



DATCP Publishes Emergency Rule to Add Hemp Remediation Option

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MADISON — The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) has published an emergency rule effective Monday, May 3, that will allow hemp growers to take advantage of some provisions in the new federal final rule. The U.S. Department of Agriculture (USDA) final rule for the establishment of a domestic hemp production program became effective on March 22, 2021.

While Wisconsin will continue operating a hemp research program under the provisions of the 2014 Farm Bill, the emergency rule incorporates some flexibility derived from the new federal final rule. This includes a pathway for hemp growers to remediate their crop if an initial regulatory THC test identifies that the crop exceeds the regulatory limit of 0.3% total delta-9 THC.

While remediation options are limited to certain federally permitted methods, they do provide growers an alternative to crop destruction. Remediated crops will require post-remediation sampling and testing to confirm the hemp meets the regulatory limit of 0.3% total delta-9 THC. This will help more hemp lots to pass DATCP regulatory testing, and reduce the risk of enforcement action due to elevated total delta-9 THC levels as growers continue to learn about hemp and evaluate different varieties.

The emergency rule also caps negligent violations at one per year, per producer, and raises the level of total delta-9 THC that constitutes a negligent violation. This will reduce the potential for growers to produce a crop with elevated delta-9 THC content that would constitute a negligent violation requiring a corrective action plan. Hemp producers that receive three negligent violations in five years are suspended from producing hemp for a period of five years. These rule modifications reduce hemp producer risk related to negligent violations.

DATCP will hold a hearing to receive public input on the emergency rule within 45 days. Information about the hearing will be posted on the department's website at https://datcp.wi.gov/Pages/Programs_Services/Hemp.aspx. DATCP recommends that growers also review the information on the USDA website at <https://www.ams.usda.gov/rules-regulations/hemp> and on the DATCP website at https://datcp.wi.gov/Pages/Programs_Services/HempLicensing.aspx.

Learn more about Wisconsin's hemp industry at DATCP's hemp data page: https://datcp.wi.gov/Pages/Programs_Services/HempData.aspx.

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