

**From:** Schwartz, Thea [thea.schwartz@vermont.gov]  
**Sent:** Thursday, December 08, 2016 5:24 PM  
**To:** Schmalz, Tim; Pepper, James; Ross, Chuck; Leland, Jim; Roberts, Guy  
**Subject:** RE: Hemp Sampling and Analysis Letter DRAFT  
**Attachments:** 20161208 Hemp Sampling and Analysis Letter DRAFT (002) TS Comments.docx

Hello all,

Please see edits on attached draft.

The highlighted areas need exact contact info.

Also is there going to be a lottery to choose who can participate, or how will that be done? That process should be described in the part that says contact X to participate.

Tim – please read closely to make sure that I have not changed anything so that it doesn't reflect what you plan to do.

Let me know if you have questions. If it is difficult to read in track changes just go to Review and click that you don't want to see markup.

Thea

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**From:** Schmalz, Tim  
**Sent:** Thursday, December 08, 2016 10:19 AM  
**To:** Pepper, James <James.Pepper@vermont.gov>; Ross, Chuck <Chuck.Ross@vermont.gov>; Leland, Jim <Jim.Leland@vermont.gov>; Schwartz, Thea <thea.schwartz@vermont.gov>; Roberts, Guy <Guy.Roberts@vermont.gov>  
**Subject:** Hemp Sampling and Analysis Letter DRAFT

Good morning,

Attached is a draft letter announcing the initiation of a hemp analytical and sampling program for 2017. It includes as much of what we have discussed in the last few weeks as I can recall, including some of the rulemaking proposal, as well as our internal cost conversation.

Please comment, revise, delete and so forth.

The last paragraph is just my effort to close on a high note – the details of that should be revised by folks with a better sense of *tone* than I, of course ☺

Thank you all,

Tim

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Date

Dear XXX:

The Vermont Agency of Agriculture, Food and Markets ([the Agency](#)) ~~announces its 2017 industrial hemp sampling and analytical pilot program. The Agency plans~~ to offer preliminary cannabinoid analytical services during the ~~2017~~ field season to hemp growers ~~located in Vermont that are registered with the Agency~~. Participation in the 2017 program is voluntary. The Agency also anticipates offering analysis of cannabidiol (CBD), the acid forms of both compounds (THCA and CBDA), and cannabinol (CBN) content as part of the ~~analytical package. The~~ Growers who chose to participate will have ~~is service will~~ afford Vermont growers of industrial hemp ~~the opportunity to obtain State of Vermont state~~ certification of tetrahydrocannabinol (THC) content in their plants. ~~Additionally, we anticipate offering analysis of cannabidiol (CBD), the acid forms of both compounds (THCA and CBDA), and cannabinol (CBN) content as part of the analytical package. This service will provide essential added value to Vermont hemp by certifying the material grown is within the statutory limit for THC content.~~

~~Although the Agency laboratory is still occupying temporary facilities (graciously provided by the University of Vermont), and resources remain somewhat limited, The Agency aims~~ ~~we hope to be able to~~ perform analyses on ~~about approximately~~ 50 samples in 2017, ~~but are. It intends to planning to ramp up~~ ~~increase its sampling capacity in future years~~ ~~the future once it streamlines the sampling process and has more resources.~~ The Agency's ability to increase its sampling capacity is also dependent upon the timing of the relocation of its laboratory from its temporary location at the University of Vermont to its new permanent home. The Agency currently expects this relocation to occur in 2018, ~~as sample processing becomes more streamlined and other program details are addressed.~~

~~We~~ Agency staff will ~~perform~~ ~~propose to perform~~ field sampling of hemp prior to harvest. ~~The sampling will be~~ scheduled to allow adequate time to provide ~~sampling~~ results before harvest. Results will be presented to growers as soon as they ~~become are~~ available. ~~Growers~~ Growers are ~~are~~ advised ~~that in the event if the sampling results show~~ the 0.3% THC (dry weight) ~~statutory~~ threshold is exceeded, ~~we are the~~ Agency is required to ~~and will~~ ~~obligated to~~ provide notice to local law ~~enforcement~~ ~~enforcement~~ (Sheriff or municipal police, as appropriate).

~~Constituents analyzed~~ Using high performance liquid chromatographic (HPLC) technology, the Agency plans to analyze constituents including THC, THCA, CBD, CBDA, and ~~CBN~~ ~~will include THC, THCA, CBD, CBDA, CBN, using high performance liquid chromatographic (HPLC) technology.~~ ~~As. Providing accurate and prompt results on these five compounds will be the Agency's focus for the 2017 program. The Agency efficiencies increase, we may find we that it can offer additional analytes, possibly including such as terpenes in the future. However, providing accurate and prompt results on these five compounds will be our focus for the immediate future.~~

~~We are proposing a service charge (authorized at 6 V.S.A. Section 9). Participating growers will be required to pay a service charge to help offset costs of sampling and analysis. The assessment of a service charge is authorized under 6 V.S.A. § 9. The service charges to participating growers for the 2017 program will initially be \$150.00 per sample, which may change as program costs and expenses become clarified.~~

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Commented [ST1]: not all of these acronyms have been spelled out above

Commented [ST2]: not all of these acronyms have been spelled out above

Hemp Sampling and Analysis Letter DRAFT 12/30/2016 2:38 PM12/8/2016 3:54 PM12/8/2016 1:07 PM  
Charges assessed under the program will provide direct support for the sampling and analysis of Vermont grown hemp.

In 2017, grower participation in the program will be on a voluntary basis.

Results and lessons learned from this preliminary sampling and analytical program will also be used. The Agency will draw upon its practical experience of implementing the 2017 program in its rulemaking for an industrial hemp rule, which it plans to begin in the upcoming year in support of the rulemaking process. An industrial hemp rule will formalize sampling and analytical practices and notification procedures, and provide additional guidance and structure for the future of the Vermont hemp program going forward. We propose The Agency hopes to work in close partnership with to engage in rulemaking after one year, drawing on combined experiences to inform the process. Rulemaking will draw heavily on input from registered growers, producers, consumers, law enforcement and other interested stakeholders in developing the rule and final program design. The Agency invites growers and members of the public to send comments, questions, or suggestions regarding rulemaking or other hemp related issues to XX. The final regulatory product will emerge from the experiences of these groups working in close partnership with the Agency. It is our hope this deliberative and thoughtful process will provide the most responsive and useful rule, one based in practical experience, and will best meet the needs of the Vermont hemp and associated communities.

Growers wishing who would like to participate in the preliminary 2017 sampling and analytical program should contact XX the industrial hemp program as soon as possible immediately, in order to accommodate as many growers as we are able. Likewise, we are actively soliciting input on an ongoing basis from interested parties on the rulemaking effort, and invite comment from the public. Please do not hesitate to send comments, questions, or suggestions to the Agency hemp program regarding rulemaking or other hemp related issues as they occur.

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The Agency looks forward to continuing to work with growers to help develop industrial hemp as a vibrant and viable crop. We look forward to a continuing successful and productive relationship with the hemp community, and are eager to initiate the sampling and analytical program. We are confident this step will help support the growth of this exciting crop, and will provide an important link in the development of the Vermont hemp industry.

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Sincerely,

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Chuck Ross, Jr.

Secretary, Agency of Agriculture, Food and Markets