

From:
To: [Select Committee into Cannabis and Hemp](#)
Subject: Hemp oil products being sold in West Australia
Date: Sunday, 14 November 2021 3:21:43 AM
Attachments: [HempSeedReqs.pdf](#)
[HENP VICTORIA 2019AA.docx](#)

November 14 2021

Select Committee into Cannabis and Hemp
Parliament House
4 Harvest Tce
West Perth WA 6005

**Select Committee into Cannabis and Hemp Re: term of reference
the potential benefits and risks of permitting industrial hemp for human
consumption.**

Drug Free Australia has concerns that West Australia may not be meeting the world standard required for Agricultural hemp seed.

Please note that products harvested from hemp plants are required to have **been tested pre-harvest and found to contain no more than 0.3% THC. Please see attached OREGON CANNABIS Agricultural Hemp Seed Requirements. Note our letter attached to** Department of Health and Human Services Dr. Brett Sutton clearly shows our concerns regarding this very important matter.

Drug Free Australia has grave concerns, that you may not be aware of very important research evidence regarding what harm cannabis above 0.3% THC will cause to our next generation worldwide. Drug Free Australia is very happy to supply the committee with this research evidence and looking forward to receiving West Australian Australian Department certificates that show your Hemp products have no more than 0.3% THC. **USDA Won't Increase THC Limit On Hemp Despite Requests From Farmers And Lawmakers**

<https://www.marijuanamoment.net/usda-wont-increase-thc-limit-on-hemp-despite-requests-from-farmers-and-lawmakers/>

The U.S. Department of Agriculture (USDA) said on Thursday that it will not be amending its proposed rules for hemp to increase the allowable THC limit, arguing that only Congress can change that specific policy.

The department is open to tweaking other aspects of hemp rules that stakeholders have complained about, however, and officials announced they will be opening a second public comment period following the 2020 harvest season to solicit more input on the current interim final rule before issuing final regulations.

Lawmakers and industry stakeholders have made numerous appeals to the department to change its regulations on how much THC is allowed to be present in the crop. As it stands, hemp is defined under **the 2018 Farm Bill that legalized the crop as having no more than 0.3 percent THC, with a negligence threshold of 0.5 percent.**

Farmers whose plants test positive for having above that 0.5 percent limit three times in a 10-year window will be prohibited from cultivating it.

USDA officials acknowledged on a call with reporters that many have asked the department to increase the THC limit, but they said because it's written into the Farm

Bill, it's a statutory—rather than regulatory—issue that only Congress can resolve. “The Farm Bill set forth these requirements,” Bruce Summers, acting administrator of USDA’s Agriculture Marketing Service, said on the call. “Any changes to these requirements require legislative action.”

“To go from 0.3 to one percent would have to be a statutory change,” he said. “In other words, Congress would have to take action. We couldn’t do that by regulation.”

Summers admitted that THC levels can spike even if a farmer “does everything possible” to keep it below 0.5 percent. Environmental factors such as drought can result in higher THC concentrations. Still, hemp that exceeds that limit must be disposed of, and so-called “hot hemp” is ineligible for federal crop insurance programs, including two that USDA announced ahead of the call on Thursday.

Listen to the USDA hemp call below:

<https://www.marijuanamoment.net/usda-wont-increase-thc-limit-on-hemp-despite-requests-from-farmers-and-lawmakers/>

The department also won't be changing provisions stipulating that total THC must be tested using post-decarboxylation methods—something stakeholders hoped would be amended but that USDA says is another statutory matter.

There are some regulations that USDA said it could potentially change before they issue a final rule, which will come after the second comment period. For example, the department has “regulatory flexibility” to extend the THC testing period, which is current set at 15 days prior to harvest. Farmers have indicated that that timeframe is too short, and it could cause unnecessary delays.

“There is room for discretion in the final rule,” Summers said. “We will review these 4,600 comments we’ve received so far. We’re going to take additional comments before we start drafting the final rule. And that’s something we certainly will look very closely and decide how to move forward on the final rule. But it absolutely is within our purview to exercise some discretion and you might see some changes in the final rule.”

Industry stakeholders have also expressed concerns about restrictive protocols about parts of the plant that can be sampled for testing. That’s another area where USDA said possible changes could come.

Additionally, Summers said the department is actively consulting with laboratories across the country to determine what their testing capacity is. In numerous public comments on the interim final rule, individuals said that the proposed requirement that all testing facilities be certified by the Drug Enforcement Administration will cause backlogs and delays. Changes to those regulations are also possible, he said.

Another rule that could be amended down the line concerns disposal practices for crops that fail potency testing. So-called “hot hemp” isn’t allowed to be marketed, and it does have to be disposed of. But Summers said “there’s probably some flexibility there and we hope to get some additional guidance on that out shortly.”

While USDA is still developing a final rule, it has started to approve state and tribal regulatory plans in the meantime.

Kind Regards

Herschel Baker

Herschel Baker

International Liaison Director,

Queensland Director

Drug Free Australia

Prevent. Don't Promote Drug Use.



OREGON CANNABIS

Agricultural Hemp Seed Requirements



Oregon
Department
of Agriculture

Seed Regulatory Program
(503) 986-4620

Agricultural hemp seed is:

- Sold or intended to be sold for planting;
- Unprocessed or partially processed; and
- Capable of germination.

How do I know the seed is hemp and not marijuana?

- Agricultural hemp seed was harvested from hemp plants that have been tested pre-harvest and found to contain no more than 0.3% THC.

Involvement with Seed & Sales	Registration Requirements					
	Hemp Grower		Hemp Handler	Hemp Seed Producer	Retail Seed Dealer	Wholesale Seed Dealer
Cleaning or conditioning of agricultural hemp seed	✓	OR	✓	AND	✓	
Selling or offering for sale only agricultural hemp seed you produce	✓	OR	✓	AND	✓	
Seed broker who does not take possession of agricultural hemp seed						✓
Seed reseller who takes possession of agricultural hemp seed <i>Viable hemp seed is legally defined as hemp, therefore a registration is required.</i>			✓			
A. Selling or offering for sale agricultural hemp seed produced by others to growers for planting				AND	✓	
B. Selling or offering for sale agricultural hemp seed produced by others to retailers, distributors, brokers, or other wholesalers for resale					OR	✓

The state of Oregon does not recognize seed licenses issued by other states. If you sell in Oregon, you must meet the above requirements. More information on hemp: <https://oda.direct/hemp> and seed licenses: <https://oda.direct/SeedLicenses>

How do I find information about certified agricultural hemp seed varieties?

- Certified agricultural hemp seed does not guarantee any specific THC level in hemp plants grown from that seed. The Oregon State University Seed Certification Service manages seed certification in Oregon. Visit: <https://oda.fyi/OSUSeedCert> or Email: seedcert@oregonstate.edu

I need a purity and germination test for my agricultural hemp seed, who do I contact?

- The Oregon State University Seed Lab offers these services. Visit: <https://oda.fyi/OSUSeedLab> or Email: seedlab@oregonstate.edu — There may also be private labs offering purity and germination tests.



Promoting Illicit Drug Prevention Initiatives Nationally

Department of Health and Human Services
Dr. Brett Sutton
Victorian Chief Health Officer
Health Protection Branch
Reference BAC-494
September 18 2019.

Dear Sir

Thank you for your letter dated 10/09/2019 and your comments (that you recognize that surveillance is an important part of managing risk. Victoria is part of a national survey undertaken to assess compliance with the amended Code, and this survey is ongoing. Should you wish to discuss this matter further, contact Manager Food Policy, Food Safety Unit at the Department of Health and Human Services.) Please find attached a list compiled by Drug Free Australia regarding HEMP products Also please note DFA will also email our concerns to all Australian and New Zealand Health Ministers who appear to be part of the amended Code survey.

Since hemp seeds do not inherently contain THC but can be contaminated during the preparation, the limitation of 10 mg of THC/kg of oil is a very low concentration and may be difficult to reach in some cases. Calculations show that to be an allowed concentration of .001% (10 mg/ 1,000,000 mg x 100).

FDA in US is allowing .1% THC in one approved pharmaceutical but with small doses. The letter does not show the mg limitations in other products such as baked goods. However, if that low a limit is enforced, DFA does concede a person would have to consume a huge quantity of a product to receive a significant THC dose.

That is much better than what currently applies in Colorado (.3%) which can easily give the uninitiated individual a dose that is will impair. DFA would be interested in seeing the limitations for other food products. The real advantage of this code is that only hemp seed products are being allowed - not CBD additions to food or other products. DFA believes that it would be better if the code specified that the measurement must be the heat activated THC so as to include the precursor THCA and the THC.

Please note DFA concerns regarding Colorado which passed House Bill 18-1295 into law. This bill is significant because it is intended to establish, with no scientific analysis, that products are not (cannot be) adulterated or misbranded if they contain industrial hemp.

HB 18-1295 defines "industrial hemp product" as a finished product containing industrial hemp that is a cosmetic, food, food additive, or herb and is for human use or consumption and

contains ... any part of the hemp plant (including extracts) but the finished product contains *THC at a concentration less than 0.3 percent* [59]. Of great significance is that the 0.3% limitation removes any restriction on a dose of THC per serving of product - that dose depends on the quantity of finished product consumed.

Please find attached a very important paper called (Cannabis sativa (Hemp) Seeds, D9-Tetrahydrocannabinol, and Potential Overdose).

Please find Drug Free Australia list regarding HEMP products - please note DFA will also email our concerns to all Australian and New Zealand Health Ministers who appear to be part of the amended Code survey."

Drug free Australia would like to bring to your attention other evidence that will be of interest to the Food Safety Unit regarding HEMP. See following appendix

We look forward to your review and response

Sincerely Yours

Herschel Baker

Director Drug Free Australia (Queensland Branch)
International Liaison Director,

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Prevent.

Don't Promote Drug Use.

www.drugfree.org.au

drugfreeaust@drugfree.org.au

Appendix

Potter DJ. *Cannabis* Horticulture. In: Handbook of *Cannabis* (Pertwee RG, ed.). Oxford University Press: Oxford, 2014, p. 65-88. (page 67)

Yang Y, Lewis MM, Bello AM, Wasilewski E, Clarke HA, Kotra LP. *Cannabis sativa* (hemp) seeds, delta-9-tetrahydrocannabinol and potential overdose. *Cannabis and Cannabinoid Res.* 2017;2:274-81.

Fortner N, Fogerson R, Lindman D, Iversen T, Armbruster D. Marijuana-positive urine test results from consumption of hemp seeds in food products. *J Anal Toxicol.* 1997;6:476-81.

Alt A, Reinhardt G. Positive cannabis results in urine and blood after consumption of hemp food products. *J Anal Toxicol.* 1998;22:80-1.

Chinello M, Scommegna S, Shardlow A, Mazzoli F, DeGiovanni N, Fucci N, et al. Cannabinoid poisoning by hemp seed oil in a child. *Pediatr Emerg Care*. 2017;33:344-45.

Bozy TZ, Cole KA. Consumption and quantitation of Delta9-Tetrahydrocannabinol in commercially available hemp seed oil products. *J Anal Toxicol*. 2000;24:562-6.

Hilderbrand R. Hemp and Cannabidiol: What is a medicine? *Missouri Medicine* 2018;115(4):306-9.

Labeling and Record Keeping

Do I have to label my agricultural hemp seed?

- Yes. Hemp seed is considered an agricultural seed as defined in ORS 633.511 to 633.750 and therefore the labeling requirements outlined in the Federal Seed Act and Oregon Seed Laws must be followed. For more information: <https://oda.direct/SeedLabeling>

What are the record keeping requirements for producing, processing, cleaning/conditioning, or selling agricultural hemp seed?

- The Oregon Hemp Program and ORS 633.680 requires certain records to be maintained. The Oregon Seed Laws and the Federal Seed Act also have record keeping requirements. These requirements may not overlap—check with both programs to ensure that the correct information is maintained.
 - Hemp record keeping requirements: <https://oda.direct/hemp>
 - Oregon and Federal Seed Act record keeping requirements: <https://oda.direct/SeedRecords>

Shipping and Export

I would like to ship my agricultural hemp seed to another state. How do I do this?*

Check with the state department of agriculture (or other entity that regulates import of agricultural hemp seed) in the state where you want to ship seed to determine their requirements.

A visual phytosanitary inspection (sometimes called a Pest & Disease or P&D inspection) or a phytosanitary certificate is often required. Depending on a state's requirements, other inspections or disease testing may be required.

- To apply for a state phytosanitary certificate, an account is needed with the Phytosanitary Certificate Issuance and Tracking (PCIT) System. For more information: <https://pcit.aphis.usda.gov/pcit/>
- The Oregon Department of Agriculture (ODA) Plant Health Program can provide P&D inspections for agricultural hemp seed lots and other disease testing. For more information: <https://oda.direct/SeedTesting>

** Oregon statutes and rules are silent concerning the movement of hemp out of the state. Inspections or certificates do not constitute an endorsement by the Oregon Department of Agriculture of the movement of hemp or hemp products out of the state of Oregon.*

I would like to ship my agricultural hemp seed to another country. How do I do this?

ODA can assist with processes related to exporting agricultural hemp seed. Contact the ODA Plant Health Program at: (503) 986-4620.

A visual phytosanitary inspection (sometimes called a Pest & Disease or P&D inspection) and a phytosanitary certificate are required for all seed exports. Additional inspections or disease testing may also be required.

- You may need an import permit – this should be provided by the importer and will contain the phytosanitary requirements of the importing country.
- To apply for a federal phytosanitary certificate, an account is needed for the Phytosanitary Certificate Issuance and Tracking (PCIT) System: <https://pcit.aphis.usda.gov/pcit/>
- The ODA Plant Health Program can provide P&D inspections for agricultural hemp seed lots and other disease testing. For more information: <https://oda.direct/SeedTesting>

For questions regarding hemp registration:

ODA Hemp Program: <https://oda.direct/hemp> | hemp@oda.state.or.us

For questions regarding seed licenses, pest & disease inspections, and disease testing:

ODA Seed Program: <https://oda.direct/SeedLicenses> | ODA Seed Testing: <https://oda.direct/SeedTesting>

For questions regarding seed certification and purity & germination testing:

OSU Seed Certification Service: seedcert@oregonstate.edu | OSU Seed Lab: seedlab@oregonstate.edu