HEMP CODE

CONFEDERATED TRIBES

OF THE

UMATILLA INDIAN RESERVATION

HEMP CODE

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HEMP CODE

CHAPTER 1. GENERAL PROVISIONS

SECTION 1.01. FINDINGS AND PURPOSE

Hemp is a valuable agricultural crop and commodity within the Confederated Tribes of the Umatilla Indian Reservation. The purposes of this Code are to:

A. Promote the production of hemp and the development of new commercial markets for farmers and businesses through the sale of hemp products, and building the health of our soils;

B. Conduct research regarding the production of hemp within the Confederated Tribes' lands;

C. Promote the creation of an Industrial Hemp industry;

D. Encourage and empower research into Hemp production and the creation of hemp products at Institutions of Higher Education and in the private sector; and

E. Regulate hemp as an agricultural commodity in compliance with tribal and federal law.

SECTION 1.02. SCOPE AND AUTHORITY

A. The Confederated Tribes has rulemaking, and regulatory authority over the commerce of, including but not limited to the growth, cultivation, processing, marketing, production, and sale, of hemp and hemp products within its territorial boundaries by any persons.

B. Nothing in this code or in the license process indicates any guarantee by the Confederated Tribes regarding the economic viability of any specific seed, growing method, or hemp product.

C. The regulations and penalties imposed by this Code extend to any person within the Tribe's jurisdiction regardless of licensure.

D. Nothing in this Code shall be construed to limit the jurisdiction of the Confederated Tribes, Tribal Court, or the Tribal Police.

SECTION 1.03. HEMP IS AN INDUSTRIAL CROP

Hemp that has no more than 0.3 percent Total Tetrahydrocannabinol (THC) is considered an agriculture crop. The Confederated Tribes hereby authorizes the possession, cultivation, transportation, production and use of Industrial Hemp and Hemp products within the territory of the Tribe, when those activities are licensed by the Tribe and conducted in full compliance with the requirements of this Code and other applicable tribal and federal law.

SECTION 1.04. JURISDICTION

A. For purposes of this Code, the Territories of the Confederated Tribes includes all lands within the exterior boundaries of the Umatilla Indian Reservation; all allotments, located both on and off the Umatilla Indian Reservation that still possess an Indian title; and, any lands, both on and off the Umatilla Indian Reservation, title to which is either held in trust by the United States for the benefit of the Confederated Tribes, or its members, which remain subject to restriction against alienation and over which the Confederated Tribes exercises jurisdiction. The Tribe shall also have jurisdiction over E-commerce transactions emanating from or to the Territories of the Confederated Tribes.

B. Consensual relations among non-Indians, the Confederated Tribes, and enrolled members of the Confederated Tribes or any other federally-recognized tribe. Any person who uses land anywhere within the exterior boundaries of the Umatilla Indian Reservation or Indian Country

of the Confederated Tribes and any person who enters into agreements or understandings with the Tribe or its members and residents by commercial dealings, contracts, leases, licenses, permits, intergovernmental agreements, or other arrangements, commercial or otherwise, shall be deemed to have entered into a consensual relationship with the Confederated Tribes or its members subject to the regulatory and adjudicatory jurisdiction of the Confederated Tribes.

SECTION 1.05. EXEMPTION FROM PROSECUTION FOR CERTAIN ACTS

No one shall be subject to prosecution or civil penalty in the Tribal Court for the cultivation, production, or distribution of Hemp when acting in accordance with the requirements of this Code and applicable Tribal and federal law.

SECTION 1.06. INTERPRETATION

All provisions of this Code shall be interpreted so as to comply with the USDA Domestic Hemp Production Program, as mandated by the Agriculture Improvement Act of 2018 (2018 Farm Bill).

SECTION 1.07. DEFINITIONS

A. "Acceptable hemp THC level" means when a laboratory tests a sample, it must report the 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 State, Tribal, or USDA hemp plans is when the application of measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3% of less. For example, if the reported delta-9 tetrahydrocannabinol content concentration level on a dry-weight basis is 0.35% and the measurement of uncertainty is +/- 0.06%, the measured delta-9 tetrahydrocannabinol content concentration level on a dry-weight basis for this sample ranges from 0.29% to 0.41%. Because 0.3% is within the distribution or range, the sample is within the acceptable hemp THC level for the purpose of plan compliance.

B. "Applicant" means a person, or Entity who is authorized to sign for a business entity who submits an application under this Code.

C. "Cannabis" means: A genus of flowering plants in the family Cannabaceae of which *Cannabis sativa* is a species, and *Cannabis indica* and *Cannabis ruderalis* are subspecies thereof. Cannabis refers to any form of the plant in which the delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined.

D. "Commercial Sales" means the sale of a product in the stream of commerce at retail or at wholesale, including sales on the Internet.

E. "Consumable Product" means a Hemp Product intended for human or animal consumption.

F. "Conviction" means 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. For purposes of this part, a conviction is expunged when the conviction is removed from the individual's criminal history record and there are no legal disabilities or restrictions associated with the expunged conviction, other than the fact that the conviction may be used for sentencing purposes for subsequent convictions. In addition, where an individual is allowed to withdraw an original plea of guilty or nolo contendere and enter a plea of not guilty and the case is subsequently dismissed, the individual is no longer considered to have a conviction for purposes of this part.

G. "Corrective Action Plan" means a plan for a licensed hemp producer to correct a negligent violation or non-compliance with a hemp production plan and this Code.

H. "Criminal History Report" means a current fingerprint based criminal history report or background check as authorized and outlined in this Code in accordance with the

requirements of 34 U.S.C. §41101 and associated federal regulations, which provides, at a minimum, the information contained within the Federal Bureau of Investigation's Identity History Summary. Such background check shall also include CTUIR related criminal history information.

I. "Culpable Mental State Greater than Negligence" To act intentionally, knowingly, willfully, or recklessly.

J. "Delta-9 Tetrahydrocannabinol or THC" means Delta-9 THC, the primary psychoactive component of cannabis. For the purposes of this part, delta-9 tetrahydrocannabinol, delta-9 THC, and THC, are interchangeable.

K. "Dry-weight Basis" means 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.

L. "Entity" means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization, or other similar organization, including any such organization participating in the hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.

M. "Geospatial Location" For the purposes of this part, "geospatial location" means a location designated through a global system of navigational satellites used to determine the precise ground position of a place or object.

N. "GPS" means global positioning system.

O. "Grow Site" or "Registered Land Area" mean a contiguous lot, parcel, or tract of land on which a Licensee Produces Hemp and is located in an area authorized for Hemp production under the Land Use Development Code. This may include land and buildings that are not used to Produce Hemp.

P. "Handle" means to harvest or store hemp plants, or hemp plant parts prior to the delivery of such plants or plant parts for further processing including the disposal of cannabis plants that are not hemp for purpose of chemical analysis and disposal of such plants.

Q. "Harvest Lot" means a quantity of Hemp, of the same Variety, harvested in a distinct timeframe that is: (1) Produced in one production area within a Grow Site; or (2) Produced in a portion or portions of one contiguous production area within a Grow Site. Harvest Lot does not include a quantity of Hemp comprised of Hemp grown in noncontiguous production areas.

R. "Harvest Lot Identifier" means a unique identifier used by the Hemp Program to identify the Harvest Lot.

S. "Hemp" or "Industrial Hemp" means the plant *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 total THC concentration of not more than three- tenths of one percent (0.3%) on a dry weight basis, or as otherwise defined in Federal law.

T. "Hemp Crop" means one (1) or more unprocessed Hemp plants or plant parts.

U. "Hemp Grower", "Hemp Producer", or "Licensee" means a Person or Entity licensed under this Code.

V. "Hemp Ingredient" means all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers of any part of the Hemp plant included in the definition of "Hemp."

W. "Hemp Product" means a finished product with the Federally Defined THC Level for Hemp that is derived from, or made by, processing a Hemp Crop, and that is prepared in a form available for commercial sale. The term includes, but is not limited to cosmetics, personal care products, Consumable Products, cloth, cordage, fiber, fuel, paint, paper, particleboard, plastics, and any product containing one or more Hemp Ingredients such as cannabidiol. The term excludes products that contain delta-8 THC that have been intentionally chemically converted from the cannabidiol in Hemp.

X. "Hemp Program" means the Confederated Tribes' Hemp Program located within a Department of the Confederated Tribes that has been authorized by the Board of Trustees to carry out the responsibilities and authorities given it under this Code to ensure compliance with tribal laws and hemp specific federal laws and regulations.

Y. "Institution of Higher Education" has the meaning assigned to it by 20 U.S.C. § 1001.

Z. "Intended for Consumption" means intended for a human or animal to ingest, inhale, topically apply to the skin or hair, or otherwise absorb into the body.

AA. "Key participants" means 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. This definition also does not include a member of the leadership of a Tribal government who is acting in their capacity as a Tribal leader except when that member exercises executive managerial control over hemp production.

BB. "Lot" means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout the area.

CC. "Marijuana" means, as defined in the federal Controlled Substance Act, "marihuana", all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. The term "marihuana" does not include hemp, as defined in section 297A of the Agricultural Marketing Act of 1946, and does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. "Marihuana" means all cannabis that tests as having a concentration level of THC on a dry-weight basis of higher than 0.3% THC.

DD. "Measurement of Uncertainty" or "MU" means the parameter, associated with the results of a measurement that characterizes the dispersion of the valued that could reasonably be attributed to the particular quantity subject to measurement.

EE. "Person" means a natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, or other form of legal business entity, as well as a state or local government entity.

FF. "Plan" or "Program" means the set of criteria or regulations under which the Confederated Tribes monitors and regulates the production of hemp.

GG. "Process" means to convert any portion of a Hemp Crop into a Hemp Ingredient, Hemp Product, or any other marketable form of Hemp.

HH. "Produce" means to grow hemp plants for market, or for cultivation for market.

II. "Producer" means an owner, operator, landlord, tenant, or sharecropper, who shares in the risk of producing industrial hemp, who is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced, and is licensed or authorized to produce hemp under this Code. A producer includes a grower of hybrid seed.

JJ. "Variety" means a group of plants or an individual plant that exhibits distinctive observable physical characteristic(s), or phenotypic qualities, or has a distinct genetic composition defined as a genotype.

CHAPTER 2. LICENSING

SECTION 2.01. HEMP PROGRAM LICENSE REQUIRED

Any Person or Entity growing, cultivating, processing, manufacturing, producing, or extracting Hemp (including seeds and propagules) within, or emanating from, the Indian country of the Confederated Tribes of the Umatilla Indian Reservation shall possess a current, valid, unexpired, un-suspended, and un-revoked license issued by the Hemp Program.

SECTION 2.02. PROHIBITIONS; RESTRICTIONS ON LICENSE TRANSFERS

A. Unless otherwise provided under this Code, the following shall be ineligible for a License under this Code:

1. Any Person who is not an enrolled member of the Confederated Tribes of the Umatilla Indian Reservation or a resident within the Umatilla Indian Reservation or Indian Country of the Confederated Tribes of the Umatilla Indian Reservation;

2. Any Person under the age of 18 years;

3. Any Person convicted of a felony relating to a controlled substance under tribal, state, or federal law shall be ineligible, during the ten (10) year period following the date of such felony conviction. With the exception for participants in a state hemp pilot program authorized under the 2014 Agricultural Act before December 20, 2018;

4. Any Person who materially falsifies any information contained in their Hemp license application;

5. Any Person that negligently violates the Industrial Hemp law or regulations three (3) times in a five (5) year period shall be ineligible to participate in the Hemp Program for a period of five (5) years beginning on the date of the third violation;

6. Licensees cannot have primary employees or partners, including Key Participants and individuals with executive managerial control, within their Hemp production who are convicted of a felony, relating to a controlled substance, within the past ten (10) years from the date of the application of a License, under tribal, state, or federal law.

B. Licenses cannot be assigned or transferred to another person, unless first approved by the Hemp Program in writing.

C. Any licensee, producer, or location owned by a licensee who has been convicted of a felony, or who has had their license revoked or suspended may not transfer their license or registered land area to another producer.

SECTION 2.03. HEMP LICENSE APPLICATION

A. Applications for a license to grow Hemp under this Code may be submitted to the Hemp Program between November 1 and June 1, excluding June 2 through October 31. The Hemp Program may require applications to be submitted on a form created and provided by the Hemp Program.

1. Each applicant shall pay all fees required by the Hemp Program. Application fees shall be paid at the time of application.

2. The Hemp Program may set and collect fees and establish associated due dates that are reasonable and necessary for the administration of the Hemp Program including but not limited to: applications, license renewals, license maintenance, and testing fees.

B. Applications shall include:

1. The full name, residential address, geospatial location for each lot or greenhouse where hemp will be produced, a legal description of the land on which the producer will produce hemp including but not limited to geospatial location and acreage dedicated to the production of hemp, or greenhouse, or indoor square footage dedicated to the production of hemp, telephone number, and email address.

2. Proof that the location where hemp will be produced is within an allowed zone under the CTUIR Land Development Code.

3. If the applicant is a business entity, the application shall include the full name of the business, the principal business location address, full name and title of the key participants, title, email address, employer identification number (EIN) of the business, and a Certificate of Good Standing from the jurisdiction in which the business is licensed and registered; and

C. Applications may be for a one year license, which is valid until December 31 of the year in which the license is issued, or a three-year license, which is valid for three years after the year in which the license was issued until December 31 of the year three years after the license is issued.

1. If a one year license is issued before December 31, but after November 1 during the license application period, the license will be valid until December 31 of the following calendar year.

2. If a three year license is issued before December 31, but after November 1, during the license application period, the license will be valid until Dec 31 three years after the following calendar year. For example: if a license application is sent to the industrial hemp department on November 3, 2023 and receives an approved license on December 3, 2023, the license will remain valid until December 31, 2026.

D. All Licensees and their Key Participants applying for a license under this Code shall go through a fingerprint based criminal background check as follows:

1. The Hemp Program shall require Licensee applicants and their Key Participants to submit fingerprints through the Tribal Access Program for the purpose of conducting a tribal and federal fingerprint based criminal history background check.

2. The Hemp Program shall require that such fingerprint submissions be made as part of an application seeking a license issued by the Hemp Program, as defined by this Code.

3. The information provided by the Licensee applicant and their Key Participants shall be used for searching the tribal criminal records repository and the fingerprints shall be submitted to the Federal Bureau of Investigation for a national criminal records search under 34 USC 41101. The tribal criminal history repository shall notify the Hemp Program of any criminal history record information or lack of criminal history record information discovered on the individual.

4. Criminal history record information shall not be shared with the Licensee applicant or their Key Participants or any other private entity or as otherwise prohibited by the Federal Bureau of Investigations

5. Fingerprint criminal background checks must be completed within 60 days prior to the date the application is submitted.

E. All incomplete applications missing required information shall be returned to the Applicant as incomplete. The Applicant may resubmit a completed application.

F. All licenses shall be valid until December 31 of the year either one or three years after the year in which the license was issued dependent on the term of licensure.

G. Licenses may be renewed by submitting a renewal application to the Hemp Program on a form provided by the Hemp Program no later than thirty (30) days prior to the date of the license expiration.

H. If the Applicant is producing hemp in more than one location, the Applicant may be granted more than one license subject to the discretion of the Hemp Program.

I. The Hemp Program shall keep all applications and forms for all production or storage licenses for a minimum of three (3) years.

J. If the Applicant needs to make a change to any legally required information, the Applicant shall submit an Information Change Form, as provided by the Hemp Program, within fifteen (15) days of the change being made.

SECTION 2.04. GROW SITE REGISTRATION

A Grow Site registration must be submitted to the Hemp Program for each proposed Registered Land Area in which the Applicant intends to produce hemp. Grow Site registrations shall be submitted on a form provided by the Hemp Program and must include:

A. The street address, geospatial location, and legal description of each field, greenhouse, building, or site where hemp will be produced, stored, or handled.

B. If hemp is produced or is intended to be produced in a field the form must include the GPS coordinates provided in decimal degrees and taken at the approximate center of the grow site, the number of square feet or acres of each Grow Site, and a map of the production area showing clear boundaries of the Grow Site.

C. If hemp is to be produced or is intended to be produced in a greenhouse or other building the form must include the GPS coordinates provided in decimal degrees and taken at the approximate entrance of the greenhouse or other building composing the Grow Site.

D. If the applicant is a business entity, the full name of the business, the principal business location address, full name and title of the key participants, title, email address (if available), employer identification number (EIN) of the business, and a Certificate of Good Standing from the state of territory which the business is located; full name of the Applicant who will have signing authority on behalf of the entity, title, and email address of the key participants.

SECTION 2.05. TERMS AND CONDITIONS

By submitting an application, the Applicant acknowledges and agrees to the following minimum terms and conditions:

A. Any information provided to the Hemp Program may be provided to law enforcement agencies without further notice to the Applicant;

B. The Applicant shall allow and fully cooperate with each annual inspection and sampling that the Hemp Program deems necessary;

C. The Applicant shall pay for the inspection and laboratory analysis costs that the Hemp Program deems necessary within thirty (30) days of the date of the invoice, provided that the Applicant shall not be required to pay for more than one (1) Hemp Program inspection and associated laboratory analysis costs per year;

D. The Applicant shall submit all required reports required by the Hemp Program, which shall be submitted by the applicable due-date specified by Hemp Program;

E. All key participants shall submit fingerprints and pay Criminal History Report fees directly to the Hemp Program or other agency designated by the Hemp Program; and

F. The Applicant must report any felony convictions relating to controlled substances under tribal, state, or federal law to the Hemp Program within five (5) business days of receiving notice of such conviction.

CHAPTER 3. INSPECTIONS, SAMPLING, TESTING, AND TRANSPORTATION

SECTION 3.01. HEMP PROGRAM INSPECTIONS AND UNRESTRICTED ACCESS

A. The Hemp Program shall conduct annual random inspections of hemp grow sites and all registered land areas to verify compliance with all requirements of the license issued.

B. Hemp Producers shall provide the Hemp Program's inspectors complete and unrestricted access to all plants, plant parts, and seeds within a registered land area, whether growing or harvested, and all land, buildings and other structures used for the production, handling, and storage of hemp, and all documents and records pertaining to the Licensee's Hemp business.

C. Annual inspections may include sampling by the Hemp Program inspectors or representative for testing to determine industrial hemp THC levels or any other defined purpose.

D. Inspection visits may be conducted at any time during regular business hours. Inspectors shall be granted unrestricted access to the registered land area(s).

E. All samples collected by the Hemp Program shall become the property of the CTUIR and no compensation shall be owed.

F. The Hemp Program shall keep test results for all hemp tested for a minimum of three (3) years.

SECTION 3.02. SAMPLING AND TESTING

A. Within 30 days prior to the anticipated harvest of hemp, a producer shall submit a Pre-Harvest Notification to the Hemp Program to schedule a Hemp Program designated person to collect samples from the flower material of such cannabis material for delta-9 tetrahydrocannabinol concentration level testing following the sample collection procedures described in *Sampling Guidelines for Hemp* **(**attached as Appendix B) and the testing procedures described in *Laboratory Testing Guidelines* (attached as Appendix C) or as those documents may be amended, modified, or replaced by the United States Department of Agriculture from time to time.

B. The method used for sampling from the flower material of the cannabis plant must be sufficient at a confidence level of 95 percent that no more than one percent (1%) of the plants in the lot would exceed the acceptable hemp THC level. The method used for sampling must ensure that a representative sample is collected that represents a homogeneous composition of the lot.

C. In order to ensure that the sample represents a homogeneous composition of the lot, the sample shall meet the following requirements:

1. For purposes of determining the number of individual plants to select for sampling, the number of plants within each acre shall be considered. For sampling purposes, samples from separate lots must be kept separate and not be commingled.

2. For lots of one acre of less, including greenhouses, or any other building used for production, one tenth percent (.01%) of the total number of plants will be selected for sampling, a cutting shall be taken from the selected one tenth-percent (.01%) of the plants, then combined to form a composite sample.

3. For lots greater than 1 acre up to 10 acres, including greenhouses, or any other building used for production, one-tenth percent (.01%) of the total number of plants shall be selected for sampling, a cutting shall be taken from the selected one-tenth percent (.01%) of the plants, then combined to form a composite sample.

4. For lots greater than ten (10) acres, including greenhouses, the number of plants that will be selected to form a composite sample is based upon the Codex Alimentarius Recommended Methods of Sampling for the Determination of Pesticide Residues for Compliance with MRLS CAC/GL 33-1999. The sample size and procedure if further detailed in Appendix B *Sampling Guidelines for Hemp* or as that document may be amended, modified, or replaced by the United States Department of Agriculture from time to time.

D. During a scheduled sample collection, the producer or an authorized representative of the producer shall be present at the growing site.

E. Representatives of the sampling agency shall be provided with complete and unrestricted access during business hours to all hemp and other cannabis plants, whether growing or harvested, and all land, buildings, and other structures used for the production, handling, and storage of all hemp and other cannabis plants, and all the locations listed in the producer license.

F. A producer shall not harvest the hemp crop prior to samples being taken.

SECTION 3.03. RESERVED

SECTION 3.04. STANDARDS OF PERFORMANCE

A. A producer shall not harvest the cannabis or hemp crop prior to samples being taken.

1. Laboratory quality assurance must ensure the validity and reliability of test results;

2. Analytical method selection, validation, and verification must ensure that the testing method used is appropriate (fit for purpose) and that the laboratory can successfully perform the testing;

3. The demonstration of testing validity must ensure consistent, accurate analytical performance; and

4. Method performance specifications must ensure analytical tests are sufficiently sensitive for the purpose of the detectability requirements of this part.

B. At a minimum, analytical testing of samples of delta-9 tetrahydrocannabinol (THC) levels must use post-decarboxylation or other similarly reliable methods approved by the Secretary. The testing methodology must consider the potential conversion of delta-9 tetrahydrocannabinolic acid (THC-A) in hemp into delta-9 tetrahydrocannabinol (THC) and the test results reflect the total available THC derived from the sum of the THC and the THC-A content. Testing methodologies meeting the requirement of this paragraph (B) include, but are not limited to, gas, or liquid chromatography with detection.

C. The total delta-9 tetrahydrocannabinol (THC) concentration level shall be determined and reported on a dry weight basis. Additionally, measurement of uncertainty (MU) must be estimated and reported with the test results to show the acceptable hemp THC level. DEA-registered laboratories shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

D. Any sample test result exceeding the acceptable hemp THC level shall be conclusive evidence that the lot represented by the sample is not in compliance with this part. Lots tested and not certified by the DEA-registered laboratory at or below the acceptable hemp THC level may not be further handled, processed, or enter the stream of commerce and the producer shall ensure the lot is disposed of in accordance with this Code.

SECTION 3.05. TRANSPORTATION

A. The Licensee or other Person responsible for the transportation of a Hemp Crop must ensure that the following documentation accompanies the Hemp at all times during transport:

1. A copy of the Tribe's Hemp License that corresponds to the Registered Land Area from which the Hemp originated;

2. Registered Land Area from which the Hemp originated;

3. A copy of the pre-harvest test results that correspond to the Harvest Lot in transit as identified by the Harvest Lot Identifier that accompanies the Hemp;

4. Destination Information; and

5. Any other documentation that may be required by the Agriculture Office or the USDA.

B. As required by federal law, the CTUIR shall provide reciprocity to other state and tribal licenses and testing certifications for Hemp and Hemp Products being transported through the Indian country of the Confederated Tribes of the Umatilla Indian Reservation including the Umatilla Indian Reservation. Any person who possesses Hemp or Hemp Products which will stay within the Indian country of the Confederated Tribes of the Umatilla Indian Reservation must apply for a CTUIR license.

CHAPTER 4. REPORTING

SECTION 4.01. REPORTS TO THE HEMP PROGRAM

A. Licensees shall provide the Hemp Program with an annual report that includes annual harvest, contact information, and disposal reports of Licensees, which may include information on:

1. seed variety;

2. field location;

3. legal description of the land on which the Licensee will grow, produce, or handle Hemp (including, to the extent practicable, geospatial location) agricultural techniques;

4. production and sales;

5. end use of product;

6. contact information including full name, telephone number, license identifier, business address or principal business location address;

7. federal employer identification number (to the extent applicable);

8. title, and email address (if available) of Licensee or each Key Participant of a Licensee;

9. disposal records of any non-conforming plants or plant material disposed of in accordance with this Code, including the name and address of the Licensee, Licensee license number, location information for the lot subject to disposal, information on the disposal agent, date that such disposal was completed, and the total acreage disposed;

10. annual information including total acreage of hemp planted, total harvested acreage, and, if applicable, total acreage disposed; and

11. any other report information deemed necessary by the Hemp Program to which the Licensee has consented in the license application.

B. To the extent required, the Hemp Program will report and share any such information to the USDA's Agricultural Marketing Service (AMS) through the online Hemp eManagement System (H.eM.P.), including pursuant to 7 C.F.R. § 990.3(a)(9), in order to support the information sharing requirements in 7 U.S.C. § 1639q(d).

C. Licensees shall report any changes of contact information to the Hemp Program in writing within fourteen (14) days of the change.

SECTION 4.02. REPORTS TO USDA

A. Hemp Program Monthly USDA Producer and Disposal Report. On the first of each month, or if the first of the month falls on a weekend or holiday, the report is due by the first business day following the due date, the Hemp Program will submit to the USDA a report, in the format compatible with USDA's Hemp eManagement Platform (H.eM.P.), containing the following:

1. The time period covered by the report;

2. If applicable, an indication that there were no changes during the time period;

3. Contact information for each Hemp Producer;

4. A legal description of each Hemp Producer's land, including to the extent practicable, geospatial location;

5. The acreage or indoor square footage dedicated to the production of Hemp for each Hemp Producer;

6. The license number for each Hemp Producer;

7. The status or status change and number of each Hemp Producer's License, including previously reported information and new information;

8. If there have been any disposals that month, the report must also include:

   a. Name and address of the Hemp Producer;

   b. Hemp Producer License number;

   c. Location information (such as lot number, location type, and if practicable geospatial location) for the production area subject to disposal;

   d. Testing results;

e. Information on the agent who handled the disposal;

f. Disposal completion date; and total acreage disposed.

B. Hemp Program Annual USDA Acreage Report. Annually, by December 15 of each year, the Hemp Program shall report, in the format compatible with the USDA's Hemp eManagement Platform (H.eM.P.), to the USDA, the following:

1. Total planted acreage;

2. Total harvested acreage; and

3. Total acreage disposed.

C. Hemp Producer Report to Farm Service Agency (FSA). After receiving a License, and in addition to providing this Report to the Hemp Program, each Hemp Producer is responsible for submitting the following information to the USDA's Hemp eManagement Platform (H.eM.P.), and will update the FSA and the Hemp Program not more than thirty (30) days after the date on which the information is changed:

1. Street address, and to the extent practicable geospatial location, for each Harvest Lot or indoor growing facility where such producer grows Hemp. If a Hemp Producer operates in more than one location, or is producing under multiple licenses, production information shall be provided for each location;

2. Total acreage or indoor square footage dedicated to Hemp production;

3. Total acreage of Hemp planted, harvested, and disposed or remediated; and

4. License identifier number.

D. Hemp Producer Test Results Report. Each Hemp Producer will work with the DEA-registered laboratory that conducts the test of sample(s) of Hemp crop collected in accordance with this Code from the Hemp Producer's lot(s) to ensure that the test results for all such sample(s) include information required under 7 C.F.R. § 990.7(d) and are reported to the USDA's Hemp eManagement Platform (H.eM.P.).

E. Laboratory Reporting Requirements. Laboratories conducting the "final" test that will be used to determine whether a pre-harvest sample is complaint shall report all test results—whether passing or failing—to the USDA's Hemp eManagement Platform (H.eM.P.) via the "Laboratory Test Results Report."

1. Laboratories conducting testing for purposes of monitoring the THC concentration throughout the growing season are not subject to the reporting requirements. These tests throughout the growing season are for the Hemp Producer (Licensee) to monitor their production as it grows and not to comply with the pre-harvest testing requirements.

SECTION 4.03. LICENSEE PLANTING AND HARVEST REPORTS

A. Planting Report. Within fourteen (14) days after planting any Hemp, each Hemp Producer shall submit, on a form provided by the Hemp Program, a Planting Report that includes the GPS coordinates and a map showing the location and actual acreage or square feet of Hemp planted.

B. Pre-Harvest Report. At least thirty (30) days prior to harvest, each Hemp Producer shall file a Harvest Report, on a form provided by the Hemp Program that includes:

1. A statement of intended disposition of its Hemp crop; and

2. The projected harvest date(s) and location(s) of each Variety of Hemp Cultivated within a Registered Land Area. A Hemp Producer must notify the Hemp Program immediately of any changes in the reported harvest date(s) in excess of seven (7) days.

3. A Hemp Producer is not required to document the removal of male Hemp plants on a Harvest Report provided that the male Hemp plants are destroyed or utilized on the Registered Land Area prior to filing a Harvest Report for the remaining Cannabis plants.

C. A Hemp Producer must retain all documentation of sampling and testing for at least three (3) years in a manner such that it can be readily provided to the Hemp Program upon request.

SECTION 4.04. HEMP PROGRAM RECORDS RETENTION

The Hemp Program shall maintain information on hemp licenses, license applications, reports provided to USDA as required by the Code, and other relevant information regarding the Registered Land Area on every approved site in which Hemp is produced, including a legal description of the land, for a period of not less than three (3) calendar years.

SECTION 4.05. PRIVACY PROTECTION

Except as required by USDA reporting and to law enforcement, the Hemp Program shall remove the following from any collected information: all personally identifiable information including name; physical address; drivers' licenses; social security numbers; GPS coordinates; telephone numbers; email address. Such information shall be shielded by the Hemp Program to the maximum extent permitted by law.

CHAPTER 5. REMEDIATION AND DISPOSAL OF NON-COMPLIANT PLANTS

SECTION 5.01. GENERALLY

Hemp that tests higher than the Acceptable Hemp THC Level shall be remediated or disposed of by the Hemp Producer in compliance with USDA Guidance on Remediation and Disposal (issued Jan. 15, 2021) or as hereafter amended, modified, or replaced (Appendix D) and all applicable federal, tribal, and local laws, regulations, rules, and other requirements.

SECTION 5.02. REMEDIATION

A. Remediation can be achieved by separating and destroying non-compliant flowers while either retaining stalks, leaves, and seeds, or, by shredding the entire Hemp plant to create a homogenous biomass. Regardless of the form of Remediation used, the remediated Hemp must be retested for THC compliance.

1. The remediator must remove and destroy the buds, trichomes, trim, and kief from the plants within the non-compliant Harvest Lot. The remediator may remove the non-compliant buds, trichomes, trim, and kief by hand or by the use of a mechanical device that can properly remove the noncompliant buds, trichomes, trim, and kief.

a. The leftover stalks, leaves, and seeds must be separated from the noncompliant floral material and labeled clearly and demarcated as "hemp for remediation purposes."

b. Seeds removed from non-compliant hemp during remediation must not be used for propagative purposes.

c. Remediated stalks cannot leave the labeled and demarcated area until a test result showing compliance with the Acceptable Hemp THC Level is received or until the remediated stalks are destroyed. The resample must be taken by a

Sampling Agent as described in the USDA's Sampling Guidelines and as outlined in this Code.

d. Any stalks that remain above the Acceptable Hemp THC Level after remediation and retesting shall be destroyed through any process outlined in this Code and the USDA Remediation and Disposal Guidelines (issued Jan.15, 2021). The Hemp Program must verify that disposal occurred successfully.

2. The entire non-compliant Harvest Lot, as reported to the USDA FSA, can be shredded to create a homogenous, uniform biomass, which can be achieved by shredding the non- compliant Harvest Lot through shredders, composters, or special mechanical equipment.

a. The biomass process must ensure that the non-compliant Harvest Lot is crushed, shredded, or mulched.

b. The biomass created through this process shall be resampled and retested to ensure compliance before entering the stream of commerce in accordance with the Final Rule. Biomass that fails retesting is non-compliant Hemp and shall be destroyed.

c. Remediated biomass must be separated from any compliant hemp stored in the area and clearly labeled and demarcated as "hemp for remediation purposes." All Harvest Lots subject to remediation should be stored, labeled, and demarcated apart from each other and from other compliant hemp lots stored or held nearby.

d. Remediated biomass cannot leave the labeled and demarcated area until a test result showing compliance with the Acceptable Hemp THC Level is received or until the biomass is destroyed.

e. The resample should be taken by a Sampling Agent as described in the USDA's Sampling Guidelines and as outlined in this Code.

f. When resampling, a representative sample of the biomass should be taken for compliance purposes. The Sampling Agent must take biomass material from various depths, locations, and containers in the labeled and demarcated area to collect a representative sample of the material. At minimum, ~750 mL or three (3) standard measuring cups of biomass material should be collected. Sampling Agents may collect more biomass material based on the requirements of the testing laboratory. If ~750 mL of material is not available, the sampling agent should collect enough biomass material for a representative sample.

g. An original copy of the resample test results, or a legible copy, must be retained by the Licensee or an authorized representative and be available for inspection for a period of three (3) years from the date of receipt.

h. Laboratories testing a resample must use the same testing protocols as when testing a standard sample of Hemp.

SECTION 5.03. DISPOSAL

A. Disposal can be achieved through any process outlined in the USDA Remediation and Disposal Guidelines (issued Jan. 15, 2021) or as hereafter amended, modified, or replaced, which is included in Appendix D. The Hemp Program must verify that disposal occurred successfully. A Hemp Program representative shall be on-site for any disposal activity to ensure in-person verification. Disposal can be accomplished by:

1. Plowing a non-compliant Hemp Lot with curved plow blades that rotate subsoil to the surface and bury the crop below;

2. Mulching or composting field crops by cutting or blending crop with manure or other biomass material.

3. Disking or leveling the crop using a tow-behind disk implement to amend soil directly from the crop while leveling the field.

4. Commercial Bush Mower or Chopper to shred and mix vegetation to decompose into the soil.

5. Deep burial of crop by trenching the field and burying surface soil at a depth of twelve (12) inches.

6. Burning or setting fire to specific non-compliant production fields or biomatter piled on the field in order to clear all plant material.

CHAPTER 6. ENFORCEMENT

SECTION 6.01. HEMP PROGRAM AUTHORITY TO ENFORCE

The Hemp Program may, in its discretion, deny, suspend, or revoke a license for failure to comply with all requirements of an application or for a violation of this Code.

SECTION 6.02. VIOLATIONS

A. Negligent violations. Negligent violations shall include, but are not limited to:

1. Failure to provide a legal description of land on which the producer produces hemp;

2. Failure to renew a license in a timely manner provided the Licensee has not waited more than six months after a license has expired to seek renewal;

3. Negligent production of cannabis with a delta-9 tetrahydrocannabinol concentration exceeding the acceptable hemp THC level if the Licensee has made reasonable efforts to grow hemp and cannabis that does not have a delta-9 tetrahydrocannabinol concentration of more than 1.0 percent on a dry-weight basis.

B. Corrective Action Plan.

1. For each negligent violation a producer is found to commit violating this Code, the Hemp Program will issue a Notice of Violation and require a Corrective Action Plan for the producer within fifteen (15) days following the date of violation. The producer shall comply with the Corrective Action Plan for a period of two years from the date of their approval of their Corrective Action Plan in order to resolve their violation. Corrective Action Plans will, at a minimum, include:

a. A reasonable date by which the producer shall correct the negligent violation, which shall be no longer than thirty (30) days from the date of the negligent violation;

b. Steps to correct each negligent violation; and

c. A description of the procedures to demonstrate compliance must be submitted to the industrial hemp department.

2. The Licensee shall report to the Hemp Program every six (6) months for a period of not less than the next two (2) years from the date of the Corrective Action Plan.

3. The Hemp Program shall conduct an inspection to determine if a corrective action plan has been properly implemented. Inspections shall be conducted forty-five (45) days after the date of issuance of Notice of Violation.

C. Subsequent Negligent Violations. If a subsequent negligent violation is committed within the two-year time period of the corrective action plan, a new corrective action plan must be submitted with greater quality control, staff training, and quantifiable action measures. Producers shall not receive more than one negligent violation per growing season.

D. Civil Penalties. A Licensee that negligently violates a provision of this Code or a Corrective Action Plan shall be subject to the following penalties:

1. A Licensee who commits a single negligent violation within a five-year period shall be fined five hundred dollars ($500.00).

2. A Licensee who commits two negligent violations within a five-year period shall have their license suspended and shall be ineligible to produce hemp for a period of one year beginning on the date of the subsequent or second violation.

3. A Licensee who commits three or more negligent violations in a 5-year period shall have their license revoked and shall be ineligible to produce hemp for a period of 5 years beginning on the date of the third violation.

E. Crimes. A Licensee who commits a violation of the Code with a culpable mental state greater than that of negligence shall be subject to criminal prosecution under the Criminal Code and immediately referred by the Hemp Program to the FBI and the United States Attorney's Office for the District of Oregon for consideration of federal prosecution. Violations that are not with a culpable mental state greater than that of negligence are not subject to federal, state, tribal, or local government criminal enforcement action.

SECTION 6.03. AUTOMATIC LICENSE REVOCATION

A License shall be deemed immediately revoked and the Hemp Program shall issue a Notice of Revocation in the event that a Licensee:

A. Pleads guilty to, or is convicted of, any felony related to a controlled substance from any jurisdiction;

B. Makes any materially false statement with regard to the provisions of this Code to the Hemp Program;

C. Commits any act of ineligibility within this Code; or

D. Is found to be growing Cannabis exceeding the Acceptable Hemp THC Level with a culpable mental state greater than negligence.

SECTION 6.04. SUSPENSION

A. Any Licensee whose has been suspended shall not handle or remove hemp or cannabis from the location where hemp or cannabis was located at the time of the issuance of a Notice of Suspension without prior written authorization from the Hemp Program, nor produce hemp during the period of suspension.

B. A license suspended for one year or less shall be considered restored one year from the date of the suspension unless otherwise indicated in a Corrective Action Plan.

SECTION 6.05. APPEALS OF DENIAL, SUSPENSION, OR REVOCATION OF LICENSES

A. Any Licensee who has had their application denied, license suspended, or license revoked by the Hemp Program due to a violation of, or automatic operation of, this Code, may appeal such action or determination to the Court.

B. An appeal under this Section shall only be with regard to whether the action or determination of the Hemp Program was not permitted under this Code.

C. Deference shall be given to the Hemp Program for any questions of fact.

D. Pending an appeal, a License shall remain suspended and a Licensee shall cease any and all Hemp related operations otherwise authorized under this Code.

APPENDIX A

LEGISLATIVE HISTORY

HEMP CODE

LEGISLATIVE HISTORY

The Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation enacted the Hemp Code in Resolution 23-060 (June 26, 2023) to enable the regulation of hemp production and licensing of growers and producers of Hemp on the Umatilla Indian Reservation.

APPENDIX B

Sampling Guidelines for Hemp
U.S. Domestic Hemp Production Program

Issued January 15, 2021

Sampling Guidelines for Hemp
U.S. Domestic Hemp Production Program
Issued January 15, 2021

Purpose:
1. Standard and Performance-based sampling guidelines are specified for field and indoor sampling of hemp. States and Tribes shall develop their own sampling protocols in accordance with §990.3.

2. Samples are taken to obtain specimens for the measurement of total tetrahydrocannabinol (THC) content, which determine whether the specimens are hemp or marijuana. The measurements are intended to be representative of the total THC content in a "lot" of hemp crop acreage as identified by the producer. Hemp producers may not harvest hemp prior to the hemp being sampled for THC concentration. Testing procedures are provided in a separate guidance document.

Scope:
1. Samples collected under this procedure are acceptable for submission to a qualified testing laboratory for determination of total THC concentration in hemp. After December 31, 2023, all laboratories testing hemp under the U.S. Domestic Hemp Production Program must be registered with the DEA in accordance with §990.3(a)(3)(iii)(H) and §990.25(g)(iii).

2. Since the THC content of hemp generally peaks as the plant ripens, the timing of when sampling occurs is important to accurately measure total THC concentration and monitor compliance with the USDA hemp production program. Harvest shall be completed within 30 days from sample collection.

3. Samples shall be collected only by a trained sampling agent. Sampling agents must be trained under applicable USDA, State, or Tribal training procedures. States and Tribes must maintain information, available to producers, about trained sampling agents. Hemp producers may not act as sampling agents.

4. It is the responsibility of the licensed producer to pay any fees associated with sampling.

5. It is the responsibility of the sampling agent to pay any fees associated with sampling agent training or testing.

Summary of Practice:
1. This practice provides procedures for entering a growing area and collecting the minimum number of plant specimens necessary to represent a homogeneous composition of the "lot" that is to be sampled. A trained sampling agent enters a growing area, strategically examines the growing area, establishes an approach for navigating the growing area, and collects individual specimens of plants in order to obtain a representative sample of hemp in the designated lot.

2. Cuttings from each "lot" of hemp crop acreage, as identified by the producer, and submitted to and uniquely identified by the Farm Service Agency (FSA) per the requirements of the USDA hemp production program, shall be organized as composite samples. The terminology used by FSA to denote land areas include terms like "farm," "tract," "field," and "subfield," which are equivalent to AMS's term "lot." For the purposes of these procedures, a "lot" is a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout. In addition, "lot" refers to the batch of contiguous, homogeneous whole of a product being sold to a single buyer at a single time. The size of the "Lot" is determined by the producer in terms of farm location and field acreage and is to be reported as such to the FSA.

Performance-Based Sampling Protocols:

1. States and Tribes may develop performance-based sampling protocols.

2. Performance-based sampling protocols may consider seed certification processes, other process that identify varieties that have consistently resulted in compliant hemp plants, whether the producer is conducting research on hemp at an institution of higher learning or that is funded by a Federal, State, or Tribal government, whether a producer has consistently produced compliant hemp plants over an extended period of time, and other similar factors.

3. Performance-based sampling protocols may consider alternative requirements for operations that grow "immature" cannabis that does not reach the flowering stage. These facilities may grow seedlings, clones, microgreens, or other non-flowering cannabis, as determined by the State or Tribe.

4. A performance-based sampling 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 of 0.3 percent on a dry weight basis.

5. Regardless of the specific performance-based sampling requirements developed under a State or Tribal plan, all samples must be collected from the flowering tops of the plant by cutting the top five to eight inches 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.

6. States and Tribes are required to include performance-based sampling protocols in the plan submitted to USDA for approval if they decide to use this methodology.

Standard Sampling Protocols:

1. The standard sampling method must be used by all producers, except for producers operating under a State or Tribal plan that includes a performance-based sampling requirement.

2. The standard sampling protocol ensures, 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 ensures that a collected sample represents a homogeneous composition of the lot.

3. Every lot and every producer must be sampled and tested.

4. All samples must be collected from the flowering tops of the plant by cutting the top five to eight inches 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.

5. All producers licensed directly by USDA are subject to these requirements.

Equipment and Supplies:

1. Garden pruners/shears (Cleaned prior to and following each composite sample. Some examples of appropriate cleaning agents and supplies to use on garden pruners/shears are bleach, rubbing alcohol, steel wool, and/or sandpaper.)

2. Sample bags, paper.

2.1. The size of the bags will depend upon the number of clippings collected per lot.

2.2 The bags should be made from material known to be free from THC.

3. Security tape

4. Permanent markers

5. Sample collection forms

6. GPS Unit of lot being sampled

7. Disposable gloves – Nitrile

8. Ladder

Sampling Guidelines:

1. The licensee or designated employee should be present throughout the sampling process, if possible.

2. Surveillance of the growing area.

2.1. The sampling agent should estimate the average height, appearance, approximate density, condition of the plants, and degree of maturity of the inflorescences (flowers/buds).

2.2. The sampling agent should visually establish the homogeneity of the stand to establish that the growing area is of like variety.

3. Time of Sampling:

3.1. Within 30 days prior to the anticipated harvest of a designated hemp lot, an approved sampling agent, State or Tribally designated person or Federal, State, local, or Tribal law enforcement agency shall collect representative samples from such cannabis plants for THC concentration level testing.

4. Field Sampling:

4.1. The licensee or designated employee should accompany the sampling agent throughout the sampling process, if possible.

5. Surveillance of the growing area.

5.1 The sampling agent should verify the GPS coordinates of the growing area as compared with the GPS coordinates submitted by the licensee to USDA.

5.2 The sampling agent should estimate the average height, appearance, approximate density, condition of the plants, and degree of maturity of the inflorescences (flowers/buds).

5.3 The sampling agent should visually establish the homogeneity of the stand to establish that the growing area is of like variety.

6. Time of Sampling:

6.1 Within 30 days prior to the anticipated harvest of a lot a sampling agent should collect representative samples from such a lot for THC concentration level testing.

7. Field Sampling:

7.1 For purposes of determining the number of individual plants to select for sampling,the size of the growing area should be considered. For sampling purposes, samples from separate lots must be kept separate and not be comingled.

7.2 For lots of less than one acre, including greenhouses, select a minimum of 1 plant, then take a cutting from the plant to form a sample. For lots of 1 to 10 acres, including greenhouses, follow the chart in example 2 below, take cuttings of each plant, then combine to form a composite sample.

7.3 For growing areas larger than ten (10) acres, including greenhouses, the number of plants that should be selected to form a composite sample is based upon the Codex Alimentarius Recommended Methods of Sampling for the Determination of Pesticide Residues for Compliance with MRLS CAC/GL 33-1999.

7.4 The sample size is estimated in a two-step process. The first step is to estimate the number of primary plants to be sampled. The second step is to adjust the estimate of primary plants by the acreage under cultivation.

The initial number of primary plants is estimated using:

$$n_o = \frac{\ln(1-p)}{\ln(1-i)}$$

where p is the confidence level to detect hemp plants testing above the acceptable THC threshold and i is the proportion of hemp plants having THC content above the acceptable threshold. The values for i are based on past experience in the same or similar growing areas, and should be consistent with the requirements currently in the Final Rule.

The initial primary plants estimate is adjusted by the number of acres to calculate the minimum number of primary plants as follows:

$$n = \frac{n_o}{1 + \frac{(n_o - 1)}{N}}$$

where n is the minimum number of primary plants to be selected for forming a composite sample, n_0 is the initial number of primary plants estimated using the previous formula, and N is the number of acres under cultivation.

Examples 1 and 2 below describe the minimum number of samples that must be collected in order to meet the 95% confidence level requirements in the Final Rule. If a State or Tribal hemp program does not have data from a prior growing season to determine the i value, the sampling charts below may be utilized. State and Tribal hemp programs are free to include more rigorous sampling requirements, or to develop performance based requirements.

Example 1: The initial primary plant sample size is 299 with a confidence level of 95% to detect hemp plants having an acceptable hemp THC level and a proportion of hemp plants having THC content above the acceptable threshold equal to 0.01 is considered appropriate. The adjusted primary plant sample sizes for fields from 11 to 173 acres in size are shown in the following table:

Number of acres	Sample Size
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18-19	18
20	19
21	20
22	21
23	22
24	23
25-26	24
27	25
28	26
29	27
30	28
31-32	29
33	30
34	31
35	32
36	33
37-38	34
39	35

Number of acres	Sample Size
40	36
41-42	37
43	38
44	39
45-46	40
47	41
48	42
49-50	43
51	44
52	45
53-54	46
55	47
56	48
57-58	49
59	50
60-61	51
62	52
63-64	53
65	54
66-67	55
68	56
69-70	57
71	58
72-73	59
74	60

Number of acres	Sample Size
75-76	61
77	62
78-79	63
80-81	64
82	65
83-84	66
85-86	67
87	68
88-89	69
90-91	70
92	71
93-94	72
95-96	73
97-98	74
99	75
100-101	76
102-103	77
104-105	78
106-107	79
108	80
109-110	81
111-112	82
113-114	83
115-116	84
117-118	85

Number of acres	Sample Size
119-120	86
121-122	87
123-124	88
125-126	89
127-128	90
129-130	91
131-132	92
133-134	93
135-136	94
137-138	95
139-140	96
141-143	97
144-145	98
146-147	99
148-149	100
150-152	101
153-154	102
155-156	103
157-157	104
159-161	105
162-163	106
164-166	107
167-168	108
169-170	109
171-173	110

Example 2: The adjusted primary plant sample sizes for fields from less than 1 to 10 acres in size are shown in the following table:

Number of acres	Sample Size
Less than 1	1
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10

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

7.6 While walking through the growing area, the sampling agent should cut at least "n" inflorescences (the flower or bud of a plant) based on the acreage of the growing area , at random but convenient distances. Avoid collecting sample specimens from the borders of the field/greenhouse.

7.7 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 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.

7.8. Utilize paper sample bag(s) for collecting sample cuttings. Ensure that each bag has the minimum number of cuttings, n, as calculated by 7.4, or in the Example Tables 1 and 2. If one bag cannot accommodate the minimum number of cuttings due to lot size, the sample may be divided into multiple bags, but must be clearly labeled in such a way that each bag is appropriately matched with the corresponding lot. (i.e. For lot 101 with three corresponding sample bags: 101 1 of 3, 101 2 of 3, 101 3 of 3.)

7.9. Seal each bag and record the sample number or other documentation as required by the State or Tribe.

7.10 A sampling 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 of 0.3 percent on a dry weight basis.

8. Sample identification:

8.1 The sampling agent should seal each bag and record the sample identification number. The sample should also be identified with the following information: Sampling agent contact information; name and contact information of the producer; producer hemp license or authorization number; date of sample; and lot, subfield, or other identifier as provided by the USDA Farm Service Agency; any other information that may be required by States, Tribes, Law Enforcement Authorities, mail delivery services, Customers or groups of customers.

Note: In accordance with 7 CFR 1.901(e), the contents of this document does not have the force and effect of law and are not meant to bind the public in any way, and the document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

APPENDIX C

Laboratory Testing Guidelines
U.S. Domestic Hemp Production Program
Issued January 15, 2021

Laboratory Testing Guidelines
U.S. Domestic Hemp Production Program
Issued January 15, 2021

Purpose:

1. Standard testing procedures are specified for samples taken in accordance with the Sampling Procedures for the USDA Hemp Production Program to measure the total delta-9 tetrahydrocannabinol (THC) concentration levels of samples on a dry weight basis.

2. The results are intended to measure the total THC concentration of composite hemp samples collected from a "lot" of hemp crop acreage designated by a hemp producer and as reported to USDA as required under the USDA Hemp Production Program. The purpose of the measurements is to determine whether the total THC concentration of the tested material is within the acceptable hemp THC level.

Scope:

1. Hemp grown under a USDA, State, or Tribal hemp production plan is subject to sampling and compliance testing for THC concentration. Certain producers, including research institutions and facilities growing immature plants may have different testing requirements depending on the applicable State or Tribal plan and regulations.

2. Tests shall measure the total THC concentration in a sample submitted to a laboratory for analysis. The laboratory will perform chemical analysis on the sample using post-decarboxylation or other similarly reliable methods where the total THC concentration level considers the potential to convert delta-9-tetrahydrocannabinolic acid (THCA) into THC.

3. The total delta-9 tetrahydrocannabinol concentration level shall be determined and reported on a dry weight basis.

4. Laboratories shall calculate and include the Measurement of Uncertainty (MU) when they report THC concentration test results. "Measurement of uncertainty" is defined as "the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement." USDA does not establish or standardize an upper or lower boundary for general use by laboratories to calculate a measurement of uncertainty. MU is typically not standardized, but rather is controlled using test methods controlled by performance standards (e.g., AOAC Standard Method Performance Requirements 2019.003 that can be found at https://www.aoac.org/resources/smpr-2019003/).

5. Hemp testing laboratories are not required to be ISO accredited, although USDA strongly encourages adherence to the ISO 17025 standard.

6. It is the responsibility of the licensed producer to pay any fees associated with testing or retesting.

Summary of Practice:

1. As required under USDA Hemp Production Program regulations, laboratories that analyze hemp to determine total delta-9 tetrahydrocannabinol THC should meet the following standards:

1.1. Laboratory quality assurance protocols must ensure the validity and reliability of test results;

1.2. Analytical method selection, validation, and verification protocols must ensure that the testing method used is appropriate (fit for purpose) and that the laboratory can successfully perform the testing;

1.3. Protocols for demonstrating testing validity must ensure consistent, accurate analytical performance;

1.4. Method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of the detectability requirements of this part; and

1.5. Testing protocols must include an effective disposal procedure, in accordance with USDA guidelines, for non-compliant samples that do not meet the requirements of this part.

1.6. Measurement of uncertainty (MU) must be estimated and reported with test results. Laboratories shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

1.7. Sample preparation of pre- or post-harvest sample shall require grinding of the sample to ensure homogeneity of plant material prior to testing.

1.8 At a minimum, analytical testing of samples for total delta-9 tetrahydrocannabinol concentration levels must use post-decarboxylation or other similarly reliable methods approved by the Secretary in writing. The testing methodology must consider the potential conversion of delta-9 tetrahydrocannabinolic acid (THCA) in hemp into delta-9 tetrahydrocannabinol (THC), and the test result must reflect the total available THC derived from the sum of the THC and THCA content. Current testing methodologies meeting these requirements include gas chromatography and liquid chromatography. Other methods may be approved if they meet the regulatory requirements.

1.9 The total delta-9 tetrahydrocannabinol concentration level shall be determined and reported on a dry weight basis.

2. Laboratories should create an internal SOP specific to testing and retesting hemp and should have the SOP available upon request for inspection. If Sampling Agents are employed,

contracted or utilized by a laboratory, the laboratory shall meet all training requirements under the USDA, State, or Tribal hemp production program.

3. After December 31, 2022, laboratories approved for THC testing must also be registered with DEA to handle controlled substances under the Controlled Substances Act (CSA), 21 CFR part 1301.13.

4. In order to provide flexibility to States and Tribes in administering their own hemp production programs, alternative testing protocols will be considered, if they are comparable and similarly reliable to the baseline mandated by section 297B(a)(2)(ii) of the Agricultural Marketing Act of 1946 and established under the USDA plan and procedures. Approval for alternative testing protocols must be requested of USDA in writing and approved in writing by USDA, provided they meet the requirements of this guidance.

General Guidelines:
General Sample Preparation and Testing Procedures should be conducted as follows:

1. Laboratory receives sample.

2. Dry sample to remove the majority of water.

3. Grind entire sample including leaves, seeds, twigs, and stems.

4. Separate sample into “Test” and “Retain” specimens.

5. Package and store the “Retain” specimen(s) until needed.

6. Analyze the “Test” specimen.

7. Determine moisture content or dry to a consistent weight.

8. Perform chemical analysis.

9. Calculate total THC concentration on a dry weight basis. Test results should be reported on a dry weight basis.

Sample Preparation Guidelines:
Samples should be prepared for testing as follows:

1. Once the composite sample is received by the laboratory, the laboratory should dry the composite sample until brittle in a manner that maintains the THC level of sample.

2. If it is not possible to dry the composite sample within 24 hours from the time of sample arrival, the sample should be held in a freezer at approximate -20°C or lower until the sample is dried.

3. After the initial drying step, the laboratory should grind the entire sample including leaves, seeds, twigs, and stems using centrifugal rotor mill or other method as appropriate. All samples received should be ground, regardless of whether they consist of the initial intact material or "remediated" (shredded or blended) material, as allowed under USDA regulations.

4. The laboratory should create both a "Test Specimen" and a "Retain Specimen for reanalysis and/or confirmation as needed." One sample part should be selected for analysis and labeled "Test Specimen." The other sample part should be marked "Retain Specimen" and should be packaged and stored in a secured place. The testing laboratory internal SOP should define the sample size and distribution of "Test Specimen" and "Retain Specimen."

5. Samples should be stored in secured locations, in appropriate containers (e.g., bottles, tubes, vials, etc.).

6. The laboratory should then either determine moisture content or dry the test specimen to a consistent weight. Samples should be dried to a consistent loss (typically 5- 12% moisture content) so that the test can be performed on a dry weight basis, meaning the percentage of THC by weight, after excluding moisture from the sample. The moisture content is expressed as the ratio of the amount of moisture in the sample to the amount of dry solid in the sample.

6.1. The sample can be dried to a consistent weight to remove all water and then be tested on a dry weight basis. If the sample is not to be extracted immediately after drying, it should be stored in a desiccator.

6.2. Alternatively, the sample can be analyzed for moisture content and this moisture content can be factored into the total THC result to give a dry weight basis.

7. Extraction of the sample should occur as soon as possible from the time of sample arrival. Extracts should be stored in secured locations, in appropriate containers (e.g., bottles, tubes, vials, etc.).

Testing Guidelines:

1. The laboratory will perform chemical analysis on the sample using post- decarboxylation or other similarly reliable methods where the total THC concentration level considers the potential to convert delta-9-tetrahydrocannabinolic acid (THCA) into THC.

2. Testing methodologies meeting these requirements include those using gas chromatography and liquid chromatography.

3. The laboratory will then calculate total THC concentration on a dry weight basis.

Testing Methods:
1. The total available THC, derived from the sum of the THC and THCA content, shall be determined and reported on a dry weight basis.

2. Alternative testing protocols will be considered if they are comparable to the baseline mandated by the 2018 Farm Bill and established under the USDA plan and procedures. Approval to use alternative sampling and testing procedures must be requested in writing and approved in writing by USDA.

3. Laboratories shall use appropriate, validated methods and procedures for all testing activities and shall evaluate measurement of uncertainty.

4. Laboratories should meet the AOAC International standard method performance requirements for Quantitation of Cannabinoids in Plant Materials of Hemp (Low THC Varieties Cannabis sp.) (SMPR 2019.003) for selecting an appropriate method.

5. The range of estimated uncertainty is reported as a ± value and is the same unit as the hemp THC threshold (e.g. +/- 0.05), following best practices for significant figures and rounding.

6. There are resources available for defining, guiding, and calculating measurement uncertainty. They include the GUM, ISO, and Eurachem. Once the expanded measurement uncertainty (U) is determined, then the confidence interval can be calculated around a designated threshold. (i.e. the hemp threshold of 0.3% THC.)

Test Results Exceeding 0.3% THC Concentration:
1. Any sample test result where the total THC concentration of the sample is higher than the acceptable hemp THC level shall be conclusive evidence that one or more cannabis plants or plant products from the lot represented by the sample contain a THC concentration in excess of that allowed under the Act.

1.1. If the results of a test conclude that the THC concentration levels of a sample are higher than the acceptable hemp THC level, the laboratory will promptly notify the producer and the State, Tribal, or Federal regulatory licensing body.

2. Retest Procedures.

2.1. Any hemp program licensee may request that the laboratory retest samples if it is believed the original THC concentration level test results were in error.

2.2. If this occurs, the laboratory shall follow the same procedures as to conduct the initial test.

2.3. The licensee requesting the retest of the second sample will pay the cost of the test.

2.4. The retest results shall be issued to the licensee requesting the retest, and a copy shall be provided to USDA or its agent.

Information Sharing:
1. Laboratories performing THC testing for compliance purposes of this program are required to share test results with the licensed producer, the appropriate State Department of Agriculture or Tribe, and USDA. Laboratories shall report all test results, whether passing or failing, to USDA using AMS Form 22 available here: https://www.ams.usda.gov/rules-regulations/hemp/information-laboratories.

2. Laboratories shall indicate that a test result is for "official compliance" purposes on lab testing results for compliance purposes. Laboratories shall not mark test results for monitoring of THC levels throughout the growing season as for "official compliance" purposes. Laboratories shall retain a legible copy for inspection upon request of all test results for official compliance purposes for a period of three (3) years from date of analysis.

3. Laboratories may provide test results to licensed producers in whatever manner best aligns with their business practices, but producers must be able to produce a legible copy of test results upon request for inspection purposes. For this reason, providing test results to producers through a web portal or through electronic mail, so the producer will have ready access to print the results when needed, is preferred.

4. Results of testing conducted throughout the growing season for the purposes of monitoring THC concentration should not be submitted to USDA. Only the official test result for compliance testing purposes shall be submitted to the USDA.

Testing Remediated Hemp Samples:
1. Licensees can "remediate" hemp following an initial failed test by shredding plant material in a product called "biomass." In this instance, laboratories will receive samples of remediated biomass material for retesting.

2. For remediated testing, the laboratory shall follow the same procedures used to conduct an initial test, as described in this document.

3. For remediated testing, the laboratory shall follow the same reporting requirements as described in this document. A licensee must maintain a legible copy of the remediated test results, available for inspection, for a period of three years from receipt of the testing results provided by the laboratory. Therefore, laboratories are encouraged to provide such documentation to licensees.

References:
ISO 17025. General requirements for the complete testing and calibration laboratories. Food and Drug Administration, Office of Regulatory Affairs, ORA Laboratory Manual
Volume III Section 4, Basic Statistics and Data Presentation (current version).
AOAC Standard Method Performance Requirements AOAC SMPR 2019.003; Title: Quantitation of cannabinoids in plant materials of hemp (low THC varieties 4 Cannabis spp.), and Official Method of Analysis 2018.11.
JCGM 100:2008, Evaluation of measurement data – Guide to the expression of uncertainty in measurement (GUM).
ISO/IEC Guide 98, Expression of Uncertainty in Measurement.
EURACHEM/CITAC Guide "Quantifying Uncertainty in Analytical Measurement" Second edition (2000). A Williams, S L R Ellison, M Roesslein (eds.) ISBN 0 948926 15 5. Available from the Eurachem Secretariate
E. Small and H. D. Beckstead. 1973. Common Cannabinoid Phenotypes in 350 stocks of Cannabis.
J. of Natural Products. 36(2): 144-165.
United Nations Office on Drugs and Crime: Recommended Methods for the Identification and Analysis of Cannabis and Cannabis Products. ISBN 978-92-1-148242-3.

Note: In accordance with 7 CFR 1.901(e), the contents of this document do not have the force and effect of law and are not meant to bind the public in any way, and the document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

APPENDIX D

Remediation and Disposal Guidelines for Hemp Growing Facilities
U.S. Domestic Hemp Production Program
Issued January 15, 2021

Remediation and Disposal Guidelines for Hemp Growing Facilities
U.S. Domestic Hemp Production Program
Issued January 15, 2021

Purpose:
1. Standard Remediation and Disposal guidelines are specified for commercial indoor and outdoor production of hemp as well as the production of hemp for research purposes.

2. Remediation refers to any process by which non-compliant hemp (THC concentration > 0.3%) is rendered compliant (THC concentration ≤ 0.3%). Remediation can be achieved by separating and destroying non-compliant flowers while retaining stalks, leaves, and seeds; or by shredding the entire hemp plant to create a homogenous "biomass" that can be retested for THC compliance.

3. Disposal means destroying non-compliant hemp or hemp for research purposes using one of the approved on-farm methods. Approved methods include plowing under, mulching / composting, disking, bush mowing, deep burial, and burning.

Scope:
1. Commercial lots shall be subject to remediation or disposal when a sample tests over the acceptable hemp THC level according to laboratory results obtained through, USDA approved State or Tribal sampling and testing protocols or USDA sampling and testing protocols.

2. Commercial lots that test above the acceptable hemp THC level shall be subject to either remediation or disposal.

3. Samples must be collected by a USDA-approved sampling agent, an approved state agency, or by a Federal, State, or Tribal law enforcement agent authorized by USDA to collect samples.

4. It is the responsibility of the licensed producer or researcher to pay any fees associated with resampling, remediation, and/or disposal.

5. Producers must verify disposal or remediation by submitting required documentation in accordance with 7 CFR §990.27. All records regarding disposal and remediation of all cannabis plants that do not meet the definition of hemp shall be made available for inspection by State, Tribal, or USDA inspectors, auditors, or their representatives during reasonable business hours in accordance with an applicable State or Tribal plan or §990.28.

6. Laboratories should have an effective disposal procedure as part of an internal SOP for non-compliant samples.

Summary of Practice:
1. This practice provides procedures for ensuring the disposal or remediation of non-compliant hemp. When a cannabis sample tests over the acceptable THC concentration level, all cannabis plants in the lot shall either be remediated to bring the lot under the acceptable THC concentration level, or all cannabis plants shall be disposed of. Both remediation and disposal

may be performed by the producer, researcher or an approved representative of the State, Tribe, or USDA.

In accordance with §990.3, the State or Tribal plan shall include methodologies for ensuring that non-compliant hemp is properly remediated or destroyed. This may come in the form of in-person verification by State or Tribal representatives, or alternative requirements that direct growers to provide pictures, videos, or other proof that disposal or remediation occurred successfully. Hemp produced for research must be disposed of in accordance with the applicable State or Tribal plan or §990.21(d), for research conducted with a USDA producer license.

2. Non-compliant hemp plants may be remediated by separating and destroying non-compliant flowers, while retaining stalks, leaves, and seeds.

3. Non-compliant hemp plants may be remediated by shredding the entire hemp plant to create "biomass." All flowers, buds, trichomes, leaves, stalks, seed, and all plant parts from a lot should be chopped or shredded in such a way as to create a homogenous, uniform blend of the lot called "biomass." Lots should be kept separate and not be combined during this process. This biomass shall be resampled and retested to ensure the biomass material tests within an acceptable THC concentration level before it may enter the stream of commerce in accordance with §990.3(d) and §990.27(c). If the biomass tests above the acceptable THC concentration level is non-compliant hemp and must be destroyed through one of the disposal options provided herein.

4. Disposal means destroying non-compliant hemp by performing any one or combination of the following on-farm activities: plowing under, mulching / composting, disking, bush mowing, deep burial, and burning.

Equipment and Supplies:
1. Equipment for Remediation
1.2. Gloves
1.3 Shears, clippers, scissors, shredding equipment (to remove non-compliant flowers from stalks)
1.4 Striping, shredding, or mulching equipment
1.5 Large plastic bags or other containers to store shredded biomass
1.6 The bags and containers should be made from material known to be free from THC
1.7 Marking and labeling equipment (to mark and label hemp lots for remediation from other lots)

2. Equipment for Disposal
2.1. Plow or tractor (for plowing, mulching, composting, disking, bush mowing, deep burial)
2.2. Composter (for composting)
2.3 A burn area and fire equipment (for burning non-compliant lots)

3. Equipment for Resampling
3.1. Disposable gloves – Nitrile
3.2. Scoop with long handle (cleaned prior to and following each sample)
3.3 Bag to store resample
3.4. Permanent markers

3.5. The bags should be made from material known to be free from THC
3.6. A 750 mL or similar measuring instrument (cleaned prior to and following each sample)

Remediation Guidelines:
1. The licensee or designated employee; or an approved representative of the State, Tribe, or USDA shall remediate or destroy non-compliant hemp in accordance with §990.3(d) and §990.27(c). As part of a State or Tribal plan, a State or Tribe shall create procedures for ensuring that any non-compliant hemp parts or biomass that are non-compliant with the acceptable hemp THC level after remediation are properly destroyed and unable to enter the stream of commerce as set forth in 7 C.F.R. § 990.3(a)(6). A State or Tribal plan may require that State or Tribal officials be present during the remediation or disposal process.

2. Upon notification that a lot has tested above the acceptable hemp THC level, the licensee should notify the appropriate licensing authority of the licensee's decision to either destroy or remediate the non-compliant lot in accordance with the State, Tribal, or USDA plan. The licensee shall notify the State, Tribe, or USDA of their decision to either remediate or dispose of the non-compliant lot. Additionally, the licensee should notify the State, Tribe, or USDA, of the remediation or disposal method set forth in §990.70 and §990.71.

3. If the licensee chooses to remediate the non-compliant lot, the licensee should select either to separate and remove all flowers from stalks, leaves and seeds of the lot or to shred the entire lot into "biomass."

4. Separation and removal of the flowers from stalks, leaves and seeds:


4.1 The flowers, including buds, trichomes, "trim," and "kief," should be removed from the lot and destroyed. As part of a State or Tribal plan, State and Tribes should include acceptable methods for the removal of non-compliant flowers and floral material under this remediation strategy. Methods may include, but are not limited to, the removal, by hand, of non-compliant flowers and floral materials and the mechanical removal of non-compliant flowers and floral materials.

4.2 Until such time as the non-compliant flowers and floral material are disposed of, the stalks, leaves, and seeds should be separated from the non-compliant floral material and clearly labeled and demarcated as "hemp for remediation purposes."

4.3 Seeds removed from non-compliant hemp during remediation should not be used for propagative purposes.

5. Creation of Biomass

5.1 The entire lot, as reported to the FSA, should be shredded to create a homogenous, uniform biomass. As part of a State or Tribal plan, State and Tribes shall include acceptable methods for the creation of biomass under this remediation strategy. Methods may include, but are not limited to, the shredding of hemp plants through shredders, composters, or specialty mechanical equipment.

5.2 The biomass created through this process shall be resampled and retested to ensure compliance before entering the stream of commerce in accordance with §990.3(a)(6) and §990.27(c). Biomass that fails the retesting is non-compliant hemp and shall be destroyed.

5.3. Remediated biomass should be separated from any compliant hemp stored in the area and clearly labeled and demarcated as “hemp for remediation purposes.” All lots subject to remediation should be stored, labeled and demarcated apart from each other and from other compliant hemp lots stored or held nearby.

5.4. Remediated biomass should not leave the labeled and demarcated area until a test result showing compliance with the acceptable hemp THC level is received or until the biomass will be destroyed.

Re-sampling Remediated Biomass:
1. Remediated biomass shall be resampled and retested to ensure compliance before entering the stream of commerce in accordance with §990.3(a)(6) and §990.27(c). Biomass that fails the retesting shall be destroyed.

2. The resample should be taken by sampling agent as described in the “Sampling Guidelines."

3. A representative sample of the biomass should be taken for compliance purposes. When taking the resample, the sampling agent should take biomass material from various depths, locations, and containers in the labeled and demarcated area to collect a representative sample of the material. At minimum, ~750 mL or three (3) standard measuring cups of biomass material should be collected. Sampling agents may collect more biomass material based on the requirements of the testing laboratory. If ~750 mL of material is not available, the sampling agent should collect enough biomass material for a representative sample.

4. An original copy of the resample test results, or a legible copy, should be retained by the producer or an authorized representative and available for inspection for a period of three (3) years from the date of receipt.

5. Laboratories testing a resample should utilize the same testing protocols as when testing a standard sample as described in the “Laboratory Testing Guidelines.”

Disposal Guidelines:

Photo Example	Ag Production Activity	Compliant outcome	Photo Example
	**Plowing Under** • Curved plow blades rotate subsoil to surface and bury crop below	**Plowing Under** • "Green Manure" • Amends soil directly from crop	
	**Mulching / Composting** • Fields crops cut and blended with manure or other biomass material	**Mulching / Composting** • "Green Manure" • Mulch mixed with manure or other biomass	
	**Disking** • Leveling of field using tow-behind disk implement	**Disking** • "Green Manure" • Amends soil directly from crop while leveling field	

Photo Example	Ag Production Activity	Compliant outcome	Photo Example
	**Bush Mower / Chopper** • Commercial lawn mower used to shred and mix thick vegetation	**Bush Mower / Chopper** • "Green Manure" • Shredded biomass decomposes into soil	
	**Deep Burial** • Fields are trenched, surface soil is buried at depth of at least 12"	**Deep Burial** • Field biomass buried in trenches and covered with soil	
	**Burning** • Setting fire to specific production fields or biomatter piled on the field	**Burning** • Fields are cleared of all plant material	

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