West Virginia Public Comments to USDA Interim Rule

1. West Virginia producers feel the original 0.3% THC limit was based on the sampling of the entire plant. Producers feel targeting only the bud material will put farmers at a disadvantage.

2. West Virginia producers would like to see the USDA interim rules changed to allow for post-harvest sampling for products deemed to be over the 0.3% THC limit.

3. West Virginia producers believe the negligence rule that bans producers who have had samples above the 0.3% THC limit the last three of five years is too harsh. Producers would like to see it removed from the USDA interim rules.

4. West Virginia producers would like to see the 0.5% cut-off value for negligence increased to 1%.

5. West Virginia producers would like to see “drying to a constant weight or moisture content” to be further defined within the USDA interim rules. Producers feel the method of lab drying and sifting is biased toward obtaining greater cannabinoid potency by dry weight. Producers say removing stems is not consistent with industry practice.

6. West Virginia Producers have concern with the 15-day window for sampling as stated within the USDA interim rules. West Virginia producers are supportive of the current 30-day sampling window currently in West Virginia rules.

7. West Virginia producers noted concern over the requirement for DEA license laboratories to conduct testing for industrial hemp. They believe it may be a hinderance to additional laboratories being able to participate within the state program. However, producers conceded there is a great amount variability across testing standards used by various labs. Producers speculated this may be due to the difficulty and cost associated with maintaining an accurately calibrated instrument which may be too much for smaller facilities.

8. Growers would like to see the federal THC limit increased to 1%.

9. Growers should be given the option to send their “hot crop” to a DEA registered processor who can remediate the THC level to a value under 0.3% before being sold on the market.