



County of San Diego

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Notice to Industrial Hemp Registrants Sampling and Testing Requirements for Clonal Propagation

The County of San Diego Department of Agriculture, Weights and Measures (AWM) would like to provide clarification regarding the sampling and testing requirements for clonal propagation of industrial hemp.

Under California law and the regulations adopted by the California Department of Food & Agriculture (CDFA), the following requirements are in effect:

- Removal of plant material (“cuttings”) from industrial hemp plants used for clonal propagation (“mother plants”) is a harvest and the Registrant must have the mother plants’ tetrahydrocannabinol (THC) concentration tested no more than thirty (30) days before harvest.
- Registrants who intend to harvest cuttings for clonal propagation must submit a Pre-Harvest Report to AgStandards.AWM@sdcountry.ca.gov at least 30 days before harvest to initiate the sampling process. A blank Pre-Harvest Report is included with this Notice or can be found on CDFA’s Industrial Hemp Program website at the following link:
<https://www.cdfa.ca.gov/plant/industrialhemp/docs/IH-Preharvest-Report.pdf>
- If the laboratory test report indicates the THC concentration of the crop is less than or equal to 0.3% and “Passed as California Industrial Hemp”, the Registrant may proceed with harvesting cuttings for up to 30 days from the date of sample collection. Any Registrants purchasing clones will require a copy of the passing laboratory test report for the mother plants from which the clones were harvested.
- If the laboratory test report indicates the THC concentration of the crop exceeds 0.3% and “Failed as California Industrial Hemp”, the Registrant shall immediately contact AWM at (858) 614-7786 to determine how to proceed.
- AWM relies on the accredited laboratory test report which indicates % THC concentration for samples of industrial hemp and the sample’s status as “Passed” or “Failed” as California industrial hemp.
- AWM does not further interpret those reported results in contradiction of the laboratory's determination regardless of the Measurement of Uncertainty referenced in the Federal Interim Final Rule for the Establishment of a Domestic Hemp Production Program.

- Regardless of any federal regulations, CDFA requires all Registrants to comply with California's existing laws and regulations for industrial hemp cultivation. Failure to comply may subject Registrants to enforcement actions, including but not limited to abatement, civil penalties and referral to law enforcement.
- The relevant sections of Title 3 of the California Code of Regulations are attached for reference (Attachment A).
- The County of San Diego County, including AWM and its employees, and CDFA, in performance of the tasks described herein as a regulatory agency are not subject to any liability or claims, including attorney's fees or damage to personal property, that may occur as a result of sample collection. Under no circumstance shall Registrants be entitled to reimbursement of crop destruction or monetary loss resulting from a laboratory test report indicating the sample failed as California industrial hemp.

For more information, please contact AWM's Industrial Hemp Cultivation Program.

Phone: (858) 614-7786

E-mail: AgStandards.AWM@sdcounty.ca.gov

Website: <https://www.sandiegocounty.gov/content/sdc/awm/industrialhemp.html>

Enclosures:

CDFA Pre-Harvest Report

Attachment A – 3CCR Sections

ATTACHMENT A

California Code of Regulations Title 3. Food and Agriculture

§ 4920 List of Approved Seed Cultivars

(a) The Secretary, as provided in Section 81002 of the Food and Agricultural Code, adopts the following list of approved seed cultivars.

...

(5) Industrial hemp seed or propagative materials produced in California in accordance with the provisions of Division 24 of the Food and Agricultural Code and this chapter.

(A) The crop from which the seed or propagative materials were harvested from shall have been tested by a department-approved laboratory and found to have no more than three-tenths of one percent THC on a dry weight basis.

§ 4940 Sampling Timeframe and Pre-Harvest Notification for Industrial Hemp

(a) Sampling Timeframe.

(1) Sampling shall occur no more than 30 days before harvest.

(2) Any changes to the harvest date may require additional testing for THC content prior to harvest.

(b) Sampling Request and Pre-Harvest Report.

(1) In order to request sampling, registrants shall submit a pre-harvest report to the commissioner at least 30 days before harvest to initiate the sampling process...

(2) The commissioner, or a third-party sampler designated by the commissioner, shall schedule a sampling date within 30 days of the anticipated harvest date.

(3) Registrants shall notify the commissioner of any changes to the above information no less than 5 calendar days prior to the scheduled sampling date.

§ 4946 Final Disposition for Registered Industrial Hemp Crops

(a) Registrants may harvest the sampled crop upon receipt of a laboratory test report that indicates a percentage content of THC that is equal to or less than three-tenths of 1 percent.

(1) Registrants shall submit a harvest report to the commissioner within 72 hours following the completion of the harvest...

(2) The commissioner may confirm the harvest of the crop by conducting field inspections.

(b) Registrants shall destroy a crop that does not comply with the three-tenths of 1 percent THC limit in accordance with the provisions of Section 4950 within the following timeframes:

(1) If a laboratory test report indicates a percentage content of THC exceeds 1 percent, the destruction shall begin within 48 hours, and be completed within seven days, after the registrant's receipt of the laboratory test report.

(2) If a second laboratory test report indicates a percentage content of THC exceeds three-tenths of 1 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after the registrant's receipt of the second laboratory test report.

§ 4950 Destruction of Non-Compliant Industrial Hemp Crops

(a) Any industrial hemp crop that does not meet the requirements of Division 24 of the Food

and Agricultural Code and this chapter shall be destroyed in a manner approved by the commissioner:

...

(b) The grower of the industrial hemp crop shall submit a destruction plan to the commissioner at least 24 hours prior to the start of the destruction. The destruction plan shall include the:

- (1) Registration number, if applicable;
- (2) Name and contact information of the grower;
- (3) Anticipated destruction date(s) of the crop to be destroyed;
- (4) Name of the cultivar(s) and unique sample identification number(s), if applicable;
- (5) Physical address, Global Positioning System coordinates, general description of the location, and acreage of the crop to be destroyed; and
- (6) Proposed destruction method.

(c) The proposed crop destruction method shall be approved by the commissioner prior to the start of the destruction.

(d) The commissioner shall confirm the destruction of the crop by conducting inspections.