.

(a) *Sampling and testing for THC.* All hemp planted, cultivated, propagated or growing in Pennsylvania shall be sampled and tested to determine THC concentration levels.

(1) Sampling

(i) Official samples must be collected by a Department-certified sampling agent and in accordance with the sampling procedures and requirements established by the Department and set forth on the Department's Hemp Program webpage: <https://agriculture.pa.gov/hemp>.

(ii) The sampling procedures shall assure a representative sample of each variety and lot is procured for testing and address the process and procedures to be followed from entering a growing area and collecting the minimum number of plant specimens necessary to accurately represent the THC content, through laboratory testing of the samples and reporting results. At a minimum samples shall be obtained from the flowering tops of plants when flowering tops are present, and shall be approximately five to eight inches in length from the "main stem" (that includes the leaves and flowers), "terminal bud" (that occurs at the end of a stem), or "central cola" (cut stem that could develop into a bud) of the flowering top of the plant.

(iii) The method used for sampling must be sufficient at a confidence level of 95 percent that no more than one percent of the plants in each lot would exceed the acceptable hemp THC

Level and ensure that a representative sample is collected that represents a homogeneous composition of the lot. Alternatively, the Department may adopt a performance-based alternative sampling procedure following the standard in parts (A) through (E) below:

(A) Detailed description of the performance-based sampling procedure will be published on the Department's Hemp Program webpage: <https://agriculture.pa.gov/hemp>, and will be subject to USDA approval.

(B) The performance-based sampling method will have the potential to ensure, at a confidence level of 95 percent, that the lots subject to this alternative sampling will not test above the acceptable hemp THC level.

(C) Performance based sampling will be considered for situations in which material obtained from a single source has been planted in non-contiguous areas that may be identified and tracked independently from other source materials. In this case, a composite sample across multiple lots may be allowable.

(D) Performance based sampling will be considered for lots for which a seed certification process has consistently demonstrated the variety represented in that lot to be compliant, or when the Department can demonstrate the variety to have tested compliant on a consistent basis in previous years.

(E) Alternative sampling will be considered when a permittee is conducting research on hemp.

(iv) Samples must be collected no more than thirty (30) days prior to harvest. If THC results are returned within the THC compliance level, but the permittee fails to complete harvest within thirty (30) days of sample collection, a second pre-harvest sample of the lot shall be required to be submitted for testing.

(v) A Chain of Custody Form developed by the Department shall be utilized by all persons authorized to take official samples.

(vi) A sample receipt shall be completed by the certified sampling agent or Department employee conducting the sampling and signed by the hemp permit holder or an authorized representative thereof, who must be present at the growing site.

(vii) No sample(s) may be removed from the permitted site prior to the chain of custody form and sample receipt being completed and signed.

(2) It shall be the responsibility of the hemp permit holder to assure that each hemp lot described in their permit is sampled and tested according to the standards established in this Order, including any alternative standards as allowed above.

(i) The hemp permit holder shall hire a Department-certified sampling agent to take a representative sample of each lot of hemp planted, cultivated, propagated or grown, to submit for testing.

(ii) It is the responsibility of the permit holder to schedule official sampling and testing prior to harvest and to be present or have an authorized representative present at the growing site at the time of sampling.

(iii) The permit holder shall designate the specific laboratory where samples will be sent for THC testing. The laboratory shall be an independent laboratory approved by the Department and

able to meet all requirements for testing and reporting outlined in Article IV sections (e) and (f) below.

(iv) The hemp permit holder shall pay any fees charged and costs associated with sampling and testing.

(v) A permit holder may request that the laboratory run a second test on an official sample retained by the laboratory, if the grower questions the results of that first test. The permitted grower shall pay the fees and costs of retesting.

(vi) A permit holder may request a second official pre-harvest sampling and testing if it is believed that the original results were in error. The permittee may choose to use the same or a different laboratory for the test. No more than two official samples per lot will be considered by the Department; only the final official sample will be considered by the Department when determining compliance. The permitted grower shall pay the fees and costs of resampling and retesting.

(vii) The permitted grower shall agree to the release of all official test results from the laboratory directly to the Department.

(3) The Department may conduct random audits of hemp permit holders and take its own samples for testing.

(i) A Department employee may take official samples to audit samples taken by a certified sampling agent. Such audits will be done on a random basis and may be done at the Department's discretion.

(ii) The Department may also take official samples pursuant to an investigation, as the result of a complaint or where an official sample tests above the 0.3% THC concentration threshold.

(b) *Prohibition Against Harvest Prior to Testing.*

(1) Hemp may not be harvested prior to an official sample being taken by the Department or a Department certified sampling agent.

(2) Any sample taken after harvest shall not be accepted, the crop will no longer be compliant, a notice of violation may be issued, and the harvested material may be required to be destroyed. Limited exceptions may be made, at the discretion of the Department, if errors in the process of sampling and testing rendered an official sample suspect or untestable, and the permit holder had already begun legal harvest before a second sample could be obtained.

(c) *Movement Prohibition.* The following rules and requirements shall apply to the movement of hemp plants, parts and products. No hemp plants, plant parts or products are permitted to be removed from the permitted growing site until all the following rules and requirements have been met:

(1) THC testing has been completed on all samples by the Department or an independent laboratory able to meet all requirements for testing and reporting outlined in Article IV sections (e) and (f) below.

(2) The testing confirms acceptable THC level(s) at or below 0.3% on a dry weight basis for all samples from each representative lot.

(d) *THC Testing.*

(1) THC levels in representative samples must test at or below a THC level of 0.3% on a dry weight basis.

(2) Hemp plant, plant parts or products testing above 0.3% may be subject to a control order and may be required to be destroyed.

(3) Harvested plants and plant parts must be separated and stored separately from each other according to lot, in a manner that maintains identity sufficient to associate that harvested material with specific THC test results, such as signage on bays of a storage facility, or tags on bales or packages, that provide lot or sample information.

(e) *THC Testing Laboratory Standards and Methods*. All the following shall comprise the rules and requirements for THC testing.

(1) Testing shall be done at the Department laboratory or an independent laboratory approved by the Department and able to meet all requirements for testing and reporting outlined in Article IV sections (e) and (f). The Department's approval process for laboratories will be published on the Department's Hemp Program webpage: <https://agriculture.pa.gov/hemp>.

(2) USDA has required that all testing of samples for THC potency be conducted by DEA-registered laboratories, however, enforcement of this requirement will be delayed until a date specified on the USDA AMS Hemp Production website: <https://www.ams.usda.gov/rules-regulations/hemp>. The Department will delay its enforcement of this requirement until the date specified by USDA.

(3) Sample preparation shall include grinding of entire sample to ensure homogeneity of plant material prior to testing.

(4) Testing for THC will be conducted using post-decarboxylation or other similarly reliable method approved by the Department and by USDA where the THC concentration level measured includes the potential to convert tetrahydrocannabinolic acid (THCA) into THC. Testing methodologies currently meeting these requirements include those using gas or liquid chromatography with detection. The Department will provide additional instructions to laboratories on approved procedures via posting on the Department's hemp website.

(5) Testing shall be done and reported on a dry weight basis, determined either through testing of dried samples or calculation using moisture content analysis of samples.

(6) The laboratory must report a Measurement of Uncertainty (MU) with each hemp test result. The laboratory must be able to provide documentation for derivation of the measurement of uncertainty if requested by the Department. Laboratories shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

(7) If through audit sampling, records review or other means the Department determines that a laboratory is not meeting an acceptable standard of quality in required hemp testing, it may prohibit permittees from using that laboratory for the purpose of the regulatory testing required under this General Permit.

(f) *Test Results*.

(1) Laboratories performing THC testing for hemp produced under this program shall submit certified electronic copies of all test results to the Department.

(2) The Department will provide instructions, to all laboratories performing testing for Pennsylvania permitted growers, on the information required to be included on the test report and the manner to electronically submit test results to the Department.

(3) Permitted growers shall receive and be able to provide a copy of all test results to the Department at the Department's request.

(4) Permitted growers shall be responsible for maintaining a copy of all test results for a period of 3 years and making them available to the Department upon request.

Article V. Disposal or Remediation of Non-compliant Products.

(a) Where test results evidence THC levels exceeding the acceptable hemp THC level of 0.3%, the laboratory conducting the test shall promptly notify the permitted grower and the Department and provide a copy of the test results.

(b) All non-compliant hemp plants, plant parts and products shall be subject to destruction or remediation measures. The Department will issue a control order outlining options for destruction and remediation, as well as procedures the Department will use for verification of crop destruction or remediation.

(c) If the permittee opts to destroy the crop, that non-compliant crop shall be held for disposal in a manner that complies with the provisions of the control order. The disposal must be conducted either on site at the farm or hemp production facility, or by using a DEA-registered reverse distributor or law enforcement.

(d) If a producer elects to perform remediation activities, only those remediation activities outlined in the control order may be considered. An additional official sampling and testing of the post-remediated crop must occur to determine THC concentration levels, with results sent directly from the laboratory to the Department. Any non-compliant material resulting from the remediation process shall be disposed of in a manner established by the Department in the control order.

(e) If testing of a remediated lot results in a THC level above 0.3% (with the measurement of uncertainty taken into account), then that lot would be considered non-compliant and will receive a control order for crop destruction.

(f) Prior to the disposal of non-compliant hemp plants, plant parts or products, the permit holder must provide the following information and obtain approval from Department. Information shall include all the following.

(1) DEA or USDA issued order of destruction, if any.

(2) Anticipated date of removal, if any.

(3) Anticipated date of destruction.

(4) Method of destruction.

(g) Documentation of removal and destruction of the non-compliant hemp plants, hemp parts and hemp products. Documentation shall be submitted to the Department within five (5) business days of completion of the removal and destruction and shall include:

(1) Removal and destruction shall be performed by an entity approved by the Department.

(2) The permittee shall provide the Department with a copy of the documentation, including verification statements, pictures, videos or other proof approved by the Department, of disposal provided by the approved entity performing the removal and destruction; and

(3) Compliance with the reporting requirements established by the Department and USDA.

Article VI. Transportation.

(a) All hemp plants, hemp parts and hemp products being transported in the Commonwealth shall be packaged in a manner that complies with and allows for all the following:

(1) Conspicuous marking and individual identification of each package, bale, or load.

(2) Provides permit information to the transporter that can be utilized by law enforcement to verify the material is hemp, sets forth the manner of packaging, variety(s) and quantity and variety of material in each package.

(3) Provides information setting forth each variety of hemp plant, hemp part and hemp product in the shipment.

(4) Provides test results for all hemp, hemp parts and hemp product being transported, verifying they meet the THC standards established by law and regulation.

(b) All movement of hemp plants, plant parts and hemp products from a planting, cultivation, propagation or growing site or initial processing site shall be conducted in a manner to prevent any release of viable plant material to the environment and to maintain the identification of the producer, permit number and lot information.

(c) All shipments must be accompanied by shipping documents produced by the permit holder that shall include the following information (excluding samples being submitted for laboratory analysis):

(1) Shipping date

(2) Origin of the shipment

(3) Permit holders name, address, phone number,

(4) Growing location address (if different),

(5) Permit number,

(6) Variety information,

(7) Copy of the certificate(s) of THC analysis covering all material in the shipment, (not required for seedlings)

(8) Number of packages included in the shipment by variety

(9) Description of the plant or plant parts in the packaging (Ex. Seedlings, mature whole plants, buds, leaf, retted stems)

(10) Destination of the shipment.

(11) For seedlings and clones, variety information and producers permit number shall be available for each tray or box, and accompanying documentation shall also include permit number of the person receiving the shipment.

(12) For harvested material in packaging of any weight, each container shall be individually identified by a label secured to the package with the following information.

- (i) Permit holders name, address, phone number,
- (ii) Growing location address (if different),
- (iii) Permit number,
- (iv) Variety information.

(13) For harvested material shipped in bulk, including bales, in addition to the accompanying documentation listed above, the shipping documents shall include the approximate weight of the shipment and if baled the number of bales and a description of the plant material included in the shipment.

Article VII. Warehousing and Storage.

(a) *Movement Off the Permitted Site Prior to Results.* Hemp harvested prior to receiving THC test results, including hemp plants, hemp parts, hemp materials and hemp products, may not be moved from the permitted site until testing of an official sample at or below the acceptable THC level of 0.3% is received by the permit holder.

(b) *Movement Upon Notification of Acceptable Test Results.* Once documentation of acceptable test results are received, movement of hemp, including hemp plants, hemp parts, hemp materials and hemp products to an offsite storage location, buyer, processor or any other location shall be accompanied by all required transportation and shipping documents required under this General Permit, Article VI.

(c) *Containment.* All transportation, warehousing and storage of hemp plants, hemp parts, hemp materials and hemp products shall be conducted in a manner to prevent any release of viable plant material to the environment and to maintain the identification of the producer, permit number and varietal information for the material in storage.

(d) *Off-site Storage or Warehousing Location.* The permitted grower shall provide the Department with the following information for storage or warehousing locations that are not on the permitted growing site but where the hemp crop shall remain under the permit holder's control/possession. If not provided directly on the initial application, this information shall be provided either on a form provided by the Department or via the PaPlants web application.

- (1) The legal name of the entity owning the storage location or warehouse.
- (2) The physical address and GPS location of the facility.
- (3) Date of each delivery.
- (4) Quantity, type, variety and amount of each, shipped to the facility.
- (5) Total amount of hemp in storage at each off-site location.
- (6) Permit number under which each separate load was shipped.

Article VIII. Processing

(a) Hemp processors located in the Commonwealth are required to obtain a permit before receiving hemp materials at their facility. Some examples of processing hemp material include drying, grinding, trimming, bucking, extracting, etc. Further guidance for processing permits can be found on the Department's Hemp Program webpages.

(1) No separate processing permit is required if all hemp being processed is from a growing permit under the same permittee and address.

(2) If hemp is received from another address, a processing permit must be obtained. A processing permit is required if receiving hemp material from other permittees or moving hemp from sites with separate permits, but all under the same permittee.

(3) No permit is required for secondary or tertiary processors that do not receive any potentially viable hemp material.

(b) A permitted processor may not accept hemp plants or plant parts unless they are

(1) From a permitted or licensed grower; and

(2) Accompanied by a certificate of analysis from a laboratory confirming the THC level of the material is not above the 0.3% limit.

(3) Hemp material received from out-of-state must meet the same sampling and testing requirements required for Pennsylvania hemp growers, as described in Article IV of this General Permit.

(c) A permit holder shall keep and make available to the Department upon request, at a minimum, the following records and documentation:

(1) Information on all shipments of hemp plants and plant parts received from all in-state and out-of-state hemp growers, including

(i) Permit or license number of the grower

(ii) Name address and phone number of the permitted or licensed grower

(iii) Certificate of analysis evidencing compliance with THC levels for each lot received

(iv) Date of delivery

(v) Amount and description of materials received.

(2) Processors shall document procedures used to render all plant material non-viable, and how that non-viable material leaves the facility (whether as usable product or waste).

(d) Processors are required to notify the Department of any attempt to sell or distribute hemp or cannabis material to them by a person who does not hold a valid permit or license from the state of origin of the shipment. The documentation shall include, if known, the name, address, phone number, amount of material offered, source of the material, and varieties.

(e) Processors are required to report to the Department any shipment of material that does not contain all the information required by section (b) of this Article VIII (related to processing).

Article IX. Distribution and Sale.

(a) *Legal Responsibility.* Growers, cultivators or propagators of hemp and processors of finished hemp products shall meet all laws, regulations, orders and requirements of all authorities that regulate any produced, marketed, labeled, or distributed hemp plant, plant part or product or such material that is sold as part of the permitted hemp program.

(b) *Branding.* The name, symbols, and logos of the Commonwealth of Pennsylvania or any of its agencies, including the Pennsylvania Department of Agriculture, may not in any way be used in the labeling, promotion or marketing of any hemp products associated with the permit without explicit written permission from the Department.

Article X. Hemp Permit Denial, Revocation and Suspension.

(a) *Denial, Suspension or Revocation of Hemp Permit.* A hemp permit may be suspended or revoked if the Department or its representative receives credible information that a permittee has done any of the following:

- (1) Violated a provision of the Act, the General Permit or the Department-issued Permit,
- (2) Failed to comply with a written order of the Department.

(3) Failed to comply with a statutory or regulatory requirement of the USDA or other federal agency with jurisdiction over the growing, planting, cultivation, propagation, distribution, sale, transportation, processing, warehousing, storage or marketing of hemp.

(b) *Action Upon Suspension, Revocation or Denial.* Upon suspension, revocation or denial of a permit the permit holder shall cease all activities, including planting, cultivation, propagation, selling, distribution, transportation, harvesting, and handling of any hemp plant, hemp plant part, hemp product or hemp material and shall not remove hemp or cannabis from the permitted site or location where hemp or other cannabis was located at the time when the Department issued the suspension, revocation or denial order.

Article XI. Violations and Effective Date.

(a) The Department will carry out all enforcement provisions of the Act.

(b) When the Department determines that a negligent violation has occurred, the Department may issue a Notice of Violation and require a corrective action plan to be developed and implemented.

(c) Negligent violations include (but are not limited to):

- (1) failure to provide a legal description of the land on which the hemp is produced;
- (2) failure to obtain a permit before engaging in production or processing;

(3) production of plants exceeding the acceptable hemp THC level. The Department will not consider hemp producers as committing a negligent violation if they produce plants exceeding the acceptable hemp THC level if they use reasonable efforts to grow hemp and the lot does not have a THC concentration of more than 1.0 percent on a dry weight basis.

(4) Failing to file required reports with the Department in a timely manner.

(i) Planting Report or Inactive Permit Report must be submitted to the Department by September 1 of the permit year. Extensions may be granted at the discretion of the Department.

(ii) Harvest Report or Crop Loss Report must be submitted to the Department by November 15 of the permit year. Extensions to filing deadline may be granted at the discretion of the Department.

(d) Producers shall not receive more than one negligent violation per growing season in respect to part XI (c)(3) above. The Department may assign more than one negligent violation in a growing season, when violations include more than one type described in Section XI (c) (1-4).

(e) A corrective action plan shall include a reasonable date by which the permit holder will correct the violation and requirements for reporting back to the Department on its compliance with the plan, for a period of not less than the next two calendar years.

(f) The Department shall approve and review a corrective action plan with the permittee and its implementation may be verified during a future audit or site visit.

(g) A permit holder who has received three negligent violations in a five-year period is ineligible to produce hemp for a period of five years from the date of the third violation. Negligent violations are not subject to criminal enforcement.

(h) If the Department determines that a violation is made with a culpable mental state greater than negligence, the Department shall report the violation to the Attorney General and the chief law enforcement officer of the commonwealth, as applicable, in addition to its own enforcement action.

Effective date. This General Permit shall become effective upon signature and publication in the *Pennsylvania Bulletin* and shall remain in effect until rescinded by subsequent order.



RUSSELL C. REDDING,

Secretary

APPENDIX A – Supplemental Statements to PA State Hemp Plan

Several plan elements required in the USDA Final Rule were not directly referenced in the PA Hemp General Permit, [53 Pa.B. 837], published February 11, 2023, as specified to the PA Department of Agriculture in the USDA’s 2023 review of the revised PA State Plan. These items were addressed previously following the 2023 review and are listed here.

REGULATIONS, LAWS OR GUIDELINES	<u>2018 FARM BILL</u> CRITERIA AND USDA <u>FINAL RULE</u> REQUIREMENTS	PENNSYLVANIA’S RESPONSE
990.3 (a) (1)	The Final Rule includes a requirement for the state to provide to USDA all contact information for each hemp producer licensed or authorized in the state.	General Permit Article II, <i>Procedure for Application and Permitting</i> mentions the collection of information but does not describe reporting to USDA, with no mention of forms or timing. The Department will submit USDA-requested producer data using USDA AMS template “Producer_Report_Bulk_Upload_Template” and will submit this monthly to USDA’s Hemp eManagement Platform (HeMP), on the first day of each month. The Department will also submit required annual data via the “DHPP_XX_Year_AMS_25” template on December 15th. The Department will adjust format as requested by USDA. The data submitted in the USDA reporting forms is maintained by the Department on our in-house computer system, https://www.paplants.pa.gov/Index.aspx , as well as all information required by federal law for hemp production.
990.3 (a) (1) (iii)	The Final Rule requires for the state to maintain the status of licensed producers (and any changes) and license or authorization numbers of producers.	When the Department receives a change to producer contact information, the PA Hemp program staff will follow a two-step process: 1) update the Department’s PA Plants computer system and 2) update the producer information under USDA’s HeMP online system.
990.3 (a) (2) (v)	The Final Rule requires sampling agency representatives to have complete and unrestricted access during business hours to all hemp and other cannabis plants and all land, buildings, etc. used for cultivation, handling, and storage.	The Department has updated the Sampling & Harvest Details for Growers document (2nd ¶, p. 1), to clarify that certified hemp sampling agents in addition to PDA inspectors/program employees have unrestricted access to all hemp/cannabis plants and the land, buildings, etc. used for cultivation, handling, and storage. This document is included in the annually mailed permit certificate packet and also provided on the PDA Hemp webpage.
990.3 (a) (3) (iii) (H) (4)	The Final Rule requires testing laboratories to report test results to USDA for determining compliance with this part.	In the Department’s document specifying Requirements for Hemp Sample Compliance Testing which is provided to any laboratory registered with the Department to conduct compliance sampling and also available on the Department’s website, the Department requires all registered laboratory to report compliance results to the USDA.

990 (a) (6) (i - iii)	The Final Rule requires that a state plan provides procedures to ensure effective disposal or remediation of plants produced in violation of part 990.	In the Department's document specifying Sampling & Harvest Details for Growers, the Department has specified in the (6th ¶, p. 2), the Department has provided a description of the USDA's two approved methods of remediation of above-compliance crops, as well as the methods of crop destruction for above-compliance crops which were not remediated (Reference: Remediation and Disposal Guidelines for Hemp Growing Facilities).
990.3 (a) (7)	The Final Rule requires that a state plan provide a procedure for conducting annual inspections of a random sample of licensed producers to verify that hemp is not produced in violation of this part.	The Department has developed a Hemp Permit Audit Inspections Standard Operating Procedures. These are provided to PDA Inspectors and available to hemp permittees. This document specifies the percentage of producers inspected, the selection process and the process of what should take place during an inspection.
990.3 (a) (8)	The Final Rule requires a procedure for submitting the information described in 990.70 to the Secretary not more than 30 days after the date on which the information is received.	Page 21, Article V, (e)(3) describes the reporting of disposals to USDA but does not mention the 30-day timeframe. The Department will submit USDA requested hemp crop disposal data using the USDA's Hemp eManagement Platform (HeMP) to submit disposal/ remediation reports and will submit these reports every 30 days, or on the first day of each month.
990.3 (a) (9)	The Final Rule requires certification that the state has resources and personnel to carry out required Farm Bill practices and procedures.	In a letter dated January 22, 2019, submitted to USDA by Secretary Russell C. Redding of the PA Department of Agriculture for the first Pennsylvania hemp plan under the USDA Interim Final Rule for hemp, the Secretary provided this statement: "I certify that Pennsylvania has the resources and personnel to carry out the practices and procedures described in clauses (i) through (vi) of Sec. 297B(2)(A) of the Agricultural Marketing Act of 1946 as amended in Sec. 10113 of the 2018 Farm Bill."
990.6 (c)	The Final Rule provides procedures for the correction of negligent violations and includes a specification that negligent violations are not subject to federal, state, tribal or local government criminal enforcement action.	In Article XI, section (g) of the PA Hemp General Permit guidelines (pg. 24), when the Department states that "Negligent violations are not subject to criminal enforcement," it is intended that the Department shall not report negligent violations to local, state, tribal or federal governments for criminal enforcement action.
990.6 (e)	The Final Rule provides procedures for addressing felonies, including the specification that individuals with a felony conviction relating to a controlled substance are not eligible to participate in a hemp permit for 10 years. This should include an exemption for participants in a hemp pilot program under the 2014 Agricultural Act before December 20, 2018, and shall provide procedures for	a) In Article II, section (b)(4)(iii & iv) of the PA Hemp General Permit guidelines (pg. 9), the Department states that a key participant with a disqualifying criminal history background will result in rejection of a hemp permit application and that the disqualifying criminal history shall be a state or federal felony conviction related to a controlled substance for a period of 10 years prior to the date of report submission (within 60-days of application).

	business entities to determine which participants are considered “Key Participants.”	b) Although the Final Rule allows a provision for exemption for participants in a hemp pilot program under the 2014 Agricultural Act before December 20, 2018, the PA state legislation under which PA operated its hemp pilot program, PA Act 92 of July 20, 2016, had been more restrictive than the 2014 Agricultural Act. The Act had disqualified any person with a felony drug conviction within the past 10 years from contracting with the Department to grow or cultivate industrial hemp. While the Department would allow for the exemption provided in Section 990.6 (e) of the Final Rule, there would not have been any PA hemp pilot program permits issued which required exemption. c) For the purpose of business entities determining who would be considered a “key participant,” the Department has provided an Application Instructions document to permit applicants which provides examples of key participants beyond the description located in Article II, section (b)(4)(i & ii) of the PA Hemp General Permit guidelines (pg. 8-9).
	The USDA guidance document Sampling Guidelines for Hemp provides specification of how many samples will be taken per acre or sq ft.	The Department has specified a chart of sample numbers which must be collected per acre of planted lots. This chart is provided to all sampling agents, inspectors and program staff in the PDA Hemp Sampling Protocol document (pg. 2) and also referenced in the PDA Hemp Sampling Agent Training (slides 41 & 42), both available on the PDA Hemp webpage.
	For the Performance-based sampling provisions for grain and fiber varieties, USDA was looking for details regarding inspection, audit sampling and timeframe of sampling exemption for qualified producers.	The Department updated the proposed GUIDANCE ON REQUIRED REPORTING AND PERFORMANCE-BASED SAMPLING FOR GROWERS OF FIBER AND GRAIN VARIETIES document to specify that the Department will sample ~5% of qualified permittees for compliance, that any approved permittees will be subject to inspection and permittees must apply annually to qualify for performance-based sampling (pg. 2, 2nd ¶, 2nd & 3rd bullet).
	Regarding hemp produced for Research, according to the USDA Farm Service Agency’s memo regarding Hemp License Numbers and Acreage Reporting, the FSA afforded researchers some reporting leniencies, including reporting an average planting date and not being required to report by varieties by lots.	The Department updated the GUIDANCE ON REQUIRED REPORTING AND PERFORMANCE-BASED SAMPLING FOR RESEARCH PERMITS document to note that, while research permittees are still required to report to FSA, they can report an average planting date and the planting does not have to be broken down into lots (pg. 1, 1st ¶).

APPENDIX B. Guidance on Required Reporting and Performance-Based Sampling

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- 1) GUIDANCE ON REQUIRED REPORTING AND PERFORMANCE-BASED SAMPLING FOR GROWERS OF FIBER AND GRAIN VARIETIES, pp. 2-5
- 2) GUIDANCE ON REQUIRED REPORTING AND PERFORMANCE-BASED SAMPLING FOR GROWERS OF MICRO-GREENS AND HEMP TRANSPLANTS, pp. 6-8
- 3) GUIDANCE ON REQUIRED REPORTING AND PERFORMANCE-BASED SAMPLING FOR RESEARCH PERMITS, pp 9-10



GUIDANCE ON REQUIRED REPORTING AND PERFORMANCE-BASED SAMPLING FOR GROWERS OF FIBER AND GRAIN VARIETIES

There are some hemp growers who are growing fiber and grain varieties which may be exempted from the requirement of compliance sampling/testing every hemp lot grown. The exemption requirements for those hemp growers are explained below. Growers who do not qualify for the exemption may request qualification for post-cutting, pre-bailing compliance sampling of fiber varieties. ***PLEASE NOTE: While sampling requirements may be different for some growers under these categories, submission of reports is still a requirement and failure to submit could impact future permitting.***

The USDA Agricultural Marketing Service's Final Rule of 1/19/2021 specifies that a performance-based protocol must have the potential to ensure, at a confidence level of 95 percent, that the cannabis plants will not test above the acceptable hemp THC level.

DEFINITIONS:

- **Hemp Fiber Varieties:** Varieties of hemp which are grown for the bast, or the outer fiber portion of the stalk and hurd, or the inner woody portion of the stalk. These varieties are taller than varieties grown for grain. Fiber varieties are planted densely in a conventional crop style using a grain drill, typically at a rate of between 35 and 50 lbs./acre.
- **Hemp Grain Varieties:** Varieties of hemp which are grown for seed. These varieties are shorter than varieties planted for fiber. Grain varieties are planted in a conventional crop style, typically at a rate of between 25 and 35 lbs./acre.
- **Hemp CBD Varieties:** Varieties of hemp which are grown for the production of cannabinoids, or chemicals developed in the flower of the plant. These varieties are grown on a wider spacing than fiber and grain varieties, like a vegetable production style. At this time, these varieties are not eligible for the performance-based sampling described in this document.
- **Certified Hemp Seed:** Certified Hemp Seed means Cannabis sativa L. seed certified by a Seed Certification Agency pursuant to the Federal Seed Act, 7 CFR §201.67 et. Seq. and the Pennsylvania Seed Act 164. The purpose of seed certification is to maintain and make available to the public sources of high-quality seeds and propagating materials of varieties grown and distributed so as to insure genetic identity.
- **Harvest of Fiber Hemp:** After visual inspection and confirmation of a hemp lot by the Pennsylvania Department of Agriculture, the Department considers the harvest of that hemp for fiber to be when the hemp is bailed, provided the hemp does not leave the growing lot.

OPTION A: ANNUAL FIBER VARIETY QUALIFICATION FOR POST-CUTTING, PRE-BAILING COMPLIANCE SAMPLING

If a grower of a fiber crop reports their anticipated harvest to the Department within 30 days prior to harvest (i.e., cutting of the crop) and not less than 3 weeks, the Hemp Program will schedule a confirmation inspection. If the crop is verified by the Department to be solely a fiber crop, the grower

may schedule compliance sampling (*by a certified sampling agent or Department representative*) within 30 days of bailing the crop from the field (post-cutting).

Hemp crops may not qualify for fiber verification if the variety doesn't pass inspection or if the verification request is submitted late to the Department. These crops must be sampled prior to harvest or cutting.

To request Fiber Variety Qualification, permittees must contact the Department by emailing RA-AGPLHEMP@pa.gov or calling 223-666-2561.

OPTION B: ANNUAL QUALIFICATION FOR PERFORMANCE-BASED SAMPLING EXEMPTION OF FIBER OR GRAIN VARIETIES

Permittees will be eligible for performance-based sampling if all of the following is true:

- 1) They have had a minimum of two consecutive years of growing hemp in PA and all hemp lots grown in the most recent 2 years met the THC compliance and/or remediation requirements of PDA.
 - 2) They underwent THC compliance sampling and testing using a PDA inspector or certified sampling agent and a laboratory on the PDA Registry of Approved Laboratories for Compliance Testing.
 - 3) They are not currently under a Corrective Action Plan (*a result of a permit violation*).
 - 4) Is growing a fiber, grain or seed variety that has been previously grown in PA with a minimum of 3 lots and has a history of <10% non-compliance in the commonwealth (*LOW-RISK HEMP VARIETIES ELLIGIBLE FOR PERFORMANCE-BASED SAMPLING provided by PDA Hemp Program on the next page*) OR is growing a fiber, grain or seed variety that has been Certified by Health Canada, AOSCA, OECD or other organization that approves hemp varieties for seed certification and is not included on the PDA list of Prohibited Varieties.
- * Permittees who meet these requirements can complete the form (*next page*) and submit to the Hemp Program to receive approval to participate in performance-based sampling.
 - * Once approval is confirmed, those permittees do not have to conduct compliance sampling on the low-risk or certified fiber or grain variety/varieties for a single growing season. [*Random audit sampling of approved lots (~5%) will be conducted by the Department to ensure compliance.*]
 - * Permittees must apply annually to qualify for performance-based sampling.
 - * Approved permittees will be subject to site inspections by Department personnel to assure that hemp lots meet the visual characteristics of fiber and grain crops. Lots which do not pass the visual inspection may be subject to audit sampling, and those permit holders may potentially be subject to permit violations.
 - * Any varieties grown by those permittees which are not low-risk or certified fiber, or grain varieties must be sampled for compliance every season.

LOW-RISK HEMP VARIETIES ELIGIBLE FOR PERFORMANCE-BASED SAMPLING

- At least 3 lots previously grown and tested in PA AND less than 10% of those tests were non-compliant

<u>Variety</u>	<u>Average Total THC Results</u>	<u>Highest Test</u>	<u>Lowest Test</u>	<u># Above Compliance</u>	<u>Total Tests</u>	<u>% of Tests above compliance</u>
Anka	0.1173%	0.249%	0%	0	18	0%
Bialobrzieski	0.1170%	0.4749%	0%	1	15	6.67%
Carmenecta	0.1176%	0.300%	0.038%	0	4	0%
CFX-1	0.0791%	0.31%	0%	1	11	9.09%
CFX-2	0.1543%	0.43%	0.03%	1	14	7.14%
CRS-1	0.0565%	0.35%	0%	1	43	2.33%
Fedora 17	0.067%	0.08%	0.06%	0	3	0%
Felina 32	0.1106%	0.40%	0.04%	1	16	6.25%
Futura 75	0.0525%	0.14%	0%	0	11	0%
Futura 83	0.0499%	0.090%	0.034%	0	4	0%
Henola	0.0237%	0.0376%	0%	0	3	0%
Hliana	0.0256%	0.0769%	0%	0	3	0%
Ivory	0.05%	0.12%	0%	0	3	0%
Joey	0.039%	0.0869%	0%	0	3	0%
MS-77	0.0503%	0.128%	0.02%	0	6	0%
NWG 2463	0.06%	0.08%	0.05%	0	3	0%
NWG 4113	0.082%	0.09%	0.078%	0	4	0%



Pennsylvania
Department of Agriculture

PERFORMANCE BASED SAMPLING (OPTION B) REQUEST FORM

Permit Contact Name _____

Permit Business (if applicable) _____

Email Contact _____

Hemp Permit Number(s) _____

Have you grown for 2 years consecutively? Yes ☐ No ☐

Please list the years. _____

Have you ever had an above-compliance result for an official hemp compliance sample? Yes ☐ No ☐

If yes, please list the year(s). _____

Are you currently on a Corrective Action Plan (a result of a negligent permit violation)? Yes ☐ No ☐

Please list which low-risk hemp varieties (list from previous page) or certified seed varieties will be grown in 2025?

What is the end-product for which this hemp crop is being grown? _____

If any additional varieties of hemp not meeting the qualifications for performance-based sampling will be grown, please list these: _____

Please show your consent to the following attestation by marking the check box and completing your signature below.

- ☐ I understand that even if a variety I grow is determined by the Department to meet approval for performance-based sampling requirements during the current growing season, any other hemp varieties grown which do not meet those requirements shall be subject to official compliance sampling by a certified sampling agent 30-days prior to harvest.

Signature: _____ Date: _____

- Please submit this completed form to the PA Hemp Program by email to RA-AGPLHEMP@pa.gov or by mail to:
Bureau of Plant Industry Hemp Program, PA Department of Agriculture, 2301 N. Cameron St, Harrisburg, PA 17110

GUIDANCE ON REQUIRED REPORTING AND PERFORMANCE-BASED SAMPLING FOR GROWERS OF MICRO-GREENS AND HEMP TRANSPLANTS

There are a few categories of hemp growers which the standard reporting and sampling requirements as specified in the PA Hemp General Permit Guidelines do not exactly align. Those categories are permitted growers of hemp microgreens, greens, and transplants. ***PLEASE NOTE: While reporting requirements may be different for growers in these categories, submission of reports is still a requirement and failure to submit could impact future permitting.***

I. DEFINITIONS:

- **Hemp Microgreens:** immature hemp seedlings for human consumption that are cut-off above the soil or substrate line and harvested prior to flowering and not more than 14 days after germination. Hemp microgreens are typically between two (2) and three (3) inches in height, but not taller than five (5) inches.
- **Hemp Greens:** hemp leaves from immature plants germinated from seed and the plants are no more than ten (10) inches tall and are not flowering.
- **Hemp Transplants:** hemp seedlings, rooted cuttings, immature plants produced from tissue culture, or other means of reproduction, which are not harvested but transplanted into a large container or field to mature for harvest. ***(REMINDER: Any seller of hemp transplants must also meet the conditions of PA Hemp General Permit Guidelines, Article III, (a)(3).)***

II. PLANTING REPORTING:

- A. Within 10 days of the first planting, using the online hemp reporting function at www.paplants.pa.gov, producer must supply the requested information for each variety planted (one report submission for each):
 - Lot name
 - Date of the first planting
 - Variety
 - Planted Type (Seeds/cuttings/transplants)
 - Source
 - Indoor Square Feet or Outdoor Acreage
 - Replicating Type
 - Replicating Interval
- B. For submission of planting report forms emailed or mailed to the Hemp Program, producer must also include an attachment (email, Word document, etc.) to specify the following:
 - 1) The intended use of planting: microgreens, greens, or transplants.

- 2) Replicating interval for the varieties: weekly, biweekly, semi-monthly, monthly, other
- C. If new varieties would be added through the season, then a new report would be submitted. Otherwise, the first report is the only one required.

III. SAMPLING:

- A. Hemp microgreens and greens may not be subject to the sampling and testing requirements. The permittee shall ensure that the seeds used to produce microgreens and greens are from cannabis varieties that meet the definition of hemp.
- B. Hemp transplants may not be subject to the sampling and testing requirements. The permittee shall ensure that the seeds, clones, or tissue culture used to produce transplants are from cannabis varieties that meet the definition of hemp.
- C. Producers of hemp microgreens, greens and transplants shall be subject to random inspections and audit sampling.

IV. HARVEST REPORTING:

- A. A single harvest report with the total weight of microgreens harvested by variety or total number of transplants/clones sold for the season **must be submitted by November 15**, either through the online hemp reporting function at www.paplants.pa.gov or by harvest report form emailed or mailed to the Hemp Program.

V. CROP LOSS REPORTING:

- A. For any planted hemp varieties which will not be harvested/sold (i.e. loss due to pest pressure or other reason), a Crop Loss Report must be submitted to the Hemp Program within 10 days of the final crop destruction.
- B. The following methods of on-property destruction may be used.
- i. Plowing utilizing curved plow blades. Plowing under using curved plow blades to assure the plow rotates subsoil to the surface and buries the hemp crop below.
 - ii. Mulching and Composting – Field crops shall be cut, mulched into fine pieces, and blended with manure or other biomass material.
 - iii. Disking utilizing a disk that levels the hemp crop and cuts and rotates the hemp crop plant parts and materials into the subsoil.
 - iv. Utilize a Brush mower or Chopper – A commercial 6x6 pull behind mower, forage chopper or commercial lawn mower used to shred and mix thick vegetation.
 - v. Deep burial through digging a trench in the fields and filling it with the cut and uprooted hemp plants along with the surface soil. Plants, soil, and materials shall be buried at a depth of at least 12 inches.
 - vi. Where not forbidden by local or state ordinances or regulations, burning the hemp plant material by setting fire to the specific production fields, or plants piled on the specific production fields. All

- necessary safety precautions and permits for such an activity are the responsibility of the permittee.
- vii. Other methods of rendering the hemp material un-usable must be verified as acceptable by the Hemp Program staff (email: RA-AGPLHEMP@pa.gov; phone: 223-666-2561).



GUIDANCE ON REQUIRED REPORTING AND PERFORMANCE-BASED SAMPLING FOR RESEARCH PERMITS

Because hemp plant material produced under PA Hemp Research Permits will not be used commercially, the reporting and sampling requirements for those permits will be different from the standard reporting and sampling requirements as specified in the PA Hemp General Permit Guidelines. This document lists the requirements for research permit reporting. **PLEASE NOTE: Reporting of planting to FSA is still required for all research permits, but planting does not need to be broken down into lots and can be reported with an average planting date.**

I. PLANTING REPORTING:

- A. There is no minimum size of planting required for research permits. *(Minimum sizes for plantings specified in the PA Hemp General Permit Guidelines are for standard growing permits.)*
- B. Submit a report within 10 days of the first planting with information requested on the planting report for each variety planted. ***If there will be multiple replications of the varieties planted, it is only necessary to list each variety once on the report.***
 - field/grow room name (A general field location is sufficient rather than locations of each planting replication.)
 - GPS
 - Variety
 - Seeds/cuttings/transplants
 - Source
 - Area planted (A total square footage/acreage is sufficient rather than areas of each planting replication.)
 - Date of the first planting
- C. In a note made on the report or in an attachment stating how often these varieties will be planted (i.e. every 5 days for 2 months, etc.).
- D. If new varieties would be added through the season, then a new report would be submitted. Otherwise, the first report is the only one required.

II. PERFORMANCE-BASED SAMPLING:

- A. Testing will not be required for varieties that are designated as fiber or seed varieties.
- B. For CBD varieties, sampling is **to be conducted by researchers** according to the needs of their research, following PDA's approved sampling method. Records are to be maintained by researchers.
- C. Research Institutions may be subject to inspections and audit sampling by the Department.
- D. For hemp research lots which tested above acceptable Total THC %, the non-compliance must be noted on the Crop Loss Report.

- E. For hemp research lots which are tested and the resulting Total THC % exceeds 1%, a negligent violation shall be assessed. Accumulation of this type of negligent violation will not lead to revocation of a research permit.

III. CROP LOSS REPORTING:

- A. Following the analysis required by the research, all hemp crops/material must be destroyed, *unless the research relies on maintaining seed/genetic material*. A Crop Loss Report must be submitted to the Hemp Program within 10 days of the final crop destruction.
- B. The following methods of on-property destruction may be used.
- i. Plowing utilizing curved plow blades. Plowing under using curved plow blades to assure the plow rotates subsoil to the surface and buries the hemp crop below.
 - ii. Mulching and Composting – Field crops shall be cut, mulched into fine pieces and blended with manure or other biomass material.
 - iii. Disking utilizing a disk that levels the hemp crop and cuts and rotates the hemp crop plant parts and materials into the subsoil.
 - iv. Utilize a Brush mower or Chopper – A commercial 6x6 pull behind mower, forage chopper or commercial lawn mower used to shred and mix thick vegetation.
 - v. Deep burial through digging a trench in the fields and filling it with the cut and uprooted hemp plants along with the surface soil. Plants, soil and materials shall be buried at a depth of at least 12 inches.
 - vi. Where not forbidden by local or state ordinances or regulations, burning the hemp plant material by setting fire to the specific production fields, or plants piled on the specific production fields. All necessary safety precautions and permits for such an activity are the responsibility of the permittee.
 - vii. Other methods of rendering the hemp material un-usable must be verified as acceptable by the Hemp Program staff (email: RA-AGPLHEMP@pa.gov; phone: 223-666-2561).

APPENDIX C. PDA Hemp Program Documents

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- 2) Requirements for Hemp Sample Compliance Testing, pp 4-5
- 3) Hemp Permit Audit Inspections Standard Operating Procedures, pp 6-11
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- 5) Application Instructions, pp. 13-22
- 6) PDA Hemp Sampling Protocol, pp. 23-26



Sampling & Harvest Details for Hemp Growing Permit Holders

Following the planting of their hemp lots, growing permit holders should begin thinking about lot sampling, testing and harvest.

SAMPLING: For every planted hemp lot, an official compliance sample must be taken within 30-days of harvest. This sample must be collected by a PA certified hemp sampling agent or PDA inspector/program employee. These sampling agents, inspectors and program employees shall have unrestricted access to all hemp/cannabis plants and all land, buildings, etc. used for cultivation, handling, and storage.

Any testing done for personal monitoring of cannabinoid levels does not need to be collected by an official sampling agent. ***Only the pre-harvest compliance samples must be collected by an official sampling agent.***

The details on the PA Certified Sampling Agent Program are currently found on the PDA Hemp Program webpage (<http://agriculture.pa.gov/hemp>). This is found on the right side of the page [if viewed on a computer] or at the bottom of the page [if viewed on mobile] under the tab “Certified Sampling Agent”. One of the links on this page is the Hemp Sampling Agent Directory. This is where approved sampling agents and their contact information will be listed. Select an agent in your area to contact to request a sampling. Growers are not limited to contacting agents in their county. **Please give 1-2 weeks’ notice ahead of your desired sampling date.** If you need to have an official sample collected before there are agents listed in your area, contact the Hemp Program staff at 223-666-2561 or RA-AGPLHEMP@pa.gov to be connected with a Plant Industry inspector to schedule a sampling.

Pennsylvania Hemp Sampling Agents establish their own fees and rates for the collection of the official hemp sample. The Pennsylvania Department of Agriculture does not mandate the type of fees an agent may charge, nor the price or rate. It is highly recommended that licensed hemp producers contact potential Hemp Sampling Agents to inquire what fees and costs will be associated with collecting the official sample.

The sampling agent certification is done annually. If you know businesses or individuals who might be interested in doing this, you can direct them to the webpage. ***Please be aware that no one who holds a hemp permit or has a financial interest in a hemp permit in any state will be approved as a sampling agent.***

Any grower interested in reviewing the Hemp Sampling Protocol can view the updated version in the Certified Sampling Agent materials on the Hemp Program webpage.

LABORATORY SELECTION: The Department has prepared a [Hemp Testing Laboratory Registry](http://agriculture.pa.gov/hemp), which is a listing of laboratories approved to conduct hemp compliance testing. The laboratories on this listing meet the testing and reporting requirements specified by both the Department and the USDA (*determined by a PDA Laboratory Questionnaire*). The Registry can be found on the Hemp Program webpage (<http://agriculture.pa.gov/hemp>) under the “Laboratories” tab. Growers must select a Laboratory from this listing which the sampling agents will send their compliance samples to.

PREPARATION FOR A SAMPLING AGENT VISIT: Ahead of the hemp sampling agent visit, there are a few steps/items for you to prepare:

1) Select an analytical laboratory you will be using to test your samples from the [Hemp Testing Laboratory Registry](http://agriculture.pa.gov/hemp) mentioned in the previous section. Make arrangements with the company to accept the samples which the sampling agent will be sending and confirm that they will send the results to PDA directly.

- 2) Have a pre-paid shipping label and box ready. It is up to you which shipping company/carrier you use, but overnight or 1-day shipping is recommended. The sampling agent will be responsible for sealing the samples in the box and dropping the samples at the shipping company or post office.
- 3) There will be a sampling visit fee charged during the visit, so please be prepared to have payment in the form requested by the sampling agent. If a PDA inspector is conducting the sampling, the payment should be in the form of a check payable to the Commonwealth of Pennsylvania.

The samples will be collected by the sampling agents. They will package and ship the samples along with a chain of custody page for the laboratory. ***Either the permit holder or a representative of the farm/business must be present while the sampling agent is collecting samples.***

HARVEST AND CLEARANCE OF HEMP LOTS: Growing permit holders have 30 days following the official sampling date of hemp lots to harvest those crops. Those hemp lots will need to remain on the permitted property until a laboratory Certificate of Analysis (COA) with results under the compliance limit of 0.3% Total THC has been received. These COAs must also be sent to PDA directly by the laboratory. **Growers will not receive a letter of clearance from PDA for compliant hemp lots (as was previously done for the 2020 season).** Once a compliant test result is received (testing at or below 0.3% Total THC, with accounting of a laboratory's measurement of uncertainty), a hemp lot may be moved, processed or marketed.

Following the hemp lot harvest, permit holders will need to submit a **Hemp Harvest Report** form, available on the Hemp Program website (<http://agriculture.pa.gov/hemp>) under the "Growing & Processing" tab. This is the form used to record the date sampled, date harvested and harvested area. Reminder, PDA will be making audit inspections to confirm harvest dates and other documentation permit holders are responsible to keep track of as part of their permit responsibilities.

ACTION FOR NON-COMPLIANT HEMP LOTS: If a hemp lot has tested above 0.3% Total THC and has not met compliance (after accounting for the laboratory's Measurement of Uncertainty value), a permit holder has a few options. If a permit holder questions the THC results of the original sample, they may either request the laboratory to conduct a retest of the remainder of the original sample, ***OR, if the lot has not yet been harvested,*** they may request one resample of the lot. *(Permit holders considering this option should be aware that as hemp continues to grow, the THC levels will continue to increase.)* The permit holder would pay the cost of the retest or resample and would be responsible for communicating with the laboratory to expedite results. The retest results would be issued to the permit holder requesting the retest and a copy must be provided to PDA by the laboratory. If the THC results of the retest or resample are under compliance, then the lot will be considered cleared and the permit holder may move forward with processing or marketing of the lot.

If the THC results of a retest or resample are above compliance, or if the original above compliance lot was not retested or resampled, the Department will issue a control order to the permit holder with instructions for remediation or destruction of the crop. Remediation of a hemp lot is an option provided in the USDA's Final Rule. The two remediation options are removal of flower from stalks to maintain stalk material (floral material is destroyed) or chopping of the whole plant for biomass. ***In both cases, resampling of the remediated material must occur by a PDA inspector.*** If a permit holder does not choose to remediate the hemp crop, then they must choose a method of on-farm destruction ***which will need to be observed by a PDA inspector or hemp program member.*** Options for method of destruction include plowing the lot into the field, disking the lot into the field, mulching/composting, brush mowing/chopping, deep burial and burning (if allowed by the municipality). More details on remediation or destruction options will be provided in the control order issued to the permit holder.

Pennsylvania Hemp Program Requirements for Hemp Sample Compliance Testing

According to the 2018 Farm Bill, the USDA final rule and the 2021 PA Hemp Controlled Plant General Permit, all hemp variety lots grown must be sampled and tested to determine THC concentration levels. Hemp variety lots shall be sampled by a PA Department of Agriculture-certified sampling agent and tested by a laboratory which shall be “an independent laboratory approved by the Department and able to meet all requirements for testing and reporting outlined in Article IV...” [PA Hemp Controlled Plant General Permit, Article IV.(e)(1)] The following excerpt from the 2021 PA Hemp Controlled Plant General Permit describes the Laboratory testing and methods which are acceptable to be utilized by Hemp Growing Permittees for official clearance of hemp plants planted in Pennsylvania.

PA Hemp Controlled Plant General Permit, Article IV.(e):

(e) *THC Testing Laboratory Standards and Methods.* All the following shall comprise the rules and requirements for THC testing.

(1) Testing shall be done at the Department laboratory, or an independent laboratory approved by the Department and able to meet all requirements for testing and reporting outlined in Article IV sections (e) and (f). The Department’s approval process for laboratories will be published on the Department’s Hemp Program webpage:

https://www.agriculture.pa.gov/Plants_Land_Water/industrial_hemp/Pages/default.aspx.

(2) After December 31, 2025, or an enforcement date specified by USDA on their webpage:

<https://www.ams.usda.gov/rules-regulations/hemp>, only laboratories registered with the DEA will be approved to conduct testing under this section.

(3) Sample preparation shall include grinding of entire sample to ensure homogeneity of plant material prior to testing.

(4) Testing for THC will be conducted using post-decarboxylation or other similarly reliable method approved by the Department and by USDA where the THC concentration level measured includes the potential to convert tetrahydrocannabinolic acid (THCA) into THC. Testing methodologies currently meeting these requirements include those using gas or liquid chromatography with detection. The Department will provide additional instructions to laboratories on approved procedures via posting on the Department’s hemp website.

(5) Testing shall be done and reported on a dry weight basis, determined either through testing of dried samples or calculation using moisture content analysis of samples.

(6) The laboratory must report a Measurement of Uncertainty (MU) with each hemp test result. The laboratory must be able to provide documentation for derivation of the measurement of uncertainty if requested by the Department. Laboratories shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

PA Department of Agriculture Approved Laboratories:

PA Hemp Growing permittees must select a laboratory from the Department’s approved listing of laboratories (found on the PDA Hemp Program webpage: <http://agriculture.pa.gov/hemp>) to use for testing of official

compliance samples. These laboratories were selected based on their answers to PDA's laboratory survey. Laboratories wishing to be added to this listing can contact the PDA Hemp Program via RA-AGPLHEMP@pa.gov to request a survey.

- * ***PLEASE NOTE: The Department considers an independent laboratory to be a laboratory who is NOT a permitted processor producing hemp products for research or sale.***

Required Reporting of Hemp Sample Potency Results:

1. **USDA:** Permit holder compliance test results must be submitted to US Department of Agriculture, Agricultural Marketing Service, via their Hemp eManagement Platform (HeMP), <https://hemp.ams.usda.gov/s/>. That information includes:
 - a. Producer (permit holder) contact information and license information from the PDA Chain of Custody
 - b. Testing and reporting dates
 - c. Total THC% results, measurement of uncertainty, and Pass or Fail*

* ***PASS OR FAIL: Pass equates to Total Potential THC% on a dry weight basis of less than 0.30, + or – the measurement of uncertainty; Fail equates to Total Potential THC% on a dry weight basis of greater than 0.30, + or – the measurement of uncertainty.***
2. **PDA:** The following information must be submitted to PA Department of Agriculture, via RA-AGPLHEMP@pa.gov:
 - a. Copy of the PDA Chain of Custody form submitted with samples
 - b. Certificate of Analysis for each sample, ***WHICH MUST INCLUDE:***
 - i. PDA Sample Number (ex. 42-000001-SA0070-01)
 - ii. Variety Name
 - iii. Permit Holder Individual or Business Name
 - iv. Total Potential THC% on a dry weight basis
 - v. Measurement of Uncertainty

Test Results:

The Department must receive results from laboratories which show the Total Potential THC% on a dry weight basis. This can be reported using the following methods:

- Gas Chromatography with Flame Ionization Detection resulting in a decarboxylated delta-9 THC.
- High Performance Liquid Chromatography showing delta-9 THC and THCa, which will result in a calculated Total THA.
- Testing of dried and ground samples to report dry-weight potency results.
- Testing of wet samples, ground and using moisture content analysis to calculate dry-weight potency results.

(Other laboratory methods would need to be reviewed and approved by the Department prior to acceptance of potency analysis results.)

PDA Hemp Permit Audit Inspections – Standard Operating Procedures



Pennsylvania Department of Agriculture

Audit Inspections of hemp growing permit locations are conducted to fulfil the USDA's audit requirement. These visits are essentially to verify the information which permit holders have submitted to the Department (field locations, hemp variety information).

Time Frame: July – October (preferably before Harvest)

Process:

- 1) The Hemp Program chooses at least 10% growing permits from the annual list of permit holders. These include:
 - a. Permits who are on Corrective Action Plans (CAP) are inspected annually while under a 2-year CAP. Permit holders are put on a CAP if they have received a violation from the Hemp Program (ex. Late reporting, compliance test above 1% Total THC, etc.). More on CAPs after the **Notes for Inspection** section.
 - b. Permits selected by location, so inspections are distributed throughout the regions. Those not under a CAP may be subject to inspection once every 3 years.
- 2) The Hemp Program will supply a list of permits to the regions with the Business and Contact Information, as well as planting report information and maps, if available.
- 3) Inspectors are asked to contact the permittees in their region on the day of the anticipated visit within the next several weeks.
- 4) Make visit to farm to meet with farm representative, complete hemp inspection audit form, tour growing areas and take photos of growing area (or anything of note).
- 5) Provide farm representative with a copy of the hemp inspection audit form (*Can be digital*).
- 6) Please email Hemp Program at RA-AGPLHEMP@pa.gov or spickel@pa.gov to inform them when the region's inspections are completed.

Notes for the Inspection:

- 1) There is no fee charged for audit inspections.
- 2) If the permit holder or permit contact person is not able to meet the inspector, inspectors are able to meet with another farm employee/representative.
- 3) Inspectors are able to add a Hemp inspection, as a Routine **Grower Audit** or **Inactive Permit Audit**, and the PA Plants hemp inspection documents on the permit holder's PA Plants Hemp Program page.
- 4) As with other inspections, the **Notice of Inspection** should be provided and signed at the start of the inspection.
- 5) For the hemp audit inspections, the **Hemp Inspection Audit Form** should be completed. A copy of the checklist should be given to (hard copy) or emailed to the farm representative after the visit.
 - a. If the permit holder has not planted, or is Inactive for the season, then the inspector will instead complete an **Inactive Hemp Permit Confirmation** Inspection form.
- 6) The **Hemp Inspection Audit Form** asks for the paperwork that the growers should be able to share with the inspector. **These may be hard copies or digital.**
 - a. USDA FSA Report – If growers have not submitted this, this [FSA handout](#), which provides guideline for reporting, can be shared with them. An example of the FSA Crop Acreage Report is in the Appendix.
 - i. **In case growers inquire about FSA lot labelling**, to report planting of hemp lots to PDA, the lots are to be labelled with information from the FSA-578 report. (Used to be labeled with a name for field or grow room.)
 - FSA Lot Number = Farm Number-Tract Number-CLU/Field Number
 - Example: 1234-789-2
 - b. Planting reports – may be paper form or screen shots of the PA Plants planting report pages.
 - c. Seed or Seedlings/Transplants – The grower should be able to show seed labels or invoices (for purchased transplants), proof of Total THC below 0.3% (Certificate of Analysis [*example in appendix*] or Certified Seed guarantee)
 - d. Pesticide Applications – Applications on Hemp should be limited to 25b products or those labeled for hemp. If growers would like a reference, this [EPA-Approved Products](#) list from Penn State could be shared with them.
 - e. Nursery Records – If the grower is selling nursery transplants, they should have the following:
 - i. Plant Merchant license

- ii. Sales records – Do they have a procedure to prove purchasers have hemp permits?
- 7) The grower should be able to show the inspector the planted hemp lots and identify where varieties are planted.
- 8) A photo of the field(s) should be taken. Inspection Photos should be uploaded as a **Photo Log** in PA Plants.

Some Possible Violations to Make Note of During the Inspection:

- Hemp growing at another farm location/address (*Not just across the road, which may be considered same farm property.*)
- Seed labels showing Total THC above 0.3%
- Nursery sales without records

Corrective Action Plans:

- 1) These should not affect the inspection, but if a permit holder asks why they are being inspected 2 years in a row, it is because those on a 2-year Corrective Action Plan (CAP) must be inspected every year while on the CAP, according to USDA.
- 2) It may be helpful to remind a permit holder to submit required reports on time, since violations are given to those who fail to report. The PDA reporting forms can be found on the PDA website at <https://agriculture.pa.gov/hemp> and going to the **Growing & Processing** dropdown (*on the left of the page on desktop view, or at the bottom of the page on mobile view*).

ATTACHMENTS

A. Hemp Permit Certificate

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE

2022 Hemp Grower Permit
HARRISBURG, PA 17110-9408

This permit has been issued under the authority of Pennsylvania's Hemp General Permit guidelines published under the Act relating to Controlled Plants and Noxious Weeds (3 Pa.C.S.A. section 1501 et seq.), setting the requirements for legal growth and processing of hemp in the Commonwealth of Pennsylvania.

This permit grants permission to the permittee named below to cultivate hemp at the following growing location.

PA Plants ID: 009JCV

Hemp Permit Number: 42-000044

Permittee:
MICROGROWN FARM LLC
MATTHEW PRUETTE
306 THORTON RD
THORNTON PA 19373 - DELAWARE
Phone Number: 6104058138

Expiration: December 31, 2022

Growing Location:
MATTHEW B PRUETTE
306 THORTON RD
THORNTON PA 19373 - DELAWARE
GPS: 39.902470000000001, -75.528319999999994

Ruth A. Welliver
SIGNATURE

NOT TRANSFERABLE

010155341 5/2011, PBN Licensing All rights reserved, ©2021

B. PDA Planting Report (report form or PA Plants Screen)



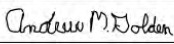
Hemp Planting Report - Due within ten (10) days after the first day of any planting.

- A planting report must be submitted for every planting under a permit (indoors and outdoors) and must specify each field/room planted at the permit location.
- A photographic plot map **with boundaries of the fields marked or drawn over the photographic image** **MUST BE SUBMITTED WITH THIS REPORT.**
- PLEASE NOTE: Moving potted plants into a greenhouse or grow area is considered planting and a Planting Report should be submitted.
- If planting has not occurred at a permitted location by September 1st, an Inactive Permit Report must be submitted to the Department. (Available on Hemp Program webpage: <http://agriculture.pa.gov/hemp>.)
- Email reports to RA-AGPLHEMP@pa.gov, fax to 717-783-3275 or mail to: PA Hemp Program, PA Department of Agriculture, 2301 N. Cameron St, Harrisburg, PA 17110.

1. Complete your permit information.

Permit Number: 42-000052	Permit Business: Innovative Extracts LLC		
Email: andy@ie-cbd.com	Phone: 814-421-5851		
Growing Address: 1146 Munster Road	City: Portage	Zip: 15946	County: Cambria

I affirm that to the best of my knowledge, the information on this form is true and correct.

Authorized Signature: 	Printed Name: Andrew M. Golden	Date: 6/15/2022
---	--------------------------------	-----------------

A. Is this the first-time hemp is planted at this location? Yes ☐ No ☒ B. Do you intend to make additional hemp plantings at this address this year? Yes ☐ No ☒

2. Complete the following information for each field or room. GPS point to be located just inside the normal entry point of the field or room.

A. Have any varieties listed on your application changed? Yes ☒ No ☐

If yes, what varieties will not be planted? Berry Blossom

FSA Lot Number	Indoor or Outdoor Planting?	GPS Latitude	GPS Longitude	Variety	Planted: Seeds, Cuttings or Transplants	Source of Seeds or Planting Stock*	Area Planted (Specify acres or sq. feet)	Date Planted
EXAMPLE: RF-16	☐ Indoor ☒ Outdoor	40.287679	-76.880782	SEP-2	Seeds	Best Seeds Inc.	10.4 acres	5/5/2020
1535-998-5	☐ Indoor ☒ Outdoor	40.426976	-78.676835	Cherry Wine CBD	Transplants	Innovative Extracts	.5 acres	6/6/2022
1535-998-5	☐ Indoor ☒ Outdoor	40.426976	-78.676835	Matterhorn CBG	Transplants	Innovative Extracts	.5 acres	6/6/2022
1535-998-5	☐ Indoor ☒ Outdoor	40.426976	-78.676835	TrumpX	Transplants	Innovative Extracts	.1 acres	6/6/2022

*For Source of Seeds, Cuttings, Planting Stock, provide the producers name as listed on the seed tag or grower/supplier of cuttings or transplants.

[Home](#) [Programs](#) [Maintenance](#) [Reporting](#) [Reset Password](#) [Logout](#)

Hemp Planting Report

Account Summary

00993W | [Champion Hemp Farms, LLC](#) | 360 Roaring Run Road, Champion, PA 15622 | P1: 724-678-2379 

Planting Information

Permit:	42-000817	Grower Location Name:	Jeff Stahl
Lot Name*:	4850-11656-GH-1	Planting Date*:	06/05/2022
Variety From Application:	Early Nueve	- or -	Variety Not on Application:
Planted Type*:	Cuttings	Intended Use*:	CBD/Extracts
Source*:	Champion Hemp Farms		
Indoor SqFt:	2300.00	- or -	Outdoor Acreage:
Replicating Type*:	Non-Replicating	Replicating Interval*:	
Latitude*:	40.077908000000000	Longitude*:	-79.338386000000000

Save
Save & Back
Back
Delete
Reset as Not Submitted

 Show/Hide Planting Map

Use the Add New Harvest/Crop Loss Report button below to add Harvest and/or Crop Loss Reports that are related to this Planting. Multiple Harvest and/or Crop Loss reports can be added to this Planting as needed.

[Add New Harvest/Crop Loss Report](#)

Harvest Reports

C. FSA Crop Acreage Report

Berks, Pennsylvania

FSA - 578 (09-13-16)

Farm Number: 3757

Operator Name and Address

ERIK A OBERHOLTZER
920 CHERRY VALLEY RD
PRINCETON, NJ 08540-7627

REPORT OF COMMODITIES FARM AND TRACT DETAIL LISTING

PROGRAM YEAR: 2022

DATE: 06/30/2022

PAGE: 1

Original: AB
Revision: AB
Cropland: 6.90
Farmland: 8.79

Tract Number	CLU/Field	Crop/Commodity	Var/Type	Int Use	Act Use	Irr. Pr.	Org Stat	Nat. Sod	C/C Stat	Rpt Unit	Rpt Qty	Det Qty	Crop Land	Field ID	Official/Measured	Planting Date	Planting Period	End Date
2464	1A	BUKWT		GR		N	C	N	I	A	2.00		Yes		N	05/25/2022	01	
		Producer DREW OBERHOLTZER			Share 100.00			FSA Physical Location Berks, Pennsylvania							NAP Unit 2202	Signature Date		
	1B	SNFLR	OIL	SD		N	C	N	I	A	1.00		Yes		N	05/25/2022	01	
		Producer DREW OBERHOLTZER			Share 100.00			FSA Physical Location Berks, Pennsylvania							NAP Unit 2202	Signature Date		
	1C	HEMP		FB		N	C	N	I	A	2.00		Yes		N	05/25/2022	01	
		Producer DREW OBERHOLTZER			Share 100.00			FSA Physical Location Berks, Pennsylvania							NAP Unit 2202	Signature Date		
	1D	CORN	BLU	GR		N	C	N	I	A	0.06		Yes		N	05/21/2022	01	
		Producer DREW OBERHOLTZER			Share 100.00			FSA Physical Location Berks, Pennsylvania							NAP Unit 2202	Signature Date		
	1E	FLAX	COM	GR		N	C	N	I	A	0.06		Yes		N	04/12/2022	01	
		Producer DREW OBERHOLTZER			Share 100.00			FSA Physical Location Berks, Pennsylvania							NAP Unit 2202	Signature Date		

Tract 2464 Summary

PP Cr/Co	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty	PP Cr/Co	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty	PP Cr/Co	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty
01 CORN	BLU	GR	N	A	0.06	01 SNFLR	OIL	SD	N	A	1.00	01 HEMP		FB	N	A	2.00
01 BUKWT		GR	N	A	2.00	01 FLAX	COM	GR	N	A	0.06						

Photo Number/Legal Description: Not Applicable
Cropland: 6.90

Reported on Cropland: 5.12

Difference: -1.78

Reported on Non-Cropland: 0.00

Note: All cropland has not been reported.

D. Certificate of Analysis



Certificate of Analysis

Powered by Confident Cannabis
1 of 1

Penns Choice

260 Gibson Road
Parker, PA 16049
info@pennschoice.com
(724) 290-4272
Lic. #42-000003

Sample: 2010BA0046.0092

Strain: Hempress
Batch#: ; Batch Size: g

Sample Received: 10/16/2020; Report Created: 10/22/2020; Expires: 11/21/2020

Sampling: ; Environment:

42-000003-SA0022-HMP-01

Plant, Hemp, Unknown
Harvest Process Lot: ; METRC Batch: ; METRC Sample:



ND Total THC	2.135% Total Cannabinoids	Not Tested Foreign Matter
1.895% Total CBD	NT Moisture	

Cannabinoids

Complete

Analyte	LOQ %	Mass %	Mass mg/g
THCa		ND	ND
Δ9-THC		ND	ND
Δ8-THC		ND	ND
THCVa		ND	ND
THCV		ND	ND
CBDa		1.955	19.55
CBD		0.180	1.80
CBDVa		ND	ND
CBDV		ND	ND
CBNa		ND	ND
CBN		ND	ND
CBGa		ND	ND
CBG		ND	ND
CBCa		ND	ND
CBC		ND	ND
CBL		ND	ND
Total		2.135	21.35



5368 Kuhl Road Erie
Erie, PA
(814) 528-8437
http://www.buddinganalytical.com
Lic# L19-657

Matt Hidecker, Ph.D
Vice President

Confident Cannabis
All Rights Reserved
support@confidentcannabis.com
(866) 506-5866
www.confidentcannabis.com





COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE

January 22, 2019

The Honorable Sonny Perdue
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Perdue,

For the past two years, the Pennsylvania Department of Agriculture (PDA) has administered an Industrial Hemp Research Pilot Program, legitimized by the 2014 Farm Bill and authorized in Pennsylvania statute by the Industrial Hemp Research Act (act of July 20, 2016, P.L. 822, No. 92)(3 Pa.C.S.A. §§ 701-710). The passage and signing of the 2018 Farm Bill, particularly Section 12619 removing industrial hemp from regulation under the Controlled Substances Act, and Section 10113 providing for commercial production of industrial hemp, are welcome changes that will provide an exciting opportunity for industrial hemp in Pennsylvania. With this letter, I would like to submit Pennsylvania's industrial hemp regulatory plan for your consideration.

While Pennsylvania's industrial hemp research pilot program is already up and running, it is more restrictive than will be required under Section 10113 of the 2018 Farm Bill. Our plan is to declare industrial hemp a Controlled Plant under Pennsylvania's Controlled Plants and Noxious Weeds Law (act of October 30, 2017, P.L. 774, No. 46)(3 Pa.C.S.A. § 1501 *et seq.*), a declaration that requires all growers to register and obtain permits. The permit will include all information required by federal law for hemp production, while also carrying the full force of law for enforcement necessary for any violation of permit conditions.

I am attaching a copy of Pennsylvania's Controlled Plants and Noxious Weeds Law, along with a document cross-referencing the required contents of a state plan as found in the 2018 Farm Bill and how each requirement will be satisfied in Pennsylvania.

I certify that Pennsylvania has the resources and personnel to carry out the practices and procedures described in clauses (i) through (vi) of Sec. 297B(2)(A) of the Agricultural Marketing Act of 1946 as amended in Sec. 10113 of the 2018 Farm Bill. I believe Pennsylvania has demonstrated, through the research program administered by PDA, that we have the capability to build an industrial hemp production regulatory program with the integrity and oversight that is needed. We are grateful for this opportunity to move industrial hemp forward as a crop alternative for farmers in Pennsylvania.

Sincerely,

Russell C. Redding
Secretary

Hemp Permit Application Instructions

The following instructions are provided to help you avoid rejection of your application for a new or renewal permit to grow or process hemp in the Commonwealth under the terms of the General Permit issued by the Department under the authority of the Act relating to Controlled Plants and Noxious Weeds (3 Pa.C.S.A. § 1501 et seq.).

By applying for this permit, you are agreeing to grow or process hemp under the terms and conditions as required by the Act relating to Controlled Plants and Noxious Weeds and the Hemp General Permit. Failure to follow the terms and conditions of the Act and General Permit may result in a violation notice, crop destruction and may affect the ability to apply for permits in the future.

It is very important to first review the “Hemp General Permit Guidelines”, “Hemp Permit Application & Responsibilities Checklist” and “Frequently Asked Questions” on the Department’s website at <http://agriculture.pa.gov/hemp> (*copies may be requested from the Bureau by those without internet access*). The information in these documents will be very helpful in your planning and in understanding the limits for planting or processing hemp that are set by federal and state laws and the General Permit.

Submit your application as soon as you have all your documentation in place. Should the review of your application disclose missing information and result in its return, you will have 30 days to correct the deficiency and resubmit the application or the missing components. **Incomplete applications will be returned.**

Please ensure that all information is legible. It is recommended that you use the PDF fillable form or type the information. Be sure to keep a copy of your application and all supporting documents for your records.

Application/Permitting Timeline:

- Applications for permits will be accepted throughout the year.
- Hemp permits may be renewed for a period of one year after a permit's expiration date.
- Hemp permits from the previous year will expire on December 31st.
- We expect to process applications in the order they are received.
- We recommend submitting applications at least one month prior to the date you wish to begin conducting hemp activity as specified in the PA Hemp General Permit.

Online Application Submission:

- The online application submission option through the Department’s PA Plants website opens October 1st. Applicants are able to enter their permit information and upload accompanying documents for submission on PA Plants, as well as pay by credit card.
- The first step is to make sure you have all of the details requested on the PDF application as this will all be asked for in the online application. Then scan and save the additional documents needed for the application [IdentoGO Receipts; photographic property map, signed access agreement (if renting), and possibly the exemption request form (page 8 of this document)] to your computer or device.
- Next, visit the PaPlants Logon page (<https://www.paplants.pa.gov/SecurityLogin.aspx>). Once there, you’ll use one of three options:
 - If you have not yet used the PA Plants system, but have previously had a hemp permit, then you will need to contact RA-AGPLHEMP@pa.gov to request your PA Plants ID and Pin number. On the PA Plants Logon page, you’ll click the ‘Register’ button (see image that follows), enter your business or personal information, follow directions to create a Username and Password and then renew your permit location(s).

Other Options**Register**

Register for access to the Pennsylvania Department of Agriculture PaPlants website using your PaPlants ID and PIN numbers.

- o If you have previously used PA Plants to apply for a hemp permit, then you can log on with your existing username and password at the top of the page.

PaPlants Logon

User Name:*

Password:*

Login☐ [Change Password After Successful Logon.](#)

- * If you have forgotten your previous password, there is a 'Forgot Password' button on the page where you can retrieve your password.

- o If you are a new user to PA Plants and you did not previously have a hemp permit, you can sign-up by clicking on the 'New License or Registration' button and follow the instructions.

**New License or
Registration**

Don't have an existing PaPlants ID?
Apply for a new license or registration here.

[Frequently Asked Questions](#)**Application Section Instructions:**

Section 1) Contact Information, Page 1: Information that will appear on your permit and that the Hemp Program will use to contact you throughout the season. This information may also be available publicly on the PDA website.

- **Business name** - If the application is being made by a corporation, LLC, or other legal partnership, list the registered name on the first line. You must include your Employer Identification Number (EIN).
 - o If you are applying as an individual, just give your name. (No EIN number is required.)
- The "**Applicant**" will be the main contact person for the department to correspond with and may be the person in control of the cultivation or processing of the hemp.
- If you are a previous hemp permit holder, please list the previous year's hemp permit ID numbers.
- **Mailing Address** - Can be different than the growing location.
- More than one **Email address** can be entered and is one way the department can quickly reach out to growers, but an email is not required.
- **Website** – If there is a website that your company conducts business through, please share this. Please enter the full browser address (EX. <https://genericweb.org>). This is an optional entry.
- **Secondary Phone number** - This may be a cell phone or number of an alternate contact. It is highly recommended but is not required.

Section 2) Disclosure of Criminal Convictions, Pages 1 & 2:

- FBI criminal background checks are required for new applicants listed in Section 1.

- If you meet the definition of a business, a background check is required for all new additional Key Participants you identify and list here in Section 2.
- **Key Participants** are defined by the USDA Final Rule on Hemp as a person or persons who have a direct or indirect financial interest in the entity producing or processing hemp, such as an owner or partner in a partnership. A key participant also includes persons in a corporate entity at executive levels including chief executive officer, chief operating officer and chief financial officer. This does not include such management personnel as farm, field, or shift managers.
- **Background checks are good for 3 years.** If the applicant or key participants completed a background check for the 2023 Hemp Permit Application, that background check will be good for the 2024 and 2025 permit applications, **as long as you've been a permit holder or key participant continuously for the 3 seasons.**
- At the time of the application, you must submit a receipt from IdentoGO attached to the application for every new key participant named on the application showing the background check has been completed or scheduled.
- The background check for new permits and new key participants must be done **no more than 60 days prior to the application date**, per USDA's Final Rule.
- The only FBI background clearance reports accepted by the Department are provided directly to the department by IdentoGO. Use the following directions to register for an IdentoGO appointment:

Applicants must use the IdentoGO Fingerprint Service (managed by IDEMIA). Appointments can be scheduled at <https://uenroll.identogo.com> or by phone at 844-321-2101. A listing of IdentoGO service locations by zip code can be found at <https://uenroll.identogo.com/workflows/1KG8NN/locator/location>. Because of unpredictable wait times, it is highly recommended to schedule an appointment rather than walking in to service centers.

Registration will require the following service information unique for the Industrial Hemp Program (not to be used for other purposes):

Service Code: 1KG8NN

Service Name: Hemp Grower

- Background checks which were done for other programs' requirements, such as a child abuse clearance, cannot be accepted.
- You will not receive a report from IdentoGO; the results are transmitted directly online to only limited Hemp Program staff.
 - *Note: Federal privacy restrictions do not allow PDA to release any information received from the FBI, even to the applicant.*
- Persons will be classified as "Qualified" or "Not Qualified" for program participation. Persons who are "not qualified" must be removed from the project and may not participate at any level.
 - The 2018 U.S. Farm Bill and USDA Final Rule state that key participants cannot have a felony drug charge within the past 10 years.
- It can take some time for background checks to be completed and for reports to be made available to PDA. To avoid having your application rejected because of reports being received after the deadline, go early (but not more than 60 days prior to submitting your application) and attach a copy of your receipt or scheduled appointment with your application for all persons listed.
- Before final approval of an application and issuance of a permit, PDA must have received an acceptable response to the FBI criminal history background check.
 - Key Participants can be requested to be added to the project after the application is submitted. If qualified, they can be added to the project at any time.
- **Who may not need an FBI background clearance?** Examples: Family members of the landowner or permit holder, paid laborers, neighbors helping out, outside repair contractors called to fix an irrigation pump, or persons working at the location that have no financial benefit from the sale of the hemp.

Section 3) Storage Locations, Page 2:

- If hemp seed or harvested hemp materials will be stored at a property which is different from the locations which will be permitted for growing or processing, please list the complete information for storage locations which you are aware of at this time.
- Permit information can be amended after a permit is issued to add storage locations by submission of a Permit Change form.

Section 4) Permit Location Information, Pages 3 & 4:

I. Location Information: For the application, you will need to know at what physical address you intend to plant or process hemp and provide a GPS point for that address.

- GPS Point should be taken at the entrance to the property or at the main building at the location. If you need help finding the GPS point, you can use the directions on Page 7 of these instructions. The decimal degree format for the GPS point must be used. Example: 40.1234567 -77.543321.
- Each separate physical property address will require an individual permit. For example, if you own a farm at one address and lease a property down the road and plan to grow hemp at both locations, you will need to submit Permit Location Information (Pages 3 & 4) for each location.
 - Note: The permit is directly tied to a specific address. There can still be multiple fields or grow sites at the same address covered under one permit.
- A photographic property map **with grow sites or processing building outlined** must be provided for all locations.
- For land or facilities that are not owned by the applicant or business listed in Section 1, mark the “Leased Check box” and you must:
 1. Attach a completed signed Access Agreement granting the Department access to the property for 3-years following the termination of the permit. The Access Agreement template is available on Page 7 of these instructions or also available online at agriculture.pa.gov/hemp. **A new version for the upcoming year must be submitted for renewal applications.**
 2. Have prepared in your personal/business records a fully executed property lease (i.e. rental contract) issued to the business or applicant listed in Section 1, which the Department reserves the right to see if necessary.
 - A fully executed property lease may include (but not be limited to) the below listed items. *[Please be aware, these are recommendations, and not legal advice. It would be beneficial to consult an attorney regarding this matter.]*
 - Identified Landlord and Tenants - Every lease agreement must identify who the contract is between
 - Identified Property - House number, street, town, state, postal code and GPS coordinates
 - Type of Business – hemp growing, or processing
 - Terms of Lease - the dates the lease agreement is valid, exact date: day, month, and year, the lease begins and the exact date: day, month, and year, the lease ends.
 - Rent Amount and Due Date – amount of rent and when it is due
 - Security Deposit Terms
 - Tenant Responsibilities - Tenants have specific responsibilities under landlord tenant law to maintain the rental property.
 - Notification – Any changes made to the lease by the landlord or tenant are recommended to be in writing.
 - Landlord and Tenant Signatures – printed name, signature and dated

II. For a Growing Location:

- There are minimum plot sizes and plant numbers for each permit site.

- For outdoor planting you must **plant** a minimum of 50 plants during the growing season, unless prior written approval is provided by the Department [Refer to Page 9].
- For indoor plantings you must **plant** a minimum of 1,000 square feet and 50 plants during the growing season, unless prior written approval is provided by the Department [Refer to Page 9].
- Hemp may not be grown, cultivated, propagated or planted in or within 200 feet of any structure that is used for residential purposes, unless prior written approval is provided by the Department [Refer to Page 9].
- Hemp may not be grown, planted, cultivated or propagated within 1,000 feet of a pre-kindergarten through 12th grade school property or a public recreational area, unless prior written approval is provided by the Department [Refer to Page 9].
- Hemp shall be physically segregated from other crops unless prior written approval is provided by the Department [Refer to Page 9].
- No hemp growing location found within 3 miles of a PA Department of Health Medical Marijuana Grower/Processor will be approved. Links to the Phase 1, 2 & 3 Grower/Processor Location listings can be found at agriculture.pa.gov/hemp.
- Note: Applicants concerned about their crop being affected by pollen from other hemp varieties grown by permit holders located near their property can reference the interactive PA Hemp Map of Permittees, available online at agriculture.pa.gov/hemp, which is searchable by zip code and will include some Permit Holder contact information. Distance limits between hemp permit holders are not set by the Department, but may be a matter of discussion among neighbors.
- **Outdoor Growing –**
 - List the total tillable (or plantable) acreage of the property;
 - Estimate the size of your proposed hemp planting. We realize that this is an estimate and your planting may be smaller or larger than the amount listed on your application.
- **Indoor Growing –**
 - List the total square footage of the facility.
 - Estimate the square footage of your proposed hemp planting. We realize that this is an estimate and your planting may be smaller or larger than the amount listed on your application.
 - Select the type of building used for your indoor growing.
 - Select the type of planting which will be done in the facility. Check all that apply.
- Use the Check box(s) to indicate the type of hemp you are planting.
- If you are planting for nursery stock sales or growing for seed, list the appropriate PDA licenses you hold.
- Note: Securing a processor contract is not a requirement for permit approval but is strongly advised as a best management practice.

III. Varieties:

- List only true variety names; farm codes or abbreviations will not be accepted.
- Be sure to check the list of Prohibited Varieties and Varieties of Concern, as these varieties have led to crop destruction in previous years. Applications listing a “Prohibited Variety” will not be approved and any planting of a Prohibited Variety will be considered a violation.
- Please include a company name as the source of the seed. Please note: Any company (whether out of state or in-state) selling seed into Pennsylvania, must have a PA Seed Dealers license.
- For the amount of seed to be purchased, please indicate whether it is the number of seeds or pounds of seed.
- The anticipated acreage or square footage is an estimate.
- Following planting you are required to submit specific planting locations for all planting sites for each permit by submitting a Planting Report. If after receiving your permit, changes need to be made to the varieties listed on the applications, they can be noted on the Planting Report.
- The more varieties, fields, lots or locations you plant, the more THC testing will be required at harvest.

IV. For a Processing Location:

- If more than one type of processing will occur at your facility, check all that apply.
- Hemp may not be processed in or within 200 feet of any structure that is used for residential purposes, unless prior written approval is provided by the Department [*Refer to Page 9*].

Section 5) Attestations:

- Read each of these carefully, they are very important. If you are unable to check each box, indicating your acceptance of each statement and ability to abide by the conditions, you need not submit your application. These are the terms of the Hemp General Permit. An incomplete Attestation section will cause a permit application to be rejected.
- Even if you are not Growing Hemp, selecting the box next to an “I attest that if growing hemp...” statement indicates your understanding of the terms of the General Permit and is expected. The same applies to someone not Processing Hemp, who should still be selecting the “I attest that if processing hemp...” statements.

General Information:

- If information provided on the application is illegible, your application will be returned.
- Please paper clip applications rather than stapling.
- If a check or money order payable to the “Commonwealth of PA” for the \$150 new permit application or for the \$50 renewal application is not attached, your application will not be reviewed and will be returned.
- You are encouraged to submit additional pages if necessary.
- We expect to process applications in the order they are received.
- Your signature on the application attests that you will follow the requirements and provisions of Pennsylvania’s Hemp General Permit.
- If you have any questions that have not been addressed in the General Permit Guidelines or Frequently Asked Questions, please contact the PA Hemp Program by calling 223-666-2561 or emailing RA-AGPLHEMP@pa.gov.

How to use Google maps for Hemp Permit Application Requirements:

To locate a GPS coordinate for the main farm/facility entrance:

Open Google maps: <https://www.google.com>, enter an address you are looking for in the Search box and click on the search icon. Click on the map image. Change the view of the map to "Satellite" view by clicking on the small box labelled "Satellite" in the lower left corner of the map. To find the GPS for the main entrance of the farm or facility, right click on the screen at the point considered the main entrance. From the menu that appears, select "What's here?". The GPS coordinate for that spot will appear in the box at the bottom of the screen. Record these coordinates.

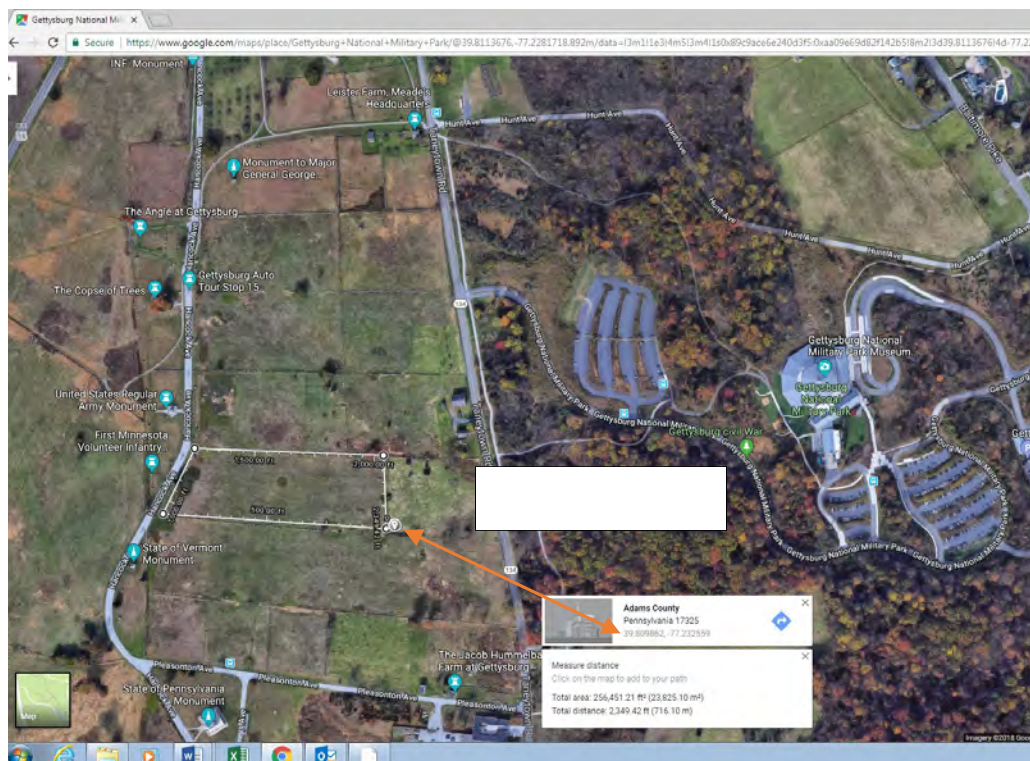
To obtain GPS coordinates for the corners of the field:

Locate the field you are planning to plant Industrial hemp in and Right click on the corner of the field. Select "What's here?" from the Google menu. The GPS coordinate for that spot will appear in the box at the bottom of the screen – Record them and then move to the next corner and repeat the process for all relevant points around the field. You can use the Print Screen (by pressing the Control and Print Screen keys at the same time) option on your compute to save a picture of the map and then paste it into a word document to add more information and outline the field.

To calculate the area of the field:

Right click on the corner on the field and then select the "Measure Distance" tool from the box that appears. Following that, left click on the next corner of the field, then left click on the next corner and so on, around the perimeter of the field. This is a good time for a Print Screen as the field is now outlined for you. You can calculate the acreage by dividing the total area shown in the box at the bottom by 43,560 or use the Square Feet to Acreage conversion tool located at: https://www.google.com/search?q=square+feet+to+acres&rlz=1C1GCEA_enUS766US766&oq=square+fee&ags=chrome.1.0I2j69i57j0I3.17663j0j7&sourceid=chrome&ie=UTF-8.

When printing the map, leave enough information surrounding the field on the map you print to provide reference points to the field, such as bordering roads and landmarks. See the example below. This information is required by the Controlled Plant and Noxious Weed Act and will be used to locate your fields.



Guidelines for Departmental approval of written requests for location exceptions:

(If requesting exemption, please submit a copy of this form as an attachment to your application.)

NOTE: The program is intended for commercial hemp production. Exceptions will not be granted if hemp is being grown strictly for personal use. Those interested in growing hemp on a smaller scale as part of a workforce development program, for soil remediation in an urban or suburban agriculture setting, or to pilot growing hemp for commercial production in an urban agriculture setting should review the below exception options and provide detailed justifications. It is recommended that applicants detail their plans to minimize potential odor nuisance and air quality issues if requesting an exemption to grow in or near a residential area or neighborhood.

Please check which exemption is requested and provide details:

- ☐ 1. Exceptions may be granted for properly secured or controlled research or demonstration projects, being done by or in partnership with an educational institution or educational organization.

- ☐ 2. Exception may be granted for a commercial planting near a residence, if within an area zoned agricultural, or if the area has a history of agricultural use. Example: An isolated farmstead may be within 200 ft of a field – an exception could be granted for growing hemp in that field.

- ☐ 3. No exception will be made for a planting at a site within a neighborhood where multiple residences are within 200 feet of the planting, unless there is a compelling agricultural reason for using that site. Example: If hemp is being used for soil remediation of a future or current urban agriculture site, an exception for an industrial or residential property may be granted.

- ☐ 4. Exceptions may be granted for highly secured areas, such as indoor planting or processing facilities, if environmental controls are sufficient to prevent malodor or other conditions of concern to the

community. This exception may also extend to a request for a smaller-scale commercial indoor project (less than 1,000 square feet), if the above environmental and security controls can be met.



Pennsylvania Department of Agriculture

Hemp Sampling Protocol

Sampling Supplies

GPS capable device	Marker and Pen
Camera	Clear Packing Tape
Paper (or lab-specified) sample bags	Disposable gloves
Scissors or pruners	Disinfectant (bleach, rubbing alcohol, etc.)
Required Forms	

1. Meet with permitted producer or their designated representative and show PDA issued credentials
 - 1.1. This inspection will have been scheduled between the permitted producer and sampling agent ahead of time
 - 1.2. It is recommended that fees and payment are discussed and arranged beforehand, and are at the discretion of the sampling agent and permitted producer
 - 1.3. Identify yourself as a certified hemp sampling agent trained by PDA and show your credentials
 - 1.4. Explain the sampling process and indicate that the permitted producer/designated representative is to be present throughout the entire sampling process
2. Verify Lots
 - 2.1. Confirm lot location, delineation and size – will be verified with permit records submitted to PDA
 - 2.2. Label each lot with the FSA lot number provided by permit holder from records submitted to PDA.
 - 2.3. Record GPS coordinates of each lot location – will be verified with permit records submitted to PDA
 - 2.4. Take a picture of growing situation of each lot – will be sent to the Hemp Program at PDA with Receipt for Sample and Chain of Custody/Sample Shipping Form
 - 2.5. Record any notes you may feel are important on growing conditions, issues, concerns, etc. for each lot – may be sent to PDA with forms and pictures
3. Collect Sample
 - 3.1. Collect a representative sample of each lot
 - 3.1.1. Sampling agent will collect a representative sample of no less than 5 cuttings from 5 individual plants in the lot. Sample size determined as noted below in 3.2 and 3.3
 - 3.1.2. The sample will be a composite of female flower material collected from random plants chosen from representative quadrants of each lot
 - 3.1.3. Field quadrants will be determined by dividing the lot into sections of similar size
 - 3.1.4. Effort should be made to collect a similar sized representative sample of material from each quadrant.
 - 3.1.5. Efforts should be made to collect phenotypically similar varieties and avoid off-type sampling
 - 3.1.6. Sampling agents should walk at right angles to the rows of plants if possible, beginning at one point of the lot and walking towards another point on the opposite side of the lot. If the lot is too dense for this to be possible, the sampling agent should take all reasonable

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steps to ensure that a sample is collected that represents a homogeneous composition of the lot by avoiding edges and thoroughfares.

3.1.7. While walking through the growing area, the sampling agent should take cuttings based on the acreage of the growing area, at random but convenient distances. Avoid collecting sample specimens from the borders of the field/greenhouse.

3.2. For lots up to 4.99 acres the sampling agent will collect 5 cuttings from 5 individual plants. For up to 10 acre lots, sample according to the following chart:

Number of Acres	less than 1	1	2	3	4	5	6	7	8	9	10
Sample Size	5	5	5	5	5	5	6	7	8	9	10

3.3. For lots growing on 11 to 173 acres, follow the USDA Sampling Table to determine number of plants to sample:

Number of acres	Sample Size	Number of acres	Sample Size	Number of acres	Sample Size	Number of acres	Sample Size
11	11	40	36	75-76	61	119-120	86
12	12	41-42	37	77	62	121-122	87
13	13	43	38	78-79	63	123-124	88
14	14	44	39	80-81	64	125-126	89
15	15	45-46	40	82	65	127-128	90
16	16	47	41	83-84	66	129-130	91
17	17	48	42	85-86	67	131-132	92
18-19	18	49-50	43	87	68	133-134	93
20	19	51	44	88-89	69	135-136	94
21	20	52	45	90-91	70	137-138	95
22	21	53-54	46	92	71	139-140	96
23	22	55	47	93-94	72	141-143	97
24	23	56	48	95-96	73	144-145	98
25-26	24	57-58	49	97-98	74	146-147	99
27	25	59	50	99	75	148-149	100
28	26	60-61	51	100-101	76	150-152	101
29	27	62	52	102-103	77	153-154	102
30	28	63-64	53	104-105	78	155-156	103
31-32	29	65	54	106-107	79	157-157	104
33	30	66-67	55	108	80	159-161	105
34	31	68	56	109-110	81	162-163	106
35	32	69-70	57	111-112	82	164-166	107
36	33	71	58	113-114	83	167-168	108
37-38	34	72-73	59	115-116	84	169-170	109
39	35	74	60	117-118	85	171-173	110

3.4. Samples will consist of cuttings from the top 5-8 inches of female plants.

3.4.1. The cut should be obtained from the flowering tops of plants when flowering tops are present, and shall be approximately five to eight inches in length. It should be taken from the “main stem” (that includes the leaves and flowers), “terminal bud” (that occurs at the end of a stem), or “central cola” (cut stem that develops into a bud) of the flowering top of the plant.



3.5. Samples will be placed directly into a new Kraft paper sample bag (or other type of bag if specified by the testing laboratory). All the cuttings from one lot are placed together into one sample bag

3.6. Sample bags will be closed and sealed by the following process:

3.6.1. Folding down the top of the bag with at least two folds

3.6.2. Write sampling agent’s initials (first middle last) and sampling date on the last fold and tape bag closed with clear packing tape (the tape should cover the written initials and date), securing the entire folded edge to the bag

3.6.3. Sampling agent will also label the sample bag with the sample number, using the following format: **PDA Permit# (8 digits) - Sampling Agent Unique Identifier (issued by PDA) - Sample Number**

3.6.3.1. Example sample number: **42-000024-SA0089-01**

4. Sample Shipment and Supporting Documents

4.1. Collected hemp samples must be shipped or hand-delivered to a lab to test for total THC levels. Sampling agents must not hold samples and must make it a priority to send samples within 2 business days unless directed otherwise by the licensed grower.

4.2. Lab utilized is at the discretion of the permitted producer, but must be approved by PDA and must test using post-decarboxylation testing or total THC testing

4.3. Shipping method utilized is at the discretion of the permitted producer and sampling agent

4.3.1. PDA highly recommends the following:

4.3.1.1. Shipment of sample ASAP. Sampling agents should not hold samples longer than 2 business days.

4.3.1.2. Trackable shipping methods and those that take 1-2 days for delivery

4.3.1.3. Package sample before arriving at shipment facility. To avoid condensation within sample bag, do not use cold packs or place sample bag inside of another plastic bag.

4.3.1.4. To save time, arrange to have the shipping label printed prior to arrival at shipment facility.

4.4. Forms and Supporting Documents.

4.4.1. *Receipt for Sample*: sampling agent gives one copy of completed *Receipt for Sample* to permitted producer/designated representative; and sends one copy to PDA within 5 business days.

4.4.2. *Chain of Custody/Sample Shipment Form*: sampling agent encloses one copy of completed *Chain of Custody/Sample Shipment Form* in shipping container with samples (or hand-delivers a copy of form along with samples); and sends one copy to PDA within 5 business days.

4.4.3. *Photographs*: send copies of photographs taken of each lot to PDA along with Receipt for Sample and Chain of Custody forms.

4.4.4. *Notes*: any notes you recorded that you feel are important (i.e., growing conditions, issues, concerns, etc. for each lot) may be sent to PDA.

4.4.4.1. Mailing address: PDA – Hemp Program, 2301 N Cameron St, Harrisburg, PA 17110

4.4.4.2. Email: RA-AGPLHEMP@pa.gov

4.4.4.3. For questions regarding law enforcement or special circumstances not outlined in this document, please call the PDA Hemp Program at 223-666-2561.