

**California Department of Food and Agriculture (CDFA)
Minutes**

of the Meeting/Video Conferencing
of the Industrial Hemp Advisory Board (IHAB)
Held on Tuesday, April 11, 2023
1220 N Street Auditorium
Sacramento, CA 95814

INDUSTRIAL HEMP ADVISORY BOARD MEMBERS

Members Present: Emma Aronson, Kadie Britt, Justin Eve, Michael Fisher, Shannon Hattan, Diwan Munger, Jack Norton, Rob Porcella, Andrew Smith, Richard Soria, Lucas Wilson

Members Absent: Will Kleidon

OTHER ATTENDEES*

All Star Clones, Justin Aquino, Jon Bixler, Jack Brown, Raul Cantu, Joanna Cedar, Kortney Chrisman, Michael Dickman, Janet Eckles, Gurmin Gill, Devin Gray, Rick Gurrola, Craig A. Hemphill, Lisa Herbert, JE, Kareem Kassem, Jennifer Knaack, Rachel Kubiak, Jaciel Lainez, Brenda Lanini, Cory Lewis, Lisab, Cerise Montanio, Julia Norton, Ryan Peterson, Loc Phan, Tom Pires, Wayne Richman, Anne Roderick, Sonia, Ned Thimmayya, Edgar Winters, Monica Winters, Loren Wolfe, Sonia Zarate, Marie Ziegel

*As self-reported in the Zoom application or sign-in sheet

CALL TO ORDER AND ROLL CALL

Jack Norton, Chair, called the meeting to order at 09:14 a.m. and conducted roll call. A quorum was present for the Board.

WELCOME AND OPENING REMARKS

Norton welcomed everyone and reviewed the topics of discussion.

REVIEW AND APPROVAL OF PRIOR MEETING MINUTES

Norton directed the Board to review the draft minutes prepared by program staff for the January 31, 2023, meeting. A copy of the draft minutes had been distributed to the Board members and posted on the Department's website prior to the meeting. Norton opened the floor for any changes or corrections, none were suggested.

Board Motion #1

The Board approved the minutes for January 31, 2023, as presented.

Motion: Andrew Smith
Second: Kadie Britt

Details of Board Vote

In Favor: Emma Aronson, Kadie Britt, Justin Eve, Michael Fisher, Shannon Hattan, Diwan Munger, Jack Norton, Rob Porcella, Andrew Smith, Richard Soria, Lucas Wilson

Abstain: None

Absent: Will Kleidon

BRIEF PROGRAM UPDATES

Natalie Jacuzzi, Senior Environmental Scientist for CDFA's Industrial Hemp Program, provided a brief update on the Industrial Hemp Program activities (attached), including:

- Regular rulemaking updates on the expected timeline for current proposed regulations
- Laboratory approval update: there were a total of 15 approved labs
- The United States Department of Agriculture (USDA) delayed implementation of the requirement for Drug Enforcement Agency (DEA) registration for laboratories until January 1, 2024
- Registration statistics updated for 2022, including:
 - o Number of registrants
 - o Planted acreage
 - o Harvested acreage

Norton asked for an update on the Board motion from May 5, 2022, recommending removal of the pre-harvest report requirement. Jacuzzi noted that the recommendation was approved by the Secretary and included in the current proposed regulations.

Additional Board comments included discussion on possible fee increases, data on cultivars being planted, and a request for a USDA representative to speak at a Board meeting to give information about the DEA certification process and anticipated implementation date.

Public comments included a request for cultivar planting data.

HARVEST DEFINITION UPDATE

Norton led a discussion to review the definition of "harvest" in regulation (California Code of Regulations, Title 3, Section 4890), and presented a new proposed definition of "harvest" as follows:

- *(a)(13)(1) "Harvest" means the collection of any portion of an industrial hemp plant at the termination of the cultivation process for the purpose of processing, distribution, storage, or sale.*
- *(2) "Harvest" does not include material removed from the plant for:*
- *Testing, that is noticed to the Agricultural Commissioner and followed by documented destruction*

- *Maintenance of stock:*
 - o *Male culling,*
 - o *Thinning,*
 - o *Disposal.*

Norton explained that items such as clones and transplants were not included in the proposed definition, as those items are more appropriate to address within performance-based sampling protocols.

Emma Aronson moved for the Board to recommend amending the regulations as presented. Richard Soria seconded.

Board comments included support of the proposed definition and interest in discussing performance-based sampling.

No public comments were given.

Motion #1

The Board recommended amending California Code of Regulations (CCR), Title 3, Section 4890(a)(13) as follows:

- *(a)(13)(1) "Harvest" means the collection of any portion of an industrial hemp plant at the termination of the cultivation process for the purpose of processing, distribution, storage, or sale.*
- *(2) "Harvest" does not include material removed from the plant for:*
 - *Testing, that is noticed to the Agricultural Commissioner and followed by documented destruction*
 - *Maintenance of stock:*
 - o *Male culling,*
 - o *Thinning,*
 - o *Disposal.*

Motion: Emma Aronson

Second: Richard Soria

Details of Board Vote

In favor: Emma Aronson, Kadie Britt, Justin Eve, Michael Fisher, Shannon Hattan, Diwan Munger, Jack Norton, Rob Porcella, Andrew Smith, Richard Soria, Lucas Wilson

Against: None

Abstain: None

Absent: Will Kleidon

PREFORMANCE-BASED SAMPLING UPDATE

Norton led a discussion on performance-based sampling (PBS). California regulations and protocols do not currently incorporate performance-based sampling. Norton stated that these protocols were a potential pathway to improve outcomes for growers, reduce the cost of the administration of the program, and improve outcomes for agricultural commissioners.

Norton reviewed and summarized the attachment “Performance Based Sampling: A Review of States’ Language”, including several factors that can be included in PBS protocols.

The Board discussed that PBS could assist in reducing the cost of the program by reducing the need for sampling and oversight.

Additional Board discussion included suggestions to the Chair as to what should be considered for PBS, including:

- Microgreens and sprouts
- Nursery transplants
- Fiber and grain
- Clones
- Seed breeding
- Research

The Board discussed the potential use of satellite photos to assist with PBS. Andrew Smith stated that a satellite photograph is extremely expensive and would not be a cost-effective idea at this time. Michael Fisher agreed, and suggested including a notice of “under penalty of perjury” when submitting photographs.

Public comments included use of PBS when growing microgreens and greens, and that when harvesting the tops of the plant could be placed in bins for fermenting.

2023 INDUSTRIAL HEMP ADVISORY BOARD VACANCIES

Jacuzzi gave an update on the upcoming Board vacancies. Current terms for all 13 Board positions expired on May 31, 2023. CDFA had posted a vacancy announcement, and all applications were due to the program by April 19, 2023.

No public comments were given.

HEMP PESTS TASK FORCE UPDATE

Kadie Britt and Smith led a discussion on Hemp Pests. Britt discussed the use of pesticides in hemp and how confusion about what products can be used has affected pest management on the crop, and reviewed the following:

- A pesticide product can legally be applied to hemp in California if the following apply:
 - o The product is registered for use on hemp
 - o The active ingredients are
 - (A) Exempt from residue tolerance requirements or registration, or
 - (B) Exempt from residue tolerance requirements

Britt introduced Rachel Kubiak, California Department of Pesticide Regulations (DPR) Cannabis and Hemp Program Manager, who provided a brief overview of:

- DPR's role regulating pesticides based on the pre-set federal regulations
- Residue tolerance set forth by the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA)
- The IR-4 program

The Board asked about considerations for grain and fiber hemp that would be considered non-edible. Kubiak suggested that, for these cases, a residue tolerance would not be needed. The Board discussed the difference between residue tolerance for smokable hemp items vs. edible items. Kubiak stated that historically the action levels were separated out for smokable items vs. all other products, but there is very little data on what happens when a pesticide is combusted.

Public comments included questions on weed control, and what pesticides were available for use on hemp.

LEGISLATIVE TASK FORCE UPDATE

Shannon Hattan led a discussion on legislative updates regarding hemp. Updates included information on the following legislation:

- (State) AB-420 – Aguilar Curry - Directed at cannabis regulations, and would allow hemp products and integrated into existing products and sold
- (Federal) HR-1629 - Griffith H. Morgan - Hemp and Hemp Derived CBD Consumer Protection and Market Stabilization Act
- (Federal) HR-1628 – Griffith H. Morgan - Includes product safety and standardization
- (Federal) HR-1428 – David Trone - Free to Grow Act of 2023. Could potentially eliminate background checks for hemp cultivation
- (Federal) SB-549 – Tammy Baldwin and (Federal) HR-1462 – John Joyce - The Dairy Pride act. This act would end labeling plant-based milk as milk.

Board discussion included a suggestion to have a speaker from the California Department of Public Health (CDPH) at the next meeting to discuss implementation of California Assembly Bill (AB) 45 (2021).

No public comments were given. **DISCUSSION ON TASK FORCES**

Norton led a discussion of the current task forces of the Board. Norton discussed the Bagley-Keene Open Meeting Act regarding task force operations and suggested dissolving the Rules and Regulations Task Force.

The Board discussed Bagley-Keene requirements for task force meetings. Topics included:

- Task force membership
- Potential risks for serial meetings
- Process for creating and dissolving task forces
- How a task may be assigned to Board members

Norton asked the Board if any task force would like to dissolve. Norton dissolved the Rules and Regulations and Data Management task forces.

Public comments included a question on Board members working with non-members to present information at meetings.

PROPOSED LETTER TO SECRETARY REGARDING 2023 FARM BILL

Norton led a discussion on a letter he drafted to the Secretary regarding the 2023 Farm Bill. The letter presented was intended to advise the Secretary about the needs of the hemp industry in the upcoming 2030 Farm Bill. It included five (5) recommendations:

1. Expand access to grant programs for farmers growing the flowering tops of hemp plants
2. Request Farm Bill funds to assist in the administration of state industrial hemp programs
3. Streamline and remove duplicative aspects of state industrial hemp program requirements from the 2018 Farm Bill
4. If hemp is not grown for human consumption or it does not contain cannabinoids it should not have barriers such as DEA labs and background checks; it should be treated as an agricultural commodity
5. Allowance for other pathways for remediation of non-compliant hemp other than total destruction

Britt and Aronson expressed approval of the letter. Additional Board comments included a discussion on recommendation #5 regarding remediation. Aronson, Diwan Munger, and Lucas Wilson suggested removing from the recommendation a reference to allowing non-compliant hemp to enter the regulated cannabis supply chain.

Aronson moved for the Board to approve the letter with the suggested amendment to recommendation #5. Britt seconded.

No public comments were given.

Motion #2

The Board requested that the Board Chair submit the letter on their behalf to the Secretary regarding the 2023 Farm Bill, as amended.

Motion: Emma Aronson
Second: Kadie Britt

Details of Board vote:

In favor: Emma Aronson, Kadie Britt, Justin Eve, Michael Fisher, Shannon Hattan,
Diwan Munger, Jack Norton, Rob Porcella, Richard Soria, Lucas Wilson

Against: None

Abstain: None

Absent: Will Kleidon, Andrew Smith

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

None.

NEXT MEETING/AGENDA ITEMS

The next Board meeting was set for Tuesday, May 30, 2023, beginning at 10:00am. It will be held in person and via Zoom video conferencing. Agenda items will be the 2023 Industrial Hemp Advisory Board application recommendations, and an update from the Registration Fees Task Force.

ADJOURNMENT

The meeting was adjourned at 2:30 p.m.

Respectfully submitted by:

Kortney Chrisman, Associate Governmental Program Analyst

Industrial Hemp Program

California Department of Food & Agriculture