

From: Schmalz, Tim [Tim.Schmalz@vermont.gov]
Sent: Monday, November 07, 2016 5:14 PM
To: Pepper, James; Schwartz, Thea
CC: Leland, Jim; Ross, Chuck
Subject: RE: hemp

I'm good, and yours anytime weds am

Sent from my smartphone - please ignore or accomodate poor grammar, syntax, misspellings and 'auto correct'

----- Original message -----

From: "Pepper, James" <James.Pepper@vermont.gov>
Date: 11/7/16 3:55 PM (GMT-05:00)
To: "Schwartz, Thea" <thea.schwartz@vermont.gov>
Cc: "Leland, Jim" <Jim.Leland@vermont.gov>, "Ross, Chuck" <Chuck.Ross@vermont.gov>, "Schmalz, Tim" <Tim.Schmalz@vermont.gov>
Subject: RE: hemp

Sounds good. Can we do Wednesday morning with you, Tim, Rosemary, and me? I will reach out to Rosemary separately.

From: Schwartz, Thea
Sent: Monday, November 07, 2016 3:10 PM
To: Pepper, James <James.Pepper@vermont.gov>
Cc: Leland, Jim <Jim.Leland@vermont.gov>; Ross, Chuck <Chuck.Ross@vermont.gov>; Schmalz, Tim <Tim.Schmalz@vermont.gov>
Subject: Re: hemp

James,

Happy to meet. There is still work to do to sort through what needs to happen at a program level, and I would also like to have further conversation with Rosemary before meeting. I also think it is prudent that pertinent AAFM staff such as Tim be included in the conversation.

Thea

On Nov 7, 2016, at 2:46 PM, Pepper, James <James.Pepper@vermont.gov> wrote:

Thea –

Thanks for the good information. As to the three protocol areas that need to be developed--i.e., sampling, destruction, and referral to law enforcement—can you, Rosemary, and I sit down in the near future and work those out?

From: Schwartz, Thea
Sent: Monday, November 07, 2016 2:34 PM
To: Pepper, James <James.Pepper@vermont.gov>
Cc: Leland, Jim <Jim.Leland@vermont.gov>; Ross, Chuck <Chuck.Ross@vermont.gov>; Schmalz, Tim <Tim.Schmalz@vermont.gov>
Subject: hemp

James,

I am glad that we finally connected by phone after that game of phone tag.

As I mentioned, there is no need for a MOU for AAFM employees to sample and test hemp crops. I confirmed this with Rosemary Gretkowski of DPS and John Treadwell of AGO.

The other areas that the Agency is working on figuring out are:

- Identifying a protocol for Agency employees performing the sampling and testing;
- Identifying the mode of destruction of samples with levels over certain levels; and
- Identifying when referral to law enforcement should occur.

You and I discussed that I had talked with Margaret Vincent, an AAG for VDH, regarding any protocols that VDH has for employees performing testing that might shed light on this situation. I just now confirmed with Bessie Weiss, another AAG for VDH who specifically handles matters associated with regulated drugs, to double check, that there were no such protocols. She confirmed this. I am in the process of following up with Rosemary G. as to whether the DPS forensics lab might have helpful protocols.

Since you and I talked a little while ago, I was able to connect with Tim Schmalz. He and I discussed that the plan has been for the Agency to perform the testing in the new lab, and that although the Agency now has the necessary equipment and expertise, it does not have the staff time.

Here is more information about the status of the hemp program, excerpted from a document that was presented by the Agency to the U.S. Virgin Islands and which I have attached to this email (you may find it more informative to read the actual document starting from page 2 as this is only an excerpt). Note that this document is several months old and if you need updated information AAFM staff can get it to you mid-week:

“In spite of the seed sourcing concerns, registrations continue to come in. In 2013/2014, there were 14 registrants, expressing an interest in cultivating over 100 acres. In 2015, 21 applicants

registered with the AAFM, but the total intended acreage decreased to just over 76 acres. In reality, the number of total acres planted is much lower, on the order of between 10 and 15 acres total statewide, based on reported estimates at the end of the season. This is mainly attributable to the seed sourcing concerns, but is also a result of grower inexperience and the realities of small scale, non-industrial agriculture, which typifies our hemp industry.

The AAFM program has the authority to sample and test hemp for THC. This has not occurred to date, due to the lack of personnel available for sampling and survey activities during the growing season, and to the temporary nature of facilities our analytical laboratory has been housed in following a 2011 tropical storm event and associated flooding that destroyed the existing agricultural laboratory (TS Irene, August 31, 2011). It is our intent to have a new laboratory facility fully equipped to provide regulatory and consumer protection analytical testing services, as well as adequate staffing for a survey and testing program, by mid-2018. This service would also be able to provide analytical support for the medicinal and possibly any recreational marijuana programs (pending passage of legalization legislation, which may occur as soon as 2016)."

I hope this information is helpful.

Thea