CALIFORNIA STATE REGULATORY PLAN FOR HEMP PRODUCTION
Remediation and Disposal Guidelines for Hemp Growing Facilities
Language and Discussion Points Proposed by the California Industrial Hemp Advisory Board Rules & Regulations Committee

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 components are rendered compliant, defined as hemp plant components or hemp plant derivatives containing an acceptable THC level.[1] Remediation can be achieved by separating and destroying non-compliant components of the hemp plant while retaining compliant components of the hemp plant or by shredding or rendering 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, tilling, mulching / composting, chopping, disking, bush mowing, deep burial, burning, and burying plant or plant derivative material into the earth and covering with soil.

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 in compliance with the California State Regulatory Plan for Hemp Production and associated laws and regulations ("State Plan").

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

3. Samples for remediated material must be collected in compliance with the State Plan.

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 the State Plan. 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 the Local, State, Tribal, or USDA licensing authority ("Licensing Authority") inspectors, auditors, or their representatives during reasonable business hours.

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

[1] As defined in Section 4890 of the California State Regulatory Plan for Hemp Production.

Remediation Guidelines:

1. The licensee or designated employee; or an approved representative of the licensing authority shall remediate or destroy non-compliant hemp in accordance with the State Plan.

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 Plan. The licensee shall notify the Licensing Authority of their decision to either remediate or dispose of the non-compliant lot. Additionally, the licensee should notify the licensing authority of the remediation or disposal method providing the Licensing Authority with a detailed Remediation Plan.

3. If the licensee chooses to remediate the non-compliant lot, the licensee should select either to separate and remove the non-compliant components of the lot or to shred the entire lot into "biomass."

4. Separation of non-compliant materials.

4.1 A licensee seeking to remediate the non-compliant lot by separating and removing the non-compliant components of the lot shall submit a detailed plan for separating non-compliant materials to the Licensing Authority for approval in accordance with all applicable laws and regulations.

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 Plan the Licensing Authority 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.). 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 applicable sampling and testing protocols. Biomass that fails the retesting shall be destroyed.

2. The resample should be taken by a sampling agent in accordance with application sampling protocols.

3. 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.

4. 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	

Discussion Points for Incorporating Terpene and non-THC Cannabinoid Distillation, Extraction, or other Similar Process as a Method of Separation:

- The R&R committee is seeking feedback on a recommended pathway for utilizing distillation, extraction, or other similar methods of separating non-compliant components of the hemp plant, namely allowing the creation of a derivative material.
- The R&R committee is seeking feedback on establishing parameters to address any concerns regarding potential misuse of remediation allowances.
- The R&R committee is seeking feedback on additional testing requirements of derivative material, such as testing in accordance with forthcoming AB 45 regulations.
- The R&R committee is seeking feedback on additional methods of disposal should derivative material fail to test to an acceptable THC level or fails any other applicable testing standards in accordance with forthcoming AB 45 regulations.
- The R&R committee is seeking feedback on developing a system of tracking material to be remediated to allow the material to transfer to an off-site processing facility for remediation.
- The R&R committee is seeking feedback on remediation-specific windows of harvest and material testing.
- The R&R committee is seeking feedback on incorporating language specific to the types of equipment to be utilized for various remediation processes.