

Organic Certification of Industrial Hemp



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ORGANIC FACT SHEET

As a result of the 2014 Farm Bill, farmers in the U.S. can now grow industrial hemp under certain regulated situations. The USDA, U.S. DEA, and U.S. FDA worked together to develop a Statement of Principles on Industrial Hemp to inform the public how Federal law applies to activities associated with industrial hemp.

The USDA National Organic Program (NOP) issued NOP 2040, an Instruction on "Organic Certification of Industrial Hemp Production," which informed certifiers that industrial hemp managed organically and produced in accordance with the Statement of Principles can be certified organic.

Essentially:

Production can only occur in states that have passed legislation specifically allowing it.

Production is limited to authorized institutions of higher education, growers and processors registered under a pilot program through state departments of agriculture where the production of industrial hemp is legal. (This includes people employed by or under a production contract to conduct such research by the state or institution.)

Proper licensing must be in place.

Industrial hemp includes *Cannabis sativa* L. and any and all parts of the plant. Industrial hemp must be used for industrial purposes (fiber and seed). THC concentration must be lower than .3% on a dry weight basis.

Industrial hemp products may be sold in states where sales are legal, but only for marketing research. Sales for "general commercial activity" are not legal. Sales between states where sales are legal are permitted. However, viable seeds and plants may not be transported across state lines without a DEA permit.

Since industrial hemp is still a Controlled Substance, the importation of viable seeds must be approved by the DEA.

Quick Facts

- As a result of the 2014 Farm Bill, farmers in the U.S. can now grow industrial hemp under certain regulated situations, but only in states that have passed legislation specifically allowing it, and only with proper licensing.
- The USDA National Organic Program confirmed that industrial hemp managed organically and produced in accordance with the Statement of Principles can be certified organic.

Can MOSA certify industrial hemp? (not to be confused with marijuana)

Yes, however the certification of industrial hemp is complicated. Read this fact sheet and contact MOSA to gain full understanding of hemp certification.

What forms of hemp can be certified as organic?

The Statement of Principles defines industrial hemp as "any part or derivative of such plant", so it's our interpretation that we can certify any part or derivative of the hemp plant, so long as it's grown by a licensed producer in accordance with the Statement of Principles and the National Organic Standards. Examples of products MOSA will certify are hemp hearts, hemp oil, grain, seed, fiber, etc.

How do I get licensed to grow industrial hemp?

Visit the Department of Ag website for your state. Rules vary from state to state. At least 27 states have passed laws creating or allowing for the establishment of industrial hemp research or pilot programs.

What will licensing/registration entail for growers/ processors?

To comply with state regulations for commercial and research programs, growers and processors must be licensed, registered or permitted with the state agency overseeing program. Requirements for registration, licenses and permits vary from state to state and might include:

- Criminal background checks.
- Periodic renewals, usually every 1 to 3 years.
- Registering the location or Global Positioning System (GPS) coordinates of grow sites.
- Record keeping and reporting any sales or distributions including to whom it was sold or distributed, including processors.
- Documentation from the state agency or institution of higher education to prove the grower is participating in an approved program.
- The state agencies overseeing these programs are typically authorized to conduct inspections, test the plants and review records. State agencies may revoke licenses and impose civil and criminal penalties against growers who violate regulations.

What additional paperwork does MOSA require to verify that producers are registered under a pilot program and how often should it be updated?

A current copy of the license to grow or process needs to be submitted and maintained in the file. We'll collect the registration paperwork or verification of renewal annually. In addition, the grower or processor will need to sign MOSA's Hemp Affirmation form.

Do we need to have an industrial hemp affirmation or a special form for our verification work?

Yes. We have created an Industrial Hemp Affirmation form for clients growing or processing hemp to sign, agreeing to following the Statement of Principles.

Can certified organic hemp products, not including viable seeds, that are produced in the U.S. be sold in the U.S.?

Although imported hemp products are not illegal to be sold in any state, individual state pilot programs for U.S industrial hemp producers and processors may include restrictions on sales. For example, Wisconsin's pilot program allows for sales as "market research." WI DATCAP has clarified that any sales by a licensed grower that are included in the grower/processor's approved research plan are

allowed.

Can hemp be an ingredient for processed food?

Yes, imported hemp can be an ingredient in processed organic food. There are several examples of products for human consumption on the shelves today that include hemp as an ingredient - hemp bread, hemp beer and energy drinks, hemp salad oil, hemp granola bars.

It became legal on a Federal level to import hemp into the U.S. in 1998 with the exception of viable seeds and plants. However, US Grown hemp needs to meet the requirements of the program in their state.

The following are resources are useful:

[US Federal Register: Statement of Principles on Industrial Hemp](#)

[NOP instruction 2040: Organic Certification of Industrial Hemp Production](#)

[Industrial Hemp Q&A from UW-Extension and CALS](#)

[Industrial Hemp Research Pilot Program](#) - See this resource for information on hemp research pilot program. Refer to this [Q/A document](#) for more information.

[Canadian Hemp Trace Alliance \(CHTA\)](#) for production, harvest, storage, and research info

[Canadian Food Inspection Agency](#) - for import/export information

[AAFCO Guidelines on Hemp in Animal Feed \(March 2017\)](#)

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