



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. ***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.

PERMITTEES WILL BE ELIGIBLE FOR PERFORMANCE-BASED SAMPLING IF 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 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 negligent 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 (List of Low-Risk Fiber, Grain and Seed Varieties provided by PDA Hemp Program) 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 ELLIGIBLE 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 |
| Bialobrzzeski | 0.1170% | 0.4749% | 0 | 1 | 15 | 6.67% |
| 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 |
| 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 |



PERFORMANCE BASED SAMPLING 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 2023?

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