

CDFA Industrial Hemp Program Update

Industrial Hemp Advisory Board Meeting

Thursday, May 28, 2020

Registration Summary as of 05/26/2020

Registration Type	Registrants	Registered Acreage
Growers	596	35,336
Breeders	110	2,434
Total	706	37,770

Counties with the Most Registrants	Riverside – 117 San Diego – 87
Counties with the Most Registered Acres	Riverside – 9,061 Kern – 6,467

A more detailed summary of registration activities is available on the CDFA Hemp webpage. The summary is updated monthly.

2020 Registration Renewals

- Registration renewals began on April 30, 2020
- Notices have been sent to registrants with registrations expiring in April through June 2020
- Notices to registrants with registrations expiring in July 2020 will be mailed next week

Month	Total Notices
April	
May	89
June	160
Total	362

Revenue Summary as of 05/26/2020

	FY 18/19	FY 19/20	Total
Registration Fee	\$259,200	\$452,700	\$711,900
Veteran Exempt	2	10	12

Revenue Summary is approximate as payments are collected by the county agricultural commissioners and forwarded to CDFA, and the Program continues to audit and reconcile the payments received

Update on State Regulations

CCR Section(s)	Type of Rulemaking	Description	Status	Effective Date
4901-4902	Emergency	Registration Application and Criminal History Report	Approved	03/17/20
4940-4946, 4950-4950.1	Emergency	Sampling and Testing for THC Content, Harvest, Destruction	Second Readoption Approved	03/24/20
4935,4940-4946, 4950-4950.1	Regular	Planting, Sampling and Testing for THC Content, Harvest, Destruction	Proposed on 05/08/20, public comment period ends on 06/22/20	N/A

A copy of the California industrial hemp law and regulations is available on the CDFA Hemp webpage.

Future Rulemaking Activities

- Amend Registration Fee
 - Industrial Hemp Advisory Board recommended to increase registration fees by \$300 at the November 6, 2019 meeting
 - Registration and county reporting data will be reviewed by subcommittee to provide further recommendations to the Board
- Promulgate additional regulations to
 - Ensure compliance with federal regulations
 - Implement changes from SB 153

Federal Update

- Agriculture Improvement Act of 2018 (2018 Farm Bill)
 - Signed into law on December 20, 2018
 - Authorizes USDA to develop national regulations pertaining to industrial hemp cultivation
 - Requires states that allow industrial hemp cultivation to submit a state regulatory plan to USDA for approval
 - Provision from 2014 Farm Bill will sunset on October 31, 2020
- USDA interim final rules
 - Established on October 31, 2019
 - Allow for USDA to approve state and tribal hemp production plans
 - Establish a federal plan for hemp producers in states or territories of Indian tribes without USDA approved hemp production plans
- USDA issued a notice delaying enforcement for DEA laboratory registration and disposal requirements outlined in interim final rules

California State Regulatory Plan for Hemp

- State Plan Requirements:
 - Maintain producer and land information
 - Provide a plan for accurate and effective sampling and testing
 - Provide disposal procedures
 - Provide inspection procedures
 - Provide a plan for the collection of information
 - Provide a plan to comply with enforcement procedures
 - Certify that the state/tribe has resources and personnel to carry out Farm Bill practices and procedures
- Status:
 - California's state regulatory plan for hemp cultivation is a compilation of current and proposed laws and regulations
 - Currently seeking comments from the Attorney General's Office and the Governor's Office on the drafted state plan before submitting the state plan to USDA
 - After receipt, USDA will have 60 days to review and approve of the state plan
 - Once CA's state plan is approved, FAC Sections 81004.5 and 81012, and amendments to Section 81000 will become effective

Program Plans for 2020

- Establish Industrial Hemp Advisory Board for next term
- Continue to work with USDA on reporting requirements
- Send out registration renewal notices for all registrations expiring in 2020
- Hire additional program staff
- Continue to collaborate with county agricultural commissioners on administering and enforcing the program
- Update online information including FAQs, forms and templates

Other CDFA Activities

- Application of California Seed Law
- New pest and diseases identified for cannabis
 - Cannabis aphid
- Hemp import/export inquiries
- Organic certification for hemp
- Sale of hemp at certified farmers' markets
- Use of commercial feed or livestock drug products containing hemp-derived ingredients

UPDATE: PROPOSED STATE HEMP LEGISLATION

- I. **SB 864** – Senator Scott Wilk
 - A. To be heard in Senate Appropriations on June 1
 1. Out of Senate by June 26
 - B. Conform with the Interim Final Rule (IFR)
 1. Measurement of uncertainty
 2. Reporting to Farm Service Agency
 - a. Will be amended – reporting done by farmers not CDFA
 - b. Location, acreage, registration info
 3. Amendments to be made in Assembly: August
 - a. Add “disposal” to “destruction” re: hot hemp
 - b. Ag Commissioners
 1. Site visits
 2. Annual inspection of random locations
 3. Enforcement authority
 4. Volunteer plants
 - c. CDFA
 1. Technical amendments
 - a. Sync definitions: H&S and Ag Code
 - b. Sunset § 81007 re: 2014 Farm Bill pilot program
 1. 2014 FB § 7606 repealed 1 year from USDA establishing plan under 2018 Farm Bill
 2. IFR final? (issued October 31, 2019)

II. Hemp Extract/CBD Legislation – Assemblymember Cecilia Aguiar-Curry

A. AB 228 Shelved in Senate Appropriations August 2019

1. Hemp extract/CBD not an adulterant
2. CDPH regulates manufacturers as registered/licensed food processors
3. Pathway to dispensaries
 - a. Caused delay – parity w/cannabis testing
4. QR code – resolved issue
 - a. CBD/THC content
 - b. Contaminant testing – including pesticide panel
5. Hemp extract ingredient less than 0.3% THC
6. Shared use facility: cannabis/hemp
7. All products into cannabis retail work through cannabis licensed manufacturers

B. No stand alone this year

1. Supplementary Budget - August

Q1 Are the roles and responsibilities for county ag commissioners and growers clear?

Response: 34 Comments: 28

#	PLEASE COMMENT:	DATE
1	We have spent a lot of time on outreach including stakeholder meeting in development of the County ordinance.	5/22/2020 5:53 PM
2	While the laws and regulations specify certain activities to be conducted by CDFA or counties, there could be improvements regarding industry outreach, compliance, enforcement, and inspection authority. Addressing these areas would enhance the robustness of the program. • Industry outreach o In FY20/21, counties will no longer be reimbursed for outreach activities, but the need for them continues. More outreach materials prepared by CDFA will increase program uniformity and benefit industry statewide, while alleviating current need for individual counties to prepare materials and reducing counties' program costs. For example, guidance to correctly fill out documents, tutorials, etc. • Compliance and enforcement o The laws and regulations do not sufficiently address consequences for non-compliance, the role of CDFA vs. counties in enforcement, scale of violation severity (e.g. minor, moderate, serious), or authority to assess civil penalties. • Inspection authority o Lack of clear authority to enter and inspect hemp operations, except during sampling and destruction, has hindered counties' ability to verify compliance.	5/22/2020 5:22 PM
3	Yes. FAC & CCR clearly states responsibilities of ag commissioner and growers in regards to registration, who samples & methods of destruction. In regards to the state plan and violations of it, the secretary determines a negligent violation by the grower (FAC 81012)	5/22/2020 3:57 PM
4	For the most part, growers have followed the CDFA prescriptions.	5/22/2020 3:32 PM
5	The ambiguous "experienced research institution" clause has caused much heartache in the previous two years as unscrupulous or unqualified entities have attempted to exploit the loophole for capital gain. The Sheriffs had to become the main vehicle of enforcement as the Agricultural Commissioner had no jurisdiction to regulate entities hiding under this loophole.	5/22/2020 2:55 PM
6	We believe there is confusion on ownership of the program, especially in regards to the registration. Counties feel that it is a State registration and ultimately, CDFA is responsible for the registrations. And CDFA feels it is a County registration. If the application is a CDFA document and the application fee is being paid to CDFA, than why is the registration on County letterhead? CPC, Nursery, Seed sellers do not operate that way. There needs to be clarification on the registration of storage facilities and the importation of hemp into facilities that are registered for grower storage.	5/22/2020 1:04 PM
7	I think the roles are generally clear - just been a learning process for all involved. Hopefully more solidified regulations will help moving forward.	5/22/2020 10:03 AM
8	[REDACTED]	5/22/2020 10:00 AM
9	Glenn County has not begun registering hemp growers. We are anticipating registering growers this summer. The basic roles and responsibilities are outlined, but with anything as you get deeper involved with something I anticipate needing assistance to clarify CAC tasks.	5/22/2020 9:04 AM
10	It is my local restrictions that are burdensome. And responses to complaints. A lot of hours.	5/22/2020 9:01 AM
11	Test 2	5/22/2020 8:35 AM
12	[REDACTED]	5/21/2020 5:18 PM
13	[REDACTED]	5/21/2020 4:49 PM
14	Yes, they've become more clear and CDFA's sending of updates to CACs approx. every two weeks is appreciated. Email communication with CDFA has been good. However, re: ever-changing program adjustments, information and processes tend to be more reactive than proactive.	5/21/2020 4:19 PM
15	The area involving unregistered hemp cultivation is a problem. In my opinion only registered growers should be under this program. Unknown, unregistered grows should be law enforcement. Most legitimate hemp seed sellers are requiring proof of Ind. Hemp registration before sale of seeds.	5/21/2020 12:22 PM

16	Program is limited to indoor with pollen protections and only research, seed and nursery allowed	5/21/2020 12:05 PM
17	Although both CDFA and commissioners have been working hard to identify situations where roles and responsibilities were unclear and communicate the responses, it was not enough to lead to a uniform regulatory response across the state last year. With sampling regs not introduced until plants were in the ground, the process of establishing roles and responsibilities was compressed and ultimately incomplete.	5/21/2020 11:38 AM
18	There is still some uncertainty regarding registration, testing, and authority to address violations through enforcement actions.	5/21/2020 11:28 AM
19	Tuolumne County does not have an industrial hemp program.	5/21/2020 11:23 AM
20	Only for the moment- They keep changing as we adapt to Federal rules-	5/21/2020 10:28 AM
21	have County ordinance requiring County license	5/21/2020 10:16 AM
22	For the most part, YES. However, there are certain aspects of the hemp regulations that are problematic for county ag commissioners to handle due to their unprecedented nature, specifically – the requirement for providing a Criminal History Report and a business EIN. Those aren't insurmountable challenges, but they are definitely challenges.	5/20/2020 10:58 AM
23	We are in the process of having a IH Ordinance. At that time, there would be more specifics.	5/20/2020 9:12 AM
24	Our County only allows research production. There are very few responsibilities for research and the growers work mainly with their institution of higher education.	5/20/2020 8:28 AM
25	The requirements kept on changing. When developing a new program it is best to come to a consensus on regulatory requirements prior to allowing the program to move forward. Our county decided not to allow the cultivation of Industrial Hemp in 2019 so we did not have to deal with the ongoing changes.	5/18/2020 2:48 PM
26	County, State, and Federal Governments cannot agree on regulatory actions needed to ensure Industrial Hemp becomes a viable commodity due to Cannabis sativa listing as Schedule 1 Drug.	5/18/2020 7:39 AM
27	But the contract needs to cover inspections and especially sampling and testing inspections, as well as harvest and destruction inspections.	5/18/2020 7:08 AM
28	Gray areas	5/16/2020 2:52 PM

Q2 What resources were needed to conduct each activity?

Response: 32 Comments: 32		
1		5/22/2020 5:53 PM
2	The following items were purchased or created specifically for the hemp program. We anticipated needing these resources and included their cost in calculations to determine the hourly fee for cost recovery (further described in question 4). • Registration and other administrative duties – Systems to track data and provide alerts per the specific timelines linking registration, sampling, harvest, and possible destructions; copier paper, yellow cardstock (ink, receipt books for registration fees, tamper-evident envelopes and certified mail to send checks to CDFA. o CDFA directed counties to print Proof of Registration on yellow cardstock; we would prefer to issue them electronically only. o Rather than collecting payment and physically sending to CDFA, we would prefer electronic transfers or other more efficient e-method. • Sample collection, destruction observation – Clippers, rulers, brown paper bags, labels, Sharpie pens, alcohol and wipes to sanitize equipment, coolers to store samples.	5/22/2020 5:22 PM
3	In regards to registration: staff, database for data management, GIS, cardstock, FedEx to ship checks to CDFA In regards to outreach: many staff hours were spent not only learning FAC & CCR, but educating growers with the requirements In regards to sampling: staff, vehicles, sampling kit which includes paper bags, pruning shears, measuring tape, dish soap, alcohol, brush, tamper proof tape, sharpies, pencils, paper for sampling forms and COAs, boxes In regards to harvest confirmation: staff and vehicles In regards to complaints/destruction: staff, legal support (county counsel and cdfa)	5/22/2020 3:57 PM
4	Copy of regulations and guidelines	5/22/2020 3:48 PM
5	Vehicles: 3500 miles were traveled, mostly for supervision of sampling. Mobile phones or tablets for checking GPS.	5/22/2020 3:32 PM
6	time commitment, Bags, labels security tape, pruning shears, and mailers for sampling, and much communication.	5/22/2020 2:55 PM
7	The largest expenditure, like most programs is paying employee salaries to perform the work. Large amounts of time are spent on public outreach alone, in the form of taking phone calls. If this becomes absent from future contracts, it would increase the amount of county general fund money required. Beyond employee salaries the largest expense would be the need for 4x4 vehicles, with the absence of local land use restrictions, the option to plant hemp is extremely mountainous, treacherous terrain, has created unsafe access issues. Counties are reliant on full funding from the CDFA contract for the registration process and sampling procedures. Resources for program implantation would be scarce, if there was an absence of funding from CDFA contracts. The County is dependent on full funding from CDFA contract for registration and enforcement activities.	5/22/2020 1:04 PM
8	Guidelines from CDFA for registration, sampling, appropriate testing facilities, and abatement/enforcement.	5/22/2020 12:45 PM
9	Armed Sheriff escort at all times!	5/22/2020 10:03 AM
10	Which activity? Registration, background check, lab review, planting, sampling. re-sampling, crop destruct, enforcement?	5/22/2020 10:00 AM
11	No growing/registering has begun. Being able to reference other county ordinances have been helpful as Glenn's ordinance was developed.	5/22/2020 9:04 AM
12	Hemp just takes more time than anticipated.	5/22/2020 9:01 AM
13	xxxxxxx	5/22/2020 8:35 AM
14	Vehicles, inspector staff, deputy supervision, sampling supplies (bags, labels, boxes, paper, tamper evident seals), file folders/paper	5/21/2020 5:18 PM
15	Training on regulations and guidance on forms and correspondence. Review applications and registrations. Local authority. Enforcement and clear guidelines and solid enforcement actions. Staff and forms.	5/21/2020 4:49 PM
16	This has continually been a work-in-progress from the start, not the least of which has been interpreting Certificates of Analysis (COAs). A standardized COA template and/or a "how to" guide to interpret COA's generated by the industry would help greatly, as would a comprehensive, current list of approved seed cultivars. Currently, each County independently	5/21/2020 4:19 PM

approves seed cultivars as they are presented by the grower. As growing sites require signs to notify the public that industrial hemp is being grown, not cannabis, a template of required sign content and verbiage would be most helpful.

17	Two supervisory staff for registration and outreach, sampling.	5/21/2020 12:22 PM
18	None	5/21/2020 12:05 PM
19	Personnel and vehicles	5/21/2020 11:50 AM
20	I'm not sure if the question is more general in nature or more specific. I would divide activities into outreach, registration, sampling, destruction, maybe research (staying current on laws and regs). We assigned senior staff to digesting the rules and this was very helpful in communications. We also had senior managers who were very involved in understanding the programs and making decisions related to IH regulation.	5/21/2020 11:38 AM
21	Significant staff time, competent/certified lab staff, clear regulations.	5/21/2020 11:28 AM
22	We need an ordinance to end the moratorium.	5/21/2020 11:22 AM
23	ag staff time and time from other departments	5/21/2020 11:02 AM
24	Answers to #3 below not available at this time- Minimum impact and resources spent on this- For Ag. Dept. Other county depts. spent more time.....	5/21/2020 10:28 AM
25	County activities are covered by fees unless contracted by state contract	5/21/2020 10:16 AM
26	Registration: staff to provide education to potential growers, process applications, review site maps, confirm area and GPS coordinates as well as verify appropriate cultivar documentation. Amendments: staff to review and process site and cultivar changes throughout the registration/growing season. Sampling: several staff were trained and conducted sampling. Purchasing of sampling supplies (pruning shears, paper bags, security tape, measuring tape, labeling material, gloves, alcohol wipes, paper towels, totes for sampling kits) Destruction: staff was used to witness destruction and confirm final destruction from site to the county landfill. Registration supervision: more time was needed by staff to adequately supervise registrant's sites and verify cultivation activities or verify that no cultivation took place	5/20/2020 2:14 PM
27	REGISTRATION PROCESSING: staff time; support from CDFA to answer questions regarding allowable cultivars and other registration related questions SAMPLING AND TESTING: staff time, vehicles, minimal field equipment (bags, pruners, etc.), reasonable access to courier services and certified labs ENFORCEMENT: staff time, vehicles. The equipment needed could expand in the future if we ran into cases where growers refused to destroy their own crops that failed testing requirements.	5/20/2020 10:58 AM
28	Staff management provided outreach to the local community college and law enforcement	5/20/2020 8:28 AM
29	Listening to conference calls and crafting an ordinance to put before our Board of Supervisors were our biggest activities. In December of 2019 we started creating a database to handle applications which we were able to start taking in April of 2020. A Deputy Ag Commissioner along with the Commissioner, County Counsel and an Inspector IV were involved in these activities.	5/18/2020 2:48 PM
30	Time and Staff	5/18/2020 7:39 AM
31	equipment procured by our county.	5/18/2020 7:08 AM
32	First season upcoming following board approval on may 19, so I don't know yet	5/16/2020 2:52 PM

Q3 What was your total expense for last year's hemp program and how much funding came from CDFR and how much from your county's General Fund?

Response: 20 Comments: 19

#	TOTAL COUNTY HEMP PROGRAM EXPENSE	DATE
1	400700	5/22/2020 5:22 PM
2	142206	5/22/2020 3:57 PM
3	65770	5/22/2020 3:32 PM
4	75000	5/22/2020 1:04 PM
5	3513	5/22/2020 12:45 PM
6	39000	5/22/2020 10:03 AM
7	45000	5/22/2020 10:00 AM
8	11200	5/22/2020 9:01 AM
9	100000	5/22/2020 8:35 AM
10	63317	5/21/2020 5:18 PM
11	31854	5/21/2020 4:49 PM
12	5354	5/21/2020 12:22 PM
13	0	5/21/2020 11:50 AM
14	23977	5/21/2020 11:38 AM
15	0	5/21/2020 11:28 AM
16	17036	5/20/2020 2:14 PM
17	142608	5/20/2020 10:58 AM
18	21000	5/20/2020 8:28 AM
19	3775	5/18/2020 2:48 PM

#	PERCENTAGE OF CDFA FUNDING	DATE
1	44	5/22/2020 5:22 PM
2	23	5/22/2020 3:57 PM
3	52	5/22/2020 3:32 PM
4	0	5/22/2020 1:04 PM
5	53	5/22/2020 12:45 PM
6	56	5/22/2020 10:03 AM
7	60	5/22/2020 10:00 AM
8	0	5/22/2020 9:01 AM
9	30	5/22/2020 8:35 AM
10	45	5/21/2020 5:18 PM
11	85	5/21/2020 4:49 PM
12	44	5/21/2020 12:22 PM
13	0	5/21/2020 11:50 AM
14	0	5/21/2020 11:38 AM
15	0	5/21/2020 11:28 AM
16	0	5/20/2020 2:14 PM
17	0	5/20/2020 10:58 AM
18	0	5/20/2020 8:28 AM
19	29	5/18/2020 2:48 PM

#	PERCENTAGE OF COUNTY GENERAL FUND FUNDING	DATE
1	53	5/22/2020 5:22 PM
2	77	5/22/2020 3:57 PM
3	48	5/22/2020 3:32 PM
4	75000	5/22/2020 1:04 PM
5	47	5/22/2020 12:45 PM
6	44	5/22/2020 10:03 AM
7	40	5/22/2020 10:00 AM
8	11200	5/22/2020 9:01 AM
9	70	5/22/2020 8:35 AM
10	55	5/21/2020 5:18 PM
11	0	5/21/2020 4:49 PM
12	56	5/21/2020 12:22 PM
13	100	5/21/2020 12:05 PM
14	0	5/21/2020 11:50 AM
15	100	5/21/2020 11:38 AM
16	0	5/21/2020 11:28 AM
17	0	5/20/2020 2:14 PM
18	100	5/20/2020 10:58 AM
19	100	5/20/2020 8:28 AM
20	71	5/18/2020 2:48 PM

Q4 How did your county prepare to take on Industrial Hemp activities? (Staffing & resources)

Response: 34 Comments: 34

1	Work was performed by current staff. The first year was	5/22/2020 5:53 PM
2	<p>*Please note answer to Question 3 is for the period of 5/1/2019 to 4/30/2020*</p> <ul style="list-style-type: none"> Analyzed program activities, estimated time per activity, projected inventory of registrants, and estimated program cost. Used the above information to assess staffing and resource needs, and to propose an hourly fee for \$126/hr for unreimbursed program activities (field work, document verification and data entry associated with sample collection, harvest, and destruction activities). The Board of Supervisors approved for FY19/20. Due to COVID 19-related impacts to industry, no fee increases for FY 20-21. Held 8 outreach events regarding registration and sampling and testing requirements. Determined how other programs' (e.g. pesticide regulation, nursery, import/export, weights and measures) requirements would apply to hemp cultivation and ensured those programs were familiar with requirements of the hemp program. Collaborated with other County departments (e.g. Sheriff, Planning/Zoning, Environmental Health, Parks, Public Works) to inform them of requirements for hemp cultivation and learn what role they would play in regulating hemp growers. Collaborated with the Sheriff's Department on processes to routinely notify them of registered cultivation locations and refer unlawful cultivation to their team for further action. Participated in biweekly conference calls and worked closely with CDFA regarding proper interpretation and implementation of laws, regulations, and CDFA guidance. Ensured program staff were thoroughly trained, and trained staff from other programs in case additional assistance was needed. Created a website with program information, resources, and contact information. Researched the crop, cultivation practices, uses, and attended industry workshops to improve subject matter expertise. For FY19/20, program activities have required 0.3 FTE for clerical support, 1.5 FTE inspector hours, and 0.7 FTE supervisor hours. 	5/22/2020 5:22 PM
3	A division was created which included Industrial hemp as a program where a Deputy & supervising Ag Biologist positions were added as well as the hiring of additional staff including Limited Term and/or Extra Help.	5/22/2020 3:57 PM
4	regulations and guidelines	5/22/2020 3:48 PM
5	Assigned some PUE staff to work on Hemp as well. Conducted outreach to city and community councils. Spoke with growers interested in hemp.	5/22/2020 3:32 PM
6	attending CDFA webinars and studying relevant laws and regulations.	5/22/2020 2:55 PM
7	The County prepared by centralizing the work, by giving the responsibilities of the program to two employees. This was beneficial in regards to clear messaging to the public for a new program that is very ambiguous. It becomes a potential scale issue based on number of applicants during times of peak registration and peak sampling/harvesting activities. Labor shortage can be offset by utilizing 3rd party sampling agents, although this option will be limited moving forward based on interim federal rule. The county has asked for additional staff resources in the salary ordinance in attempt to offset any potential labor shortage and they only way this request could potentially be approved would be the offset of general fund spending with a CDFA/County contract.	5/22/2020 1:04 PM
8	We assigned a staff member to follow the regulation changes. As hemp registrations increase the workload has spread among other staff.	5/22/2020 12:45 PM
9	Hired an additional deputy to manage cannabis and hemp. Also hired a limited-term biologist that allowed hemp program work to be shifted to more experienced staff.	5/22/2020 10:03 AM
10	Absorbed the whole program without any additional resource allocation. With upcoming budget cuts, this will probably not change.	5/22/2020 10:00 AM
11	Biweekly IH meetings, visits to neighboring counties to witness sampling process/procedure, extensive review of county ordinances statewide, assisted in the development of our ordinance, discussions/interactions with growers interested in IH production	5/22/2020 9:04 AM
12	Decided not to enter contract last FY since we did not allow hemp cultivation. All hours on public contact and people wanting to grow. Trying to get things in place now with CDFA contract.	5/22/2020 9:01 AM
13	xxxxxxxxxx	5/22/2020 8:35 AM
14	Budgeted for vehicle, additional inspector position, and supplies. Assigned deputy to supervise	program.

industrial hemp cultivation concerns and program implementation.

15	Appropriate staff from one program to another, hours of training on program regulations and forms. Hold public training/meetings.	5/21/2020 4:49 PM
16	Limited grower population in L.A. County has resulted in ability to absorb duties with existing staffing. All Hemp activity time is tracked and departmental IT is GIS-mapping growing grounds. In August 2019, County Regional Planning was incorporated into the review process to evaluate proposed growing sites for zoning and environmental impact concerns prior to CAC approval.	5/21/2020 4:19 PM
17	Due to constant changes in laws and regulations only supervisory staff have been involved. No staff were hired.	5/21/2020 12:22 PM
18	Existing staff	5/21/2020 12:05 PM
19	Planned according to anticipated workload.	5/21/2020 11:50 AM
20	By assigning senior professional staff in advance of IH, to get them fully up to speed and tracking upcoming changes. Managers spent copious amounts of time conducting outreach, reading bills and regs etc.	5/21/2020 11:38 AM
21	I did significant outreach with my Board of Supervisors and my county's Municipal Advisory Councils and Ag. Commission.	5/21/2020 11:28 AM
22	Staff contacted potential growers and researched information needed to create an ordinance. We held meetings with departments, meetings with staff and meetings with stakeholders.	5/21/2020 11:22 AM
23	We are just now working on a Hemp Ordinance. Lots of staff time has been spent working on research, working group and CDFA meetings, etc	5/21/2020 11:02 AM
24	Nothing added- only a handful (7) growers- nothing new- just another commodity-	5/21/2020 10:28 AM
25	Ordinance development, revising ordinance to reflect issues seen by other counties.	5/21/2020 10:16 AM
26	Utilized current staffing, purchased materials for sampling kits, sat in on CDFA/County webinars/calls, reviewed pertinent laws & regulations, meetings with involved staff to ensure consistency in the program. Developed county fee to cover additional costs not reimbursed by the CDFA hemp contract.	5/20/2020 2:14 PM
27	We scrambled to find a few internal staff that had some scheduling flexibility and trained them as quickly as possible. It was not an easy process, especially during the busy sampling (harvest) season.	5/20/2020 10:58 AM
28	Have existing staff absorb it. After an Ordinance is approved, WAHR and mileage can be charged. 4329 from CDFA IH Agreement expected..	5/20/2020 9:12 AM
29	Our county allows only research hemp at this time. We are training staff to work in industrial hemp once CA has an approved plan	5/20/2020 8:28 AM
30	We added an Inspector IV position dedicated to Industrial Hemp activities.	5/18/2020 2:48 PM
31	listened to biweekly calls	5/18/2020 9:27 AM
32	County Ordinance prohibited Industrial Hemp during calendar year 2019. County limited the maximum acreage to be planted by Ordinance in preparation for 2020.	5/18/2020 7:39 AM
33	We secured two-year funding for a deputy position to manage hemp and cannabis programs. We prepared and promulgated a hemp ordinance and learned from other counties and the state through the conference calls about operating the program.	5/18/2020 7:08 AM
34	Develop ordinance. Interface with potential growers, plan to train existing staff and assign additional duties until world load is clear	5/16/2020 2:52 PM

Q5 What were the challenges/obstacles with each activity?

	Response: 32	Comments: 32	
1	The regulations didn't always match up to the statute such as only allowing certified seed and the sampling protocol.		5/22/2020 5:53 PM
2	<p>Registration • Applicants often submit incomplete or incorrectly completed applications, lacking required documents; requires time-consuming back and forth communication to explain requirements • Uncertainty regarding interpretation of “site”; uncertainty regarding whether nurseries are growers or seed breeders o Prior to registrant categories changing 1/1/20, it was unclear whether nurseries should register as growers or seed breeders o Prior to CDFA recently relaxing the interpretation of a “site”, neighboring fields divided by a farm feature (e.g. road) were considered different sites, requiring excessive paperwork for growers to list them out and counties to track them separately. • Inconsistent information on documents provided for cultivar approval; inauthentic COAs o Discovery that Certificates of Analysis (COAs) were altered in some cases necessitated verifying authenticity with the issuing lab o COAs from other states are not usually regulatory samples, so information on them is inconsistent; name of grower on COA may not match state registration; name of sample on COA may not be the name of the cultivar (e.g. “Sample A” vs. “Cherry Wine”) • Difficulty interpreting information on Criminal History Reports; Charges not listed as felony or misdemeanor Sampling and Testing • Required developing processes for: o Determining if labs qualified (beyond ISO accreditation) to conduct sample collection and testing (understanding of requirements, correct equipment and procedures, etc.) o Overseeing third-party sample collection when County staff not present o Establishing proper communication and notification procedures with labs D Initially lab reports were missing required information D In one case the lab informed a grower of a failed test result days before notifying the County D In one case a lab’s misunderstanding of whether the Measurement of Uncertainty applied following the release of the Federal Interim Final Rule led to a challenging situation with the lab advocating that a grower’s sample should pass despite being reported as 0.31% THC and “Failed as California Industrial Hemp”. Destruction • Due to lack of regulatory or CDFA guidance regarding acceptable destruction methods, counties had to determine individually.</p>		5/22/2020 5:22 PM
3	In regards to registration, direction from CDFA was constantly changing. An updated guideline and/or manual should be considered.		5/22/2020 3:57 PM
4	not knowing the regulations full well.		5/22/2020 3:48 PM
5	Research: Bogus claims of research exemption. Registration: Vetting diversity of out-of-state documents. Sampling: Scheduling, achieving random sampling. Neighbors: Some residents up in arms over smell, contacting BOS. Funding: FAC requirement that cost recovery be implemented at Registration or Renewal only.		5/22/2020 3:32 PM
6	The learning curve for a new program plus the regulations were rolled out after registration had began.		5/22/2020 2:55 PM
7	We believe the program was prematurely released in 2019 without any regulatory infrastructure in place. The public has questions that cannot be answered because there is no law or regulatory structure in place, to constantly tell the public “I don’t know” or to have the regulations change every several months creates an extremely challenging environment for all stakeholders. CDFA has been helpful with the limited resources they have, but the program needed to be polished before release or more resources at the State level need to be dedicated. We believe CCR 4920 is very ambiguous and not necessarily useful, either have an actual list of certified seed that must be used or don’t require anything since it will all be tested before harvest anyways. Since we are dealing with a potentially controlled substance based on just a few tenths of percent, we feel like it was negligent to approve grower registrations without any market enforcement in place, there should be handlers/processors licenses and testing of hemp products after they have been processed. Allowing growing without any regulatory framework post-harvest creates undue hardship on the grower and law enforcement. It puts county staff in situation where they are aiding potential fraud.		5/22/2020 1:04 PM
8	Registration- Getting the growers to properly fill out the form, map requirements are not clear, and then submitting criminal history report. Staff is uncomfortable reviewing the criminal history and making decisions about their offenses. Meeting section 4920 with clear/matching CoA to registration and out of state CoA. Sampling: getting Pre-harvest and harvest reports in the required time frame. Matching the form fields to their registration. Guidelines from CDFA are unclear on contiguous greenhouse areas for number of samples to be taken. Enforcement:short timeline to rule out regulations and get growers into compliance. Abatement will likely be an issue when they don't meet the regulations.		5/22/2020 12:45 PM

9	Interpreting Certificates of Analysis for varieties proposed to be planted. Had difficulty on at least 2 occasions of reliably getting samples to labs (lost/stolen in transit). Difficulty recouping sampling invoice payments from growers. Needed Sheriff escort for all sampling activities due to criminal activities (shootings, thefts, trespassing) that were occurring regularly in hemp fields.	5/22/2020 10:03 AM
10	Staff time had to be diverted from other important/mandated programs.	5/22/2020 10:00 AM
11	This is a new agricultural commodity so we do not know what to expect (pesticide sensitivity/use, insect pressure). Although we have had a tremendous amount of interest expressed from our growers, we cannot predict the need to hire additional staff. Philosophy differences between counties/communities Considerations: pesticide effects, public complaints (smell)	5/22/2020 9:04 AM
12	inconsistencies and upset people. My county counsel insists that all counties allowing hemp are rogue as the required state plan has not been approved.	5/22/2020 9:01 AM
13	xxxxxxxxxxx	5/22/2020 8:35 AM
14	Registration is the most challenging. There is general confusion on what is an approved cultivar, whether it needs to be certified, and what documentation is required for CCR 4920. The process could be simplified if CDFA is responsible for statewide cultivar and laboratory approval. Under the current system, multiple counties are using resources to approve the same cultivars and labs. Different documentation is sometimes provided and it puts individual counties in an awkward position when they cannot approve a cultivar that has been accepted by another county (with or without the correct documentation). Nurseries and transplant companies pose a particular problem in regard to amendments because of the frequency of cultivar changes. Pre-harvest reports were seldom submitted 30 days in advance because it was a new crop and they just didn't know. We attempted to accommodate last minute sampling requests when the grower feared it was going "hot". Laboratory reports came with incomplete information and time was spent contacting the labs to get them to include information required by the CCR. We contacted several registrants that did not submit Harvest Reports as required. Destruction went fairly well for us due to low acreage and amiable registrants. The regulations need to be amended to account for clonal propagation.	5/21/2020 5:18 PM
15	Lack of applications due to county ordinance. Lack of clear regulatory guidance and support..	5/21/2020 4:49 PM
16	Interpreting COAs has been challenging, particularly with lack of formatting and reporting uniformity; while FAC §81000(a)(6) speaks to Delta-9 THC, §81000(e)(5) speaks to THC concentration, which could be interpreted to be Total THC. Communicating with applicants can be difficult in discerning specific site information, as well as verifying grow site ownership. Background check requirements have presented the latest challenges, as charges or convictions for, arguably, unrelated crimes create occasional discomfort in issuing permits and explaining the new background check requirements to renewing applicants (not previously required) has created challenges, as most had not incurred fees above the established \$900 previously	5/21/2020 4:19 PM
17	Getting information out quickly to registrants as regs changed and keeping CAC office up to date on changes. Unregistered growers claiming to grow hemp when law enforcement shows up. Tests showed it was not hemp.	5/21/2020 12:22 PM
18	none	5/21/2020 12:05 PM
19	Yes, everchanging state regulations.	5/21/2020 11:50 AM
20	Laws and Regs which left holes, lack of sampling regs until mid-season, lack of uniform processes from CDFA. Not getting paid from either CDFA or direct billed growers (over 60% of direct billed invoices from 2019 will be sent to collections for non-payment).	5/21/2020 11:38 AM
21	Public acceptance of hemp cultivation is limited by fear of odor issues, and potential for illicit cannabis cultivation.	5/21/2020 11:28 AM
22	The cannabis industry does not want hemp to interfere with their industry.	5/21/2020 11:22 AM
23	N/A	5/21/2020 11:02 AM
24	growers contacting for sampling before harvest	5/21/2020 10:28 AM
25	developing county policy. Transition from moratorium County to having a program. Figuring out zoning requirements.	5/21/2020 10:16 AM

26	<p>Registration & amendments: It takes a lot of time to carefully verify the information in an application especially in reference to site verification. This year we will be physically verifying all sites because of inconsistencies in the applicant's site information. (Circling and area on a map calling it 10 acres and letting google maps GPS the center point) Cultivar information verification: the registrants do not have a lot of direct guidance on what documentation is required to approve a cultivar. Every state allowing hemp has different standards for licensing and sampling and all the documentation looks different. This can take up a lot of time reviewing various documents before acceptance of a cultivar. Sampling and Destruction were relatively straightforward with the exception of poor timely notification by the applicants to schedule pre-harvest sampling and submitting required paperwork on time. The lack of ability to go onto a registrant's property to verify that they have a crop or the maturity of a crop until the grower schedules a pre-harvest sampling creates a problem and has allowed people to use their hemp registration to grow illegal cannabis. Registrants signed up in the program and then would not follow through to schedule a pre harvest sample. Registrant supervision was hampered by locations, terrain, and vagueness in hemp law not allowing clear access until pre-harvest permission and scheduling. Hemp laws/regulations/procedures changing throughout the season and getting current registrants to comply with the new requirements.</p>	5/20/2020 2:14 PM
27	<p>The biggest challenge was the lack of clear communication from CDFA in the early stages of the hemp program. We were somewhat blindsided by the emergency rulemaking process and the suddenness of the state hemp regulations taking effect, allowing for commercial registration. In addition, the Ag Research exemption has been a mess from the very beginning and really complicated the local situation by allowing growers who clearly were not research by any standard definition to fit into the research exemption.</p>	5/20/2020 10:58 AM
28	<p>BOS differences in wants, growers and FB not wanting restrictions.</p>	5/20/2020 9:12 AM
29	<p>With research hemp, we had some complaints about odor and if the grows were cannabis or hemp. Growers also had theft issues</p>	5/20/2020 8:28 AM
30	<p>Developing a computer program to cover each of the different activities was the biggest challenge, however since we did not take applications until April of 2020 we did not have the obstacles that we would have, had we allowed cultivation of Industrial Hemp in 2019. Since most of the activities were set, the only changes we dealt with were with the background checks. This might change as USDA and CDFA hammer out the differences between the two agencies.</p>	5/18/2020 2:48 PM
31	<p>Changing regulations throughout the process made it very difficult to keep interested Growers compliant. Noticed a reduction in interested Growers due to an inability to meet new requirements.</p>	5/18/2020 7:39 AM
32	<p>Ensuring that we could pay for the time and administrative costs of operating a registration program and reviewing registrations and providing inspection work in the field.</p>	5/18/2020 7:08 AM

Q6 What will be important/essential for making this season easier/smoothier?

	Response: 31	Comments: 31	
1	Most important is the requirement for research entities to register. Understanding the various cropping timelines and the amount of resources that will be needed in a season for better planning.		5/22/2020 5:53 PM
2	<ul style="list-style-type: none"> • Smooth implementation of new regulations. <ul style="list-style-type: none"> o CDFA provide clear guidance and training to counties well in advance of need to implement new requirements. o CDFA update website and FAQ as soon as regulations are finalized. o Thorough outreach to industry (growers and labs) regarding the changes. o CDFA provide materials which clearly describe what requirements are taking effect, what requirements no longer apply, and as of what date. Flow charts and diagrams would be helpful. • Harmonization of Federal and State requirements. • Stabilization of program requirements moving forward. • Additional funding for counties to conduct essential training and outreach activities, which CDFA has stated will no longer be reimbursed. 		5/22/2020 5:22 PM
3	Creation of a statewide database where registration information and all program related information can be entered.		5/22/2020 3:57 PM
4	The biweekly conferences, webinars and updates were very helpful.		5/22/2020 3:48 PM
5	Neighbors make peace with some hemp odor. Growers take pains to minimize the nuisance. Train more CAC staff in the program. Impose county fee to cover non-reimbursed cost.		5/22/2020 3:32 PM
6	Amend CCR 4920 to be an actual list of certified seed. Put all registration activities into CDFA's hands like nursery and seed sellers. Registration should go directly to CDFA since the fee and application are CDFA. Once CDFA has approved the application than they can forward the info to the counties to perform site inspections, planting inspections, and pre-harvest inspections. All testing laboratories should be required to have a CDFA registration prior to use, versus the counties approving laboratories case by case. Storage facilities, processing facilities, and wholesale operations should have a license with CDFA market enforcement and should be subject to batch testing (this precedent is already been set in most other states), this should have been part of the initial law/regulatory rollout with grower registration. Again without handler licenses' and batch testing the Ag commissioners are just aiding criminals in transporting illicit drugs around the country and law enforcement does not know how to handle it.		5/22/2020 1:04 PM
7	Clear billing, reduce redundant paperwork, reasonable time frame for new regulations. Post current forms, updated guidelines, and meeting notes on PHPPS.		5/22/2020 12:45 PM
8	We're in moratorium likely until November. Looking to pursue a County ordinance. Once the regulations and State program are more finalized and ordinance is in place trusting that things will be smoother.		5/22/2020 10:03 AM
9	A Federally approved State program. And continued revenue from CDFA.		5/22/2020 10:00 AM
10	This potentially will be our first growing season. Help from experienced counties will be important and helpful. CDFA guidance will be critical as well.		5/22/2020 9:04 AM
11	Federal approval will give clear green light. Processing is still troublesome as the storage odor is issue. Many land use issues to come because of odor still ahead.		5/22/2020 9:01 AM
12	xxxxxxxxxx		5/22/2020 8:35 AM
13	See question 5		5/21/2020 5:18 PM
14	More CDFA trainings on operation reviews, testing, sampling and enforcement. Need universal program/database for all counties to access and reference multiple county operations.		5/21/2020 4:49 PM
15	Standardized approval processes throughout the state would aid CACs and growers who operate in multiple counties		5/21/2020 4:19 PM
16	A regulatory process that is consistent.		5/21/2020 12:22 PM
17	Final regulations.		5/21/2020 11:50 AM
18	Uniform processes communicated frequently by CDFA. Better planning of 2020 season from front to back.		5/21/2020 11:38 AM
19	An approved federal plan will allow me to move forward with a plan to allow hemp cultivation in my county. Nothing will happen until that is in place.		5/21/2020 11:28 AM

20	It is easy now because we have a moratorium. The fall will be another story. We will start the process to end the moratorium again.	5/21/2020 11:22 AM
21	N/A	5/21/2020 11:02 AM
22	Good relations with growers	5/21/2020 10:28 AM
23	Getting ordinance right. Currently seeing much more crime than we thought we would see.	5/21/2020 10:16 AM
24	This program is in need of a viable enforcement component to detour repeat violations.	5/20/2020 2:14 PM
25	CDFA needs to improve and streamline the registration submittal process. There is a desperate need for a statewide database that could ensure uniformity and efficiency. Asking the CAC's to submit each registration, as well as the numerous registration additions and changes, individually to CDFA is a big burden on the county staff and a very inefficient way of tracking this data. It would also be beneficial if there was more uniformity amongst the counties in tackling the sampling process and procedures. Anecdotally, it seems like the counties are handling sampling quite differently from county to county. In addition, although we are asking for a statewide registration database, it must be recognized that the local cultivation rules vary significantly from county to county. With that in mind, it may be better if the state allows the counties to handle communications with their local growers. Every county should communicate the pertinent/necessary information to their growers to avoid the confusion of statewide mailers and communications that could be in conflict with local rules.	5/20/2020 10:58 AM
26	Ordinance specifications.	5/20/2020 9:12 AM
27	Having a description of Ag Comm responsibilities, training form the State on paperwork, including id of approved seed, understanding of lab results and sampling	5/20/2020 8:28 AM
28	Be able to work with USDA in accomplishing workable, common requirements and codifying those requirements.	5/18/2020 2:48 PM
29	Local, State and Federal Governments need to agree on a single approved plan prior allowance of Industrial Hemp planting.	5/18/2020 7:39 AM
30	More direction and funding through contracts to cover the cost of administering the program.	5/18/2020 7:08 AM
31	Good question	5/16/2020 2:52 PM

Q7 How can the Industrial Hemp Advisory Board support the counties?

	Response: 26	Comments: 26	
1	Continue to allow the CAC to have a voice and have a cooperative approach to development of laws and regulations.		5/22/2020 5:53 PM
2	<ul style="list-style-type: none"> • Approve further increases to registration fee to better fund CDFA's and counties' programs. • Advise CDFA on industry practices and appropriate application of program requirements in situations not clearly addressed by laws and regulations (e.g. nursery stock, clonal propagation, and hybrid seed production). • Advise CDFA to create more outreach materials to assist industry. • Support program activities and funding for compliance monitoring and enforcement. 		5/22/2020 5:22 PM
3	Recommend to CDFA to increase the registration fee to have more funding		5/22/2020 3:57 PM
4	Address the smell nuisance issue. Urge full reimbursement for regulatory activities. Promote low-odor varieties.		5/22/2020 3:32 PM
5	The advisory board needs to make a decision on who is responsible for the registration, if it's the counties than we are going to have a patchwork of uniformity throughout the state, this lack of uniformity is only exasperated once products go to market and are shipped/transported throughout the country. It also creates issues with registration I.e (one counties process and lab work might be slightly different, so another county might not approve the seed from a county). In general CDFA's role is to centralize the process to promote uniformity, the current status of the registration process and the ambiguity of the laws and regulations do not promote uniformity throughout the state. And this might be the most important CDFA program to have uniformity, since we are dealing with a pseudo narcotic. We understand SB 153 gives local authority and each county has a separate Ag Commissioner, but at the very least the registrations should be issued by CDFA and the testing labs should be registered with CDFA.		5/22/2020 1:04 PM
6	I'm hearing from local Farm Bureau that their may be increasing interest in growing for fiber. I would like help in exploring this possibility (does growing for fiber produce less odor, will it attract less criminal activity, should fiber production be regulated different from CBD production?). Also bolster and clarify CAC authorities.		5/22/2020 10:03 AM
7	Assist with developing clear and concise regulation for the industry. Help CDFA with the State Plan development and implementation. Guide the counties so uniformity of enforcement can be achieved.		5/22/2020 9:04 AM
8	Work with UC scientists on determining best management practices regarding odor distances and recommendations.		5/22/2020 9:01 AM
9	xxxxx		5/22/2020 8:35 AM
10	Make recommendations to address clonal propagation sampling and testing in the regulations.		5/21/2020 5:18 PM
11	Develop better outreach materials to the IH community. Online announcements, community discussions.		5/21/2020 4:49 PM
12	The Board should develop/publish a list of approved seed cultivars and share more information with CACs, perhaps via a Website or email, to include Board meeting topics, decisions, etc. It is encouraged to assign a contact person to act as a liaison between the Board and Deputy CACs		5/21/2020 4:19 PM
13	Keep consistent with the Federal rule.		5/21/2020 12:22 PM
14	Listen and give weight to the agency (agricultural commissioners) who is tasked with the program.		5/21/2020 11:50 AM
15	Support full cost recovery in contracts. The 20-21 contract will be amended such that outreach will not be included in reimbursable activities. This has been the bulk of our time, communicating with anyone and everyone interested. Consider how to adopt a calendar year for registration, as rolling 365 day registration is very messy to track.		5/21/2020 11:38 AM
16	Clear communication with Boards of Supervisors/CSAC/RCRC, ensure that programs are actually cost-neutral in practice		5/21/2020 11:28 AM
17	They are doing a great job. I wish the seed and transplant industry was more reliable and we could reject if over 1% THC.		5/21/2020 11:22 AM
18	working with industry to understand that Industrial Hemp may be an agricultural commodity, but that it has to be regulated very differently than other ag commodities.		5/21/2020 11:02 AM

19	Remember farming is tuff enough without being over-regulated. Let the growers grow and then regulate the processing- (kinda like Timber)	5/21/2020 10:28 AM
20	realistic regulation	5/21/2020 10:16 AM
21	Each individual county has its own set of challenges associated with hemp cultivation, some unique to that county and some more universal to any county allowing industrial hemp cultivation. It would be nice to be able to compile some of this information across the board and have it accessible to see what factors contribute to certain situations, and how those are successfully or unsuccessfully mitigated by each county or region. It would be helpful in seeing if changes need to be made on a more local level or on the broader state level to fill in gaps or loopholes or fix problems with implementing the hemp program.	5/20/2020 2:14 PM
22	By supporting CDFA and providing them resources to develop and implement a statewide registration system, and a consistent scientifically valid sampling protocol. The registrations could be submitted online and then routed to the counties for their review and approval.	5/20/2020 10:58 AM
23	create and maintain an actual list of approved seed and sources	5/20/2020 8:28 AM
24	By providing clear and, if need be, codifiable direction for all groups involved.	5/18/2020 2:48 PM
25	Local, State and Federal Governments need to agree on a single approved plan prior allowance of Industrial Hemp planting.	5/18/2020 7:39 AM
26	Clear, concise guidelines with authorities to match. KISS rules	5/16/2020 2:52 PM

**Q8 Please comment concerning the good, bad and ugly for the program in your county.
(e.g. sampling, destruction, fee collections, complaints, etc.)**

	Response: 29	Comments: 29	
1	It would be better to have the ability to charge actual costs for services throughout the process. The law requires we charge a fee to be collected at the time of registration only. Research was the biggest problem prior to the registration requirement change. They only had to notify the CAC of their location otherwise there was no communication or oversight.		5/22/2020 5:53 PM
2	Good o The emerging industry is a new opportunity for agricultural producers. o Potential for a well-regulated industry producing high quality industrial hemp. Challenging aspects o Frequently changing laws and regulations since program inception; learning curve begins again for program staff and industry with each change. o Difficulty interpreting vague laws and regulations (e.g. requirements for breeders' variety development plans; "adequate signage"). o Difficulty determining how and whether to enforce requirements in law but not yet in regulation For example, on 1/1/20 requirement took effect for counties to verify applicants do not have felonies related to controlled substance without any regulatory framework or guidance from CDFA) o Industrial hemp's nexus to cannabis – potential for disguising illegal cannabis cultivation; sensitive public and political perceptions surrounded hemp cultivation. o Industry has struggled with navigating complex program requirements, requiring high degree of one-on-one assistance. o Industry (growers and labs) confusion regarding State vs. Federal requirements since Federal Interim Final Rule was released. o Lack of tools to verify compliance, such as mandated inspection authority, recordkeeping requirements for industry, etc. o High cost of program and uncertain funding sources. o Lack of legal market for processing product post-harvest. Complaints and unique situations encountered o Before registration became available, our dog team intercepted hemp cuttings destined for a local nursery, leading to a complex long-term compliance issue. o A registered hemp grower was illegally cultivating cannabis; the laws and regulations provide no ability to take action to revoke the operation's ability to cultivate hemp. D In addition to cannabis, law enforcement seized plants which the grower claimed were industrial hemp nursery stock but could not prove; Consequently, the grower has now filed a lawsuit. o A crop tested at 0.31% THC and the grower refused to re-sample or destroy, citing the "measurement of uncertainty" in the Federal Interim Final Rule which had just been released. The grower later harvested his crop in violation, leading to a complex long-term compliance issue.		5/22/2020 5:22 PM
3	We have had no issues with crops testing hot after sampling. We have been dealing with a non-complaint planting, currently in the process of pursuing abatement and with one registrant who appears to have planted an unapproved cultivar (continuing to work on this)		5/22/2020 3:57 PM
4	Good: Very interesting crop, good viewscape. Employs many workers. Good option for growers. Bad: Some shady players. Much red tape. Ugly: Hysteria from some neighbors.		5/22/2020 3:32 PM
5	the program has been small enough that we have been able to run it without swamping the department. We will be proposing putting in a fee schedule soon to help recoup the county cost.		5/22/2020 2:55 PM
6	Based on their limited staff size I feel like CDFA has done very well at responding to questions in a timely manner and has been supportive/helpful. Our largest concern is the lack of foresight in creating the regulatory landscape. It would've have been very easy to adopt and program like Oregon or Colorado's right from the start. Instead we adopted emergency regulations for registration without sampling/testing regulations. And we still have nothing on the market enforcement side of things. Every stakeholder not just regulators would have benefited from having regulations for the entire supply chain versus trying to get registration regulations out without anything else in place.		5/22/2020 1:04 PM
7	Good: Loc Phan has been responsive. Bad: too many forms and changing forms without posting Ugly: Criminal History Reports during a pandemic		5/22/2020 12:45 PM
8	Once hemp fields started to mature they attracted ongoing criminal activities until harvest was complete. These issues tied up Sheriff resources, generated multiple complaints to the BOS, and led to public outcry. On a positive note, we developed good working relations with our growers who very very cooperative with sampling.		5/22/2020 10:03 AM
9	First year, everything will be new. Concerned with adequate staffing levels to start this program and maintain existing work loads		5/22/2020 9:04 AM
10	The ugly is everyone saying how versatile hemp is and then everyone really only interested in get rich quick CBD.		5/22/2020 9:01 AM
11	xxxxxxxxxx		5/22/2020 8:35 AM

12	See question 5. Last year we had 32 registrants, and not one application came in 100% complete/correct. Multiple communications were required for each one. We get a lot of public inquiries from people that "wanted to grow hemp". Most didn't follow through on registration, but the response to inquiries consumed a lot of staff time. Most were interested in the perceived monetary value of the crop and had no farming experience. We had to develop a system within our county to notify law enforcement of registered hemp plantings. Even with this system, one was moments away from experiencing a raid of the site. Plant theft near the time of harvest was also an issue for some registrants. The GOOD: I appreciate the responsiveness of our CDFA contact Loc. She has been a wonderful resource to aid us in navigating this program.	5/21/2020 5:18 PM
13	County ordinance was limiting but permitting. High demand for IH caused a mad dash and confusion around restrictions on a legal commodity.	5/21/2020 4:49 PM
14	a. Sampling – Need compensation for time spent witnessing sampling, which can take several hours; Same process for sampling 20 plants vs 200 acres b. Destruction – Process not clearly defined, including preferred means of destruction (e.g., Drying? Burning? Tilling Under?) and enforcement thereof. c. Fee collection – Re: the \$900 flat fee, growers seem to think, if payment is accepted, their application is approved and permit issuance is automatic. We endeavor to have all other processes complete before payment is submitted. d. Complaints – Public has growing concerns re: encroaching hemp grows, but County Regional Planning has been incorporated into the process to review possible impacts. e. CAC Education – Additional information re: science behind hemp (e.g., growing and harvest seasons, CBD vs THC, cultivation for oil vs. fiber, etc.) would be helpful.	5/21/2020 4:19 PM
15	Last year went fairly smooth. This year has started out with complaints. Sampling/harvest will be more difficult if the time period is reduced per proposed regulation.	5/21/2020 12:22 PM
16	The amount of time required for individual public outreach.	5/21/2020 11:50 AM
17	No authorizing ordinance yet. We are at the public outreach stage, and public perception is key. Horror stories from nearby county's are hurting our chances of adopting an ordinance to allow cultivation.	5/21/2020 11:28 AM
18	Cannabis growers	5/21/2020 11:22 AM
19	Haven't had any yet due to moratorium	5/21/2020 11:02 AM
20	Thankful that it is not overwhelming my Dept. - Currently-!!!!	5/21/2020 10:28 AM
21	So far theft	5/21/2020 10:16 AM
22	Vagueness in the hemp law has restricted other agency authorities from conducting surveillance and enforcement activities for cannabis, and has allowed for exploitation of a hemp registration as a shield for illegal cannabis cultivation activities. Current hemp laws/regulations do not have standards or protocols for early sampling or supervision of hemp cultivation prior to pre harvest. Law enforcement wants nothing to do with the property if it has a hemp registration, due to vague law and liability when other cannabis cultivation is occurring on a property with a hemp registration. Background check should include landowners to avoid felons and traffickers from providing a "clean" front man as a registrant. Unacceptable Key participants are easily hidden with shell LLC's and cooperation's. This is happening in our county. Clear directions and examples of what are acceptable documents for approved cultivars. Documentation or penalties for seed producers and brokers who repeatedly provide questionable or inappropriate documents. Internal Database of approved growers, sellers and cultivars? Clearer guidelines on dealing with growers who have inconsistencies in cultivar being grown vs cultivar information. Cannabis and Hemp on the same premise. Clear identification of what is allowable, clear set standards for buffer zones, fencing requirements and separate facilities and water use issues. Having Cannabis applications overlapping current hemp registration at the same time creates potential for confusion when application gets approved (currently up to grower to notify county, if they notify at all.) Clear identification of amounts of harvest not just acreage on registration. Possible tracking of hemp harvest and sales needed, to ensure registration is not being used to shield cannabis. Possibly happening in our county. Do you need a current registration to possess or transport a certain amount of hemp? Registration needs to include gps points for boundaries not just the center point, center point needs to have a semi-permanent marker for sampling verification.	5/20/2020 2:14 PM
23	As mentioned above, the Ag Research exemption issue really created problems in our county. The commercial registrations actually went pretty smoothly. CDFA did a good job of supporting the counties in answering various questions about seed cultivars, COA test results, and	5/20/2020 10:58 AM

registration requirements. Once we got our sampling procedure in place that actually went pretty smoothly as well. We had very few destruction/enforcement issues from the commercial growers.

24	Complaints, both from the public and the growers. In a 6 week period, Sheriff got 87 service calls with 46 arrests. Odor complaints.	5/20/2020 9:12 AM
25	With research hemp, we have had complaints about odor and confusion with cannabis. We have concerns with the costs and methods of sampling, destruction, training and outreach costs and review of paperwork	5/20/2020 8:28 AM
26	No real issues regarding the program since we did not allow the cultivation of Industrial Hemp in 2019. It will be different in 2020. We would like to see a continuance of the third party sampling overseen by the counties. We have been conducting Industrial Hemp activities (conference calls) since May of 2019 and have not seen any contractual payments as of May 2020.	5/18/2020 2:48 PM
27	Our county has a moratorium; that is not likely to change.	5/18/2020 9:27 AM
28	Mostly bad or ugly. The County Department of Agriculture has yet to see a benefit.	5/18/2020 7:39 AM
29	NA	5/16/2020 2:52 PM

2018/19 Hemp Expenditures and Revenues by County

As Reported to CDFA on Form DFA-FS-64-A

County	Expenditures	Revenues/Reimb
01 Alameda	\$ 8,290	\$ 2,000
02 Alpine	Combined w/ El Dorado	
03 Amador	\$ -	\$ -
04 Butte	\$ 25,253	\$ -
05 Calaveras	\$ -	\$ -
06 Colusa	\$ -	\$ -
07 Contra Costa	\$ -	\$ -
08 Del Norte	\$ 5,151	\$ -
09 El Dorado	\$ 1,111	\$ -
10 Fresno	\$ 35,391	\$ -
11 Glenn	\$ -	\$ -
12 Humboldt	\$ -	\$ -
13 Imperial	\$ -	\$ -
14 Inyo	\$ -	\$ 365
15 Kern	\$ 12,456	\$ -
16 Kings	\$ -	\$ -
17 Lake	\$ 17,036	\$ 15,000
18 Lassen	\$ 5,965	\$ -
19 Los Angeles	\$ 7,585	\$ 2,023
20 Madera	\$ -	\$ -
21 Marin	\$ 829	\$ 532
22 Mariposa	\$ 8,928	\$ -
23 Mendocino	\$ -	\$ -
24 Merced	\$ 22,971	\$ -
25 Modoc	Unknown - reported on outdated form	
26 Mono	Combined w/ Inyo	
27 Monterey	\$ -	\$ -
28 Napa	\$ -	\$ -
29 Nevada	\$ 1,722	\$ -
30 Orange	\$ -	\$ -
31 Placer	\$ 2,744	\$ -
32 Plumas	\$ 7,706	\$ -
33 Riverside	\$ 12,442	\$ 5,630
34 Sacramento	Unknown - reported on outdated form	
35 San Benito	\$ 24,614	\$ -
36 San Bernardino	\$ 1,980	\$ -
37 San Diego	Unknown - reported on outdated form	
38 San Francisco	\$ -	\$ -
39 San Joaquin	\$ 6,862	\$ -
40 San Luis Obispo	\$ 85,470	\$ -
41 San Mateo	\$ 3,514	\$ 1,855
42 Santa Barbara	\$ 27,140	\$ -
43 Santa Clara	Unknown - reported on outdated form	
44 Santa Cruz	\$ 5,554	\$ -
45 Shasta	\$ 267	\$ -
46 Sierra	Combined w/ Plumas	
47 Siskiyou	\$ -	\$ -
48 Solano	Unknown - reported on outdated form	
49 Sonoma	\$ 4,159	\$ -
50 Stanislaus	\$ 24,527	\$ 2,000
51 Sutter	\$ 19,057	\$ 35
52 Tehama	\$ -	\$ -
53 Trinity	\$ -	\$ -
54 Tulare	\$ -	\$ -
55 Tuolumne	\$ -	\$ -
56 Ventura	\$ 17,391	\$ -
57 Yolo	\$ -	\$ -
58 Yuba	\$ 17,971	\$ -
TOTALS	\$ 414,086	\$ 29,440

County	Registration Hours	Registration Cost	Enforcement Hours	Enforcement Cost	Program Support Activities Hours	Program Support Activities Cost	Travel and Supplies Cost	Total Invoiced Hours	Total Invoiced Cost	Total Budget	County Individual Cost
Alameda	85.5	\$7,037.25	15.5	\$1,312.04	106	\$10,373.48	\$62.10	207	\$18,784.87	\$27,777.00	\$90.45
Amador										CANCELLED	\$0.00
Butte	585	\$32,974.32	123	\$6,630.03	408.5	\$22,780.32	\$3,406.86	1116.5	\$65,791.53	\$108,072.00	\$55.88
Calaveras										CANCELLED	\$0.00
Colusa	56	\$3,716.22	0	\$0.00	136.5	\$8,733.28	\$224.28	192.5	\$12,673.78	\$22,102.00	\$64.67
Contra Costa	176	\$14,544.50	0	\$0.00	251	\$22,877.65	\$0.00	427	\$37,422.15	\$81,860.00	\$87.64
Del Norte	0	\$0.00	0	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$2,000.00	\$0.00
El Dorado	6.5	\$817.31	0	\$0.00	21	\$1,673.37	\$73.08	27.5	\$2,563.76	\$4,487.00	\$90.57
Fresno	314.38	\$25,672.32	0	\$0.00	1071.9	\$84,650.63	\$7,601.74	1386.28	\$117,924.68	\$254,577.00	\$79.58
Glenn	0	\$0.00	0	\$0.00	151.75	\$9,297.35	\$0.00	151.75	\$9,297.35	\$16,270.00	\$61.27
Humboldt	41	\$2,217.33	0	\$0.00	0	\$0.00	\$0.00	41	\$2,217.33	\$3,880.00	\$54.08
Imperial	119.5	\$9,431.61	0	\$0.00	241.5	\$18,220.45	\$248.91	361	\$27,900.97	\$37,243.00	\$76.60
Inyo	0	\$0.00	0	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$2,000.00	\$0.00
Kern	283.5	\$16,402.39	7.5	\$444.38	120.5	\$5,838.61	\$763.51	411.5	\$23,448.88	\$41,036.00	\$55.13
Kings	23	\$1,160.89	16	\$849.27	155	\$8,044.11	\$58.00	194	\$10,112.27	\$16,339.00	\$51.83
Lake	195.5	\$5,995.37	21	\$617.19	816.5	\$33,987.00	\$50.50	1033	\$40,650.06	\$72,911.00	\$39.30
Lassen	20.5	\$968.21	4.5	\$222.62	65.5	\$2,882.30	\$203.00	90.5	\$4,276.13	\$7,483.00	\$45.01
Los Angeles	300	\$29,613.37	0	\$0.00	158	\$11,186.28	\$327.70	458	\$41,127.35	\$58,538.00	\$89.08
Madera	33.75	\$1,860.39	0	\$0.00	9	\$613.53	\$0.00	42.75	\$2,473.92	\$4,329.00	\$57.87
Marin	1	\$81.54	0	\$0.00	44.25	\$3,844.55	\$0.00	45.25	\$3,926.09	\$6,321.00	\$86.76
Mariposa	0	\$0.00	0	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$2,000.00	\$0.00
Mendocino	0	\$0.00	0	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$2,000.00	\$0.00
Merced	70.75	\$4,279.34	1.5	\$95.12	228	\$26,407.75	\$120.64	300.25	\$30,902.84	\$45,475.00	\$102.52
Modoc	0	\$0.00	0	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$2,000.00	\$0.00
Mono	0	\$0.00	0	\$0.00	0	\$0.00	\$0.00	0	\$0.00	\$2,000.00	\$0.00
Monterey	158	\$10,092.63	32	\$2,057.24	194	\$10,182.18	\$66.70	384	\$22,398.74	\$37,542.00	\$58.16
Napa										CANCELLED	\$0.00
Nevada	0	\$0.00	0	\$0.00	10	\$924.40	\$0.00	10	\$924.40	\$2,000.00	\$92.44
Orange	0	\$0.00	0	\$0.00	23.5	\$1,956.55	\$0.00	23.5	\$1,956.55	\$3,424.00	\$83.26
Placer	0	\$0.00	0	\$0.00	30	\$2,151.60	\$0.00	30	\$2,151.60	\$4,706.00	\$71.72
Plumas	20	\$1,290.20	0	\$0.00	22.5	\$743.79	\$34.67	42.5	\$2,068.66	\$3,984.00	\$47.86
Riverside	525.5	\$28,799.80	0	\$0.00	115	\$5,278.50	\$1,027.35	640.5	\$35,105.65	\$52,790.00	\$53.21
Sacramento	4	\$360.48	0	\$0.00	9	\$811.08	\$0.00	13	\$1,171.56	\$2,050.00	\$90.12
San Benito	78	\$5,850.00	16	\$1,200.00	237.5	\$17,812.50	\$102.66	331.5	\$24,965.16	\$43,690.00	\$75.00
San Bernardino	191	\$14,194.70	0	\$0.00	42.5	\$3,389.96	\$0.00	233.5	\$17,584.66	\$30,774.00	\$75.31
San Diego	1274.2	\$81,047.43	0	\$0.00	388.8	\$24,538.54	\$0.00	1663	\$105,585.97	\$199,035.00	\$63.49
San Francisco	6	\$545.00	0	\$0.00	15	\$1,380.00	\$0.00	21	\$1,925.00	\$3,370.00	\$91.67
San Joaquin	56.5	\$4,495.35	0	\$0.00	120.25	\$9,302.47	\$84.78	176.75	\$13,882.60	\$18,093.00	\$78.06
San Luis Obispo	467.5	\$31,429.95	0	\$0.00	43	\$2,463.41	\$0.00	510.5	\$33,893.35	\$57,498.00	\$66.39
San Mateo	88	\$6,912.54	4	\$335.68	105.3	\$8,300.87	\$0.00	197.3	\$15,549.09	\$19,329.00	\$78.81
Santa Barbara										CANCELLED	\$0.00
Santa Clara										CANCELLED	\$0.00
Santa Cruz	119.5	\$10,617.94	0	\$0.00	615.25	\$42,029.86	\$0.00	734.75	\$52,647.80	\$92,134.00	\$71.65
Shasta	3	\$253.38	0	\$0.00	45.166	\$3,994.54	\$0.00	48.166	\$4,247.92	\$5,484.00	\$88.19
Siskiyou	0	\$0.00	0	\$0.00	27	\$2,063.07	\$0.00	27	\$2,063.07	\$3,611.00	\$76.41
Solano	36	\$1,756.57	0	\$0.00	258.25	\$18,414.88	\$0.00	294.25	\$20,171.45	\$35,206.00	\$68.55
Sonoma	0	\$0.00	0	\$0.00	111	\$7,767.76	\$0.00	111	\$7,767.76	\$10,044.00	\$69.98
Stanislaus	254.75	\$14,938.28	5.25	\$283.44	178.75	\$9,313.68	\$22.04	438.75	\$24,557.43	\$53,712.00	\$55.92
Sutter	87.1	\$4,190.50	5.5	\$278.80	364.5	\$20,495.98	\$0.00	457.1	\$24,965.27	\$36,056.00	\$54.62
Tehama	0	\$0.00	0	\$0.00	39	\$3,063.37	\$0.00	39	\$3,063.37	\$3,505.00	\$78.55
Trinity	0	\$0.00	0	\$0.00	20	\$1,423.00	\$1,738.61	20	\$3,161.61	\$5,533.00	\$71.15
Tulare	0	\$0.00	0	\$0.00	154.5	\$7,482.35	\$0.00	154.5	\$7,482.35	\$2,000.00	\$48.43
Tuolumne	0	\$0.00	0	\$0.00	29.5	\$1,919.78	\$0.00	29.5	\$1,919.78	\$3,359.00	\$65.08
Ventura	265.75	\$16,061.51	0	\$0.00	440	\$26,342.82	\$324.25	705.75	\$42,728.58	\$93,326.00	\$60.08
Yolo										CANCELLED	\$0.00
Yuba	0	\$0.00	0	\$0.00	60	\$5,519.99	\$0.00	60	\$5,519.99	\$4,428.00	\$92.00
Total	5946.68	\$389,608.58	251.75	\$14,325.79	7684.166	\$510,477.54	\$16,541.38	13882.596	\$930,953.29	\$1,647,383.00	\$65.87



Application of Seed Law to Industrial Hemp


Brenda Lanini

May 28, 2020



Seed Laws and Regulations

- Federal Seed Act
 - (7 U.S.C, sec. 1551, et seq.)
- Federal Seed Act Regulations
 - (7 CFR part 201)
- California Seed Law
 - (Food and Agricultural Code (FAC) 52252-52515)
- California Code of Regulations (CCR)
 - (3 CA Adc T. 3, Div.4, Chap. 5, subchap. 3)



”It is the intent of this chapter to enable the seed industry, with the aid of the state, to ensure that seed purchased by the consumer-buyer is properly identified and of the quality and amount represented on the tag or label. “

FAC 52288

Seed Sellers and Labelers must Register

- **FAC 52351.** Every **labeler of agricultural or vegetable seed offered for sale in this state, or any person, who sells that seed** in this state, shall annually register with the secretary to obtain authorization to sell agricultural or vegetable seed before engaging in this activity, except any of the following:
 - (a) An individual grower that conditions such seed exclusively for the grower's own planting use.
 - (b) A person using agricultural or vegetable seed, or both agricultural and vegetable seed, only for purposes of planting seed increase.
 - (c) Any person licensed to sell nursery stock pursuant to Chapter 1 (commencing with Section 6701) of Part 3 of Division 4, except when he or she also engages in activities as defined under Section 52257.5.



**APPLICATION FOR
 AUTHORIZATION TO SELL SEED
 FOR FISCAL YEAR BEGINNING JULY 1, 2020**

Please print or type information in spaces where indicated. Complete or correct all sections.

FOR DEPARTMENTAL USE ONLY

FIRM NAME & MAILING ADDRESS (AS IT APPEAR ON YOUR REGISTRATION):	Phone:	Email:
	CALIFORNIA FIRMS ONLY - LOCATION (GIVE SPECIFIC ADDRESS, NOT P.O. BOX)	
	CITY:	COUNTY:
CONTACT PERSON:	WHICH IS:	MILES FROM:

PLEASE LIST OTHER NAMES UNDER WHICH YOU SELL SEED (i.e. Doing Business As names; DBAs - Attach an additional page if more space is needed):

Voluntary Information Request: To ensure CDFA is adequately monitoring the marketplace, please indicate the Approximate # of seed lots you annually offer for sale in CA. Please include lots offered under your DBA names. #

Section 52351 of the California Seed Law requires that every labeler of agricultural and/or vegetable seed offered for sale or sold in this state, or any person who receives or possesses for sale or sells in this state seed not grown in this state shall annually register with the Secretary of the California Department of Food and Agriculture to obtain authorization to sell seed. In addition, Section 52354 requires that each person required to register pursuant to Section 52351 shall pay an assessment annually on the gross annual dollar volume sales of agricultural and/or vegetable seed for the preceding year. Please see the reverse side for exemptions to these requirements.

CALCULATE YOUR FEES HERE

1. REGISTRATION FEE (Authorization to Sell Seed)	=	1) \$	40.00
2. ASSESSMENT: The assessment rate established by the Secretary is \$0.30 per \$100 gross total sales of agricultural, grass and/or vegetable seed sold in California for the preceding fiscal year ending June 30, 2020. Assessment = Assessment Rate X Sales			
Gross annual dollar amount of sales (7-1-19 through 6-30-20): REQUIRED			
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
Lawn Seed a) \$			
Ag or Field Seed b) \$			
Vegetable Seed c) \$			
TOTAL SALES (Add lines a, b, and c)	→	\$	
Assessment Rate is \$0.30/\$100 sales (so rate factor is 0.0030)	X .0030 =	2) \$	
3. ADDITIONAL FEES IF RENEWAL IS LATE (AFTER JULY 31, 2019)			
<input type="checkbox"/> Late penalty EXEMPTED (New applicant with no prior sales)			
3a) Registration Penalty \$8.00	→	3a) \$	
3b) Assessment Penalty 10% (0.10 X line 2)	=	3b) \$	
4. TOTAL FEES DUE (add amounts in lines 1 + 2 + 3a + 3b)	=	\$	

IF EXEMPT FROM EITHER ASSESSMENT AND/OR LATE PENALTIES, PLEASE INDICATE THE REASON(S) BELOW AND RETURN THIS APPLICATION.

Firms authorized to sell seed in California from 7/1/2019 to 6/30/2020

*Denotes DBAs (authorized alternate firm or label name)

Updated copy can be found at:

https://www.cdfa.ca.gov/plant/pe/nsc/docs/seed/Dir_RegisteredSeedSellers.pdf

FIRM NAME	PARENT COMPANY HEADQUARTER ADDRESS
19ASFAD4*	11609 Hereford Rd. Los Banos, CA 93635
19ASFAL36*	11609 Hereford Rd. Los Banos, CA 93635
19LETRH16*	11609 Hereford Rd. Los Banos, CA 93635
3 Star Lettuce, LLC	P.O. Box 940 Gonzales, CA 93926
A L Gilbert Company	PO Box 160 Keyes, CA 95328
A&C*	P.O. Box 18300 Greensboro, NC 27419
AAK USA Richmond Corp*	PO Box 2210 Woodland, CA 95776
Abate-A-Weed, Inc.	9411 Rosedale Hwy Bakersfield, CA 93312
Abbott & Cobb Inc	PO Box 307 Feasterville, PA 19053
Abundant Life Seeds*	P.O. Box 158 Cottage Grove, OR 97424
A-C Growers Inc.	304 Sespe Ave Fillmore, CA 93015
Adams Grain Company*	PO Box 799 Arbuckle, CA 95912
Adams Seed Inc	PO Box 799 Arbuckle, CA 95912
Advanta US. Inc.	P.O. Box Drawer 2420 Hereford, TX 79045
Aero Garden*	6075 Longbow Drive, Suite 200 Boulder, CO 80301
AeroGrow International, Inc	6075 Longbow Drive, Suite 200 Boulder, CO 80301
AG RX	751 S. Rose Ave. Oxnard, CA 93030
Ag Service Seed*	107 N 9th Street Adel, IA 50003
Ag Supply*	P.O. Box 7160 YumaFargo, ND 58106
Ag Unlimited Farm Supply - Talmage*	201 East Street Woodland, CA 95776
Ag Unlimited-Lakeport*	201 East Street Woodland, CA 95776
Ag Unlimited-Ukiah*	201 East Street Woodland, CA 95776
AgReliant Genetics LLC	1122 E 169th Street Westfield, IN 46074
Agri Source*	201 East Street Woodland, CA 95776
Agricultural Supply*	P.O. Box 7160 YumaFargo, ND 58106
Agrigenetics Inc	1000 W. Jefferson Street Tipton, IN 46072
Agristar do Brasil Ltda.	Rod. SP 340 s/n San Antonio Posse SP 13800-00 Brazil,
Agristar International Inc.	13400 SW 70 Ave Miami, FL 33156
Agri-Turf Distributing, LLC	10551 Hathaway Drive Santa Fe Springs, CA 90670



Labeler

- **FAC 52254.5.** “Labeler” means any person whose name and address appears on the label pertaining to or attached to a lot or container of agricultural or vegetable seed, or both agricultural and vegetable seed, for sale and distribution within the state.
- **FAC 52256.5.** “Person” also means any individual, partnership, corporation, trust association, cooperative association, or any other business unit or organization.
- **FAC 52255.** “Labeling” means all labels, and other written, printed, or graphic representations, in any form whatsoever, which accompany and pertain to any seed whether the seed is in bulk or in containers, and it includes invoices.

Seed Assessment of Labelers

- **FAC52354.** Each person who is required to be registered pursuant to Section 52351 shall pay an assessment annually to the secretary in an amount not to exceed forty cents (\$0.40) per one hundred dollars (\$100) gross annual dollar volume sales of agricultural or vegetable seed, or both, in this state for the preceding fiscal year defined in Section 52352, except in the following cases:
 - (a) No assessment shall be paid by any labeler or any other person for any agricultural or vegetable seed for which the assessment has been previously paid by another labeler or person, unless the identity of the lot has been changed.
 - (b) No assessment shall be paid on that portion of a person's sales of agricultural or vegetable seed, or both, that is sold in containers of four ounces or less net weight of seed.
 - (c) No assessment shall be paid on agricultural or vegetable seed, or both, sold and shipped out of this state.
- **CCR 3906. Assessment Fees.**
- The Secretary pursuant to sections 52331, 52354, and 52354.5 of the Food and Agricultural Code, hereby establishes an annual assessment of \$0.30 per one-hundred dollars (\$100) gross annual dollar volume sales of agricultural and/or vegetable seed in this State for the preceding fiscal year as defined in section 52352 of the Food and Agricultural Code. Such assessment shall be paid to the Secretary within one calendar month of July 1 for the preceding fiscal year. If not paid within the time allotted, a penalty of 10% of the assessment fee due shall be added.



Agricultural Seed

- **FAC 52254.** “Agricultural seed” means the seed of any domesticated grass or cereal, and of any legume or other plant that is grown as turf, cover crop, forage crop, fiber crop, or field crop, and mixtures of such seeds. It does not, however, include any variety that is generally known and sold as flower seed or vegetable seed.
- Industrial Hemp (Hemp) was added to the schedule of agricultural seeds in the California Code of Regulations on March 19, 2020.



Industrial Hemp

Green Baby

Lot 345LA333

Pure seed	98%
Weed seed	00.8 %
Other Crop Seed	00.2 %
Inert matter	01.0%
Coating	
Noxious Weed Seed	-none

Germination 96 % tested March 2020

Hemp-R-US

100 Green Lane, Anywhere, CA 95000

Agricultural Seed Labels

- **FAC 52452.** (a) Except as otherwise provided in Section 52454, each container of agricultural seed that is for sale or sold within this state for sowing purposes shall bear upon it or have attached to it in a conspicuous place a plainly written or printed label or tag in the English language that includes all of the following information:
 - (1) The commonly accepted name of the kind, **kind and variety**, or kind and type of each agricultural seed component in excess of 5 percent of the whole, and the percentage by weight of each. If the aggregate of agricultural seed components, each present in an amount not exceeding 5 percent of the whole, exceeds 10 percent of the whole, each component in excess of 1 percent of the whole shall be named together with the percentage by weight of each. If more than one component is required to be named, the names of all components shall be shown in letters of the same type and size.
 - (2) The **lot number** or other lot identification.

Agricultural Seed labels continued

- (3) The percentage by weight of all **weed seeds**.
- (4) The name and approximate number of each kind of **restricted noxious weed seed** per pound.
- (5) The percentage by weight of any **agricultural seed** except that which is required to be named on the label.
- (6) The percentage by weight of **inert matter**. If a percentage by weight is required to be shown by any provision of this section, that percentage shall be exclusive of any substance that is added to the seed as a coating and shown on the label as such.
- (7) For each agricultural seed in excess of 5 percent of the whole, stated in accordance with paragraph (1), the percentage of **germination exclusive of hard seed, the percentage of hard seed, if present, and the calendar month and year the test was completed** to determine the percentages. Following the statement of those percentages, the additional statement "total germination and hard seed" may be stated.
- (8) The **name and address** of the person who labeled the seed or of the person who sells the seed within this state.

Weed Seeds

➤ **3853. Weed Seeds.**

- The following species, when occurring incidentally in agricultural seed, are classed as weed seeds for the purpose of labeling as required by Section 52452, Food and Agricultural Code, unless labeled and sold as specific constituents of a definite seed mixture:
 - (a) All species not listed in Section 3899, Schedule I (a).
 - (b) All species listed in Section 3901, Schedule III.

➤ **CCR 3854. Prohibited Noxious Weed Seed.**

- In accordance with Section 52332 of the Food and Agricultural Code, the Director hereby designates the seed or propagule of the following species of plants to be prohibited noxious weed seed within the meaning of Section 52257 of the Food and Agricultural Code:

➤ **CCR 3855. Restricted Noxious Weed Seed.**

- Unless listed in CCR Section 3854 as a prohibited weed seed, all seeds from plant species listed in CCR Section 4500 are considered to be restricted weed seeds for purposes of labeling seed containers offered for sale, planting, or distribution in California.

Treated Seed

- ▶ **52484.** (a) Except as otherwise provided in Section 52486, it is unlawful for any person to ship, deliver, transport, or sell agricultural or vegetable seed that is treated after harvest with any substance that is likely to be poisonous or toxic to human beings or animals unless there is conspicuously shown on the analysis tag or label, on a separate tag or label attached to each container, or upon each container all of the following information:
 - ▶ (1) “TREATED SEED” and the signal word for the category of treatment material all in capital letters.
 - ▶ (2) The chemical or generic name of the treatment material.
 - ▶ (3) An appropriately worded statement as to the hazards to humans and animals.
 - ▶ (4) An appropriately worded statement of practical treatment, if present.
- ▶ (b) This information shall be derived from the technical chemical label of the substance applied to the seed.
- ▶ (c) When more than one substance is applied, each substance shall be noted on the label, and the seed shall be labeled for the substance with the higher level of toxicity.

Violations

- ▶ **FAC 52481.** Except as otherwise provided in this section or in Section 52486, it is unlawful for any person to ship, deliver, transport, or sell any agricultural or vegetable seed within this state, other than the seed that is described in Section 52451, unless the test to determine the **percentage of germination** that is required by Article 8 (commencing with Section 52451) has been completed within the following period, **exclusive of the calendar month in which the test is completed**, immediately prior to shipment, delivery, transportation, or sale:
 - ▶ (a) In the case of any agricultural or vegetable seed that is shipped, delivered, transported, or sold to a **dealer for resale, eight months.**
 - ▶ (b) In the case of any agricultural or vegetable seed that is sold at **retail, 15 months.**
 - ▶ (c) In the case of any agricultural or vegetable seed that is packaged under conditions that the secretary finds and determines will prolong the viability of the seed, the secretary may designate, in regulations that are adopted pursuant to this chapter, a longer period than otherwise specified in this section, and may require any additional labeling that may be necessary to maintain identification of seed that is packaged under these conditions.
 - ▶ (d) Seed labeled under Section 52455 is not subject to subdivision (b) upon expiration of the viability assurance statement. This exemption does not limit the right of the enforcing officer to enforce other applicable sections of this chapter.

Violations continued

FAC 52482. Except as otherwise provided in Section 52486, it is unlawful for any person to ship, deliver, transport, or sell any agricultural or vegetable seed within this state that is within any of the following classes:



- (a) **Is not labeled** in accordance with the provisions of this chapter. This subdivision does not, however, apply to any seed that is described in Section 52451.
- (b) **Contains prohibited noxious weed seed**, subject to tolerances and methods of determination prescribed in the regulations that are adopted pursuant to this chapter. This subdivision does not, however, apply to any of the seed that is described in subdivision (a) or (b) of Section 52451.
- (c) **Has false or misleading labeling** or pertaining to which there has been a **false or misleading advertisement**.
- (d) **Is represented to be certified seed or registered seed**, unless it has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of a seed-certifying agency that is officially recognized under the provisions of this chapter, if produced in this state, or under the provisions of the Federal Seed Act (7 U.S.C., Sec. 1551, et seq.), as enacted, and rules and regulations that are adopted pursuant to that act, if produced outside of this state.
- (e) **Contains more than 1 1/2 percent by weight of all weed seeds**. This subdivision does not, however, apply to any seed that is described in subdivision (a), (b), or (c) of Section 52451.
- (f) **To sell, by variety name, seed not certified by an official seed-certifying agency when it is a variety for which a certificate of plant variety protection under the United States Plant Variety Protection Act (84 Stats. 1542; 7 U.S.C. Sec. 2321, et seq.) specifies sale only as a class of certified seed**, except that seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the written approval of the owner of the variety.

Mediation Statement

- ▶ **FAC 52456.** In addition to the labeling requirements of this article, all seed, except seed at the time of sale by a retail merchant for nonfarm use, shall conspicuously bear upon the label adequate notice of the requirement to follow the conciliation, mediation, or arbitration procedures governing disputes between labelers and any person, as authorized by this chapter, and the consequences of failing to follow those procedures.
- ▶ **CCR 3915.1. Mediation Notice.**
- ▶ The following notice shall appear upon every label of agricultural or vegetable seed except as provided in Section 3867:
- ▶ Notice arbitration/conciliation/mediation required by several states under the seed laws of several states, arbitration, mediation or conciliation is required as a prerequisite to maintaining a legal action based upon the failure of seed to which this notice is attached to produce as represented. The consumer shall file a complaint (sworn for AR, FL, IN, MS, SC, TX, WA; signed only CA, ID, ND, SD) along with the required filing fee (where applicable) with the Commissioner/Director/Secretary of Agriculture, Seed Commissioner, or Chief Agricultural Officer within such time as to permit inspection of the crops, plants or trees by the designated agency and the seedman from whom the seed was purchased. A copy of the complaint shall be sent to the seller by certified or registered mail or as otherwise provided by state statute

Mediation procedures

- **CCR 3916.**
- In order to make a formal complaint and seek mediation of a dispute as required by Section 3915, the complainant shall file a complaint within such time as to permit inspection of the crop by the Secretary and the respondent.
- (a) To file a complaint, the complainant shall:
 - (1) **File a written complaint** with the Secretary giving the following information:
 - (A) the complainant's **name, address and telephone number**;
 - (B) the **nature of the complaint and the alleged causes** thereof;
 - (C) **evidence of purchase and the label of the seed used to plant the affected crop** (copies are acceptable, but originals must be presented upon demand by the Secretary during the investigation or mediation); and
 - (D) **accurate and complete directions to locate the affected crop**;
 - (2) **forward a copy of the written complaint to the respondent by certified or registered mail**, at the time of filing;
 - (3) pay to the Department of Food and Agriculture **a nonrefundable filing fee of two hundred and fifty dollars (\$250)**, at the time of filing in accordance with Section 52321 of the Food and Agricultural Code; and
 - (4) **maintain the crop alleged to be damaged in the field until notified of release** by the Secretary. The Secretary may require the complainant to maintain a representative portion of the crop. Designation of a representative portion by the Secretary shall be made within seven (7) days after receipt of the complaint.
- (b) Within seven (7) calendar days after receipt of the copy of the written, filed complaint, the respondent shall file with the Secretary a written answer to the complaint and send a copy of the answer to the complainant by certified mail.
- (c) The Secretary shall review the complaint to determine if the complaint is within the scope of Section 52332(f) of the Food and Agricultural Code and has been filed in accordance with this

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- Register to Sell Seed
 - Label containers correctly
 - Maintain paperwork- invoices, copies of labels, containers, shipping documents, Lab results
 - Seed Advisory Board – 11 members



Seed Services



- Email- [CDFA DL PHPPS PEB Seed Services@cdfa.ca.gov](mailto:CDFA_DL_PHPPS_PEB_Seed_Services@cdfa.ca.gov)
- Phone (916) 654-0435
- Web site <https://www.cdfa.ca.gov/plant/pe/nsc/seed/index.html>