Grower Recordkeeping - *technical bulletin*

Michigan Department of Agriculture and Rural Development
Phone: 800-292-3939 Online: www.Michigan.gov/IndustrialHemp

Industrial hemp growers are required to maintain a variety of records to comply with Public Act 220 of 2020, the Industrial Hemp Growers Act, as amended. The Michigan Department of Agriculture and Rural Development (MDARD) is providing this document as a checklist for growers to track the Act's recordkeeping requirements and provide guidance for grower record retention.

Industrial Hemp Grower Registration
Maintain a copy of the industrial hemp grower's registration certificate that MDARD issued you. Your current registration must be provided upon request by the department's representative or any law enforcement agency. As a reminder, grower registration is required for all hemp activities such as planting, propagating, cultivating, harvesting plants or viable seed, drying, storing, selling harvested hemp to licensed processors, and possessing live plants or viable seed on premises where the plants or seed are grown.

Planned Acreage Report to USDA's Farm Service Agency
After receiving your grower registration, and by July 15 (or if planting later than that, within 15 days), you must report the following to the United States Department of Agriculture (USDA) Farm Service Agency (FSA):

- □ Address, total acreage for field grown hemp or total square footage for indoor/greenhouse grown hemp, and GPS coordinates for each location (field, greenhouse building, or other location) where hemp will be grown.
- □ Grower's registration number.
- □ Intended use of crop.
- □ Map with approximate boundaries for the crop.
- □ Planting date(s) and irrigation practices.

Contact your local FSA county office for information on how to report acreage. Maintain the form returned to you - an FSA-578 Crop Acreage Report, and your service receipt records for five years to verify your information was submitted and received by FSA. You will need information from that report to request preharvest sampling from MDARD.

Record of Sale
Growers can only sell raw industrial hemp to processors licensed by MDARD or the Cannabis Regulatory Agency (CRA). Each sale of raw industrial hemp must be recorded. Records of sales must be maintained for five years from the date of sale. Records of sales must include:

- □ Name and license number of the processor purchasing the industrial hemp.
- □ Total weight of industrial hemp sold.
- □ Total price for each sale of industrial hemp.

- □ Date of sale.
- □ Certified Test Report of THC content for each lot sold, identified by variety (commonly known as Certificate of Analysis).

Purchases

Growers must maintain a record for each industrial hemp purchase made (this includes transplants, clones, or seed). The purchase record must be maintained for five years from the date of sale. Purchase records must

- □ Name of business or individual the grower purchased viable hemp from.
- □ Mailing address of that business or individual.

Other

- □ Growers must record the name of each hemp variety produced and maintain those records for five years.

Notices of Disposal

A grower must submit a Grower's Notice of Intent to Dispose form online to notify MDARD a hemp lot disposal is going to occur. Disposals may occur if the grower decides to dispose of non-compliant lots, if hemp lots underwent remediation through biomass creation or removal of floral material were still noncompliant, or if disposal is specified in an MDARD order. Neither the *Grower's Notice of Intent to Dispose* nor the *Notice of Disposal* is required for plant disposal due to poor crop health, pests, disease, weather, or rogue male plants.

- □ Growers must first submit a "*Grower's Notice of Intent to Dispose*" at least 48 hours before disposing of non-compliant hemp. See the technical bulletin "*Disposal of Noncompliant Hemp*" for details.
- □ Growers must submit a "*Notice of Disposal*" to MDARD within 48 hours after hemp is disposed of. When an MDARD inspector witnesses the disposal, the inspection report issued will meet the requirements for the Notice of Disposal. However, if the disposal is not witnessed, the grower will need to email MDARD-Industrialhemp@michigan.gov within 48 hours of the disposal event, and provide the following information:
  - Date of disposal.
  - Method of disposal.
  - Total acreage or square footage disposed of.
  - Reason for disposal.
  - Photographic or video evidence showing disposal.
- □ Notice of Disposal records (either the emailed information from the grower, or the Disposal Observation report provided to you by the inspector) must be maintained for five years.

A complete checklist for the disposal process can be found on MDARD's hemp website.

Remediation Record

A grower must submit a remediation sampling request online when a grower chooses to remediate a non-compliant hemp lot via shredding all plants into biomass or removing and disposing of floral material while retaining leaves, stalks, and seeds ("non-floral material"). The remediated material must be sampled by MDARD to check the THC level. Depending on the remediation option chosen, an inspector will either collect a biomass sample, or collect a non-floral material sample AND monitor disposal of the floral material.

- □ Maintain a copy of the inspector's report issued to you for at least five years. The report will meet the requirements of the Notice of Disposal for floral material (if this remediation method is selected) and will provide the remediation data you will need to report to MDARD (see next section).

A complete checklist for the remediation process can be found on MDARD's hemp website.

Reporting to MDARD

Every state operating under an approved hemp production plan is required to report crop results to the USDA. To meet this requirement, Michigan will survey growers each year in November to collect the information identified below. The survey will include additional questions needed to help MDARD better understand, and accurately report, the state's hemp growing and processing activities.

- □ Report to MDARD by November 30 each year:
  - Total acreage grown.
  - Total acreage harvested.
  - Total acreage disposed of.
  - Total acreage remediated.

Recommended Recordkeeping

MDARD recommends maintaining the following recordkeeping items to assist you during inspections:

- □ A copy of the grower's registration application and attachments (e.g., maps). Inspectors may ask to view maps of the hemp lots and/or of the production facility including storage areas, drying rooms, etc.
- □ Other disposals. While a Notice of Disposal is not required for plant disposal due to poor crop health, pests, disease, weather, or rogue male plants, it is highly recommended that records of all hemp disposals are maintained.
- □ All laboratory test results.
- □ Crop management information, including hemp varieties, planting dates, flowering start dates; light, fertilization, and pest control details; and any additional growing conditions that could assist with identifying the potential cause of any non-compliant lots from season to season.
- □ Records of all remediation actions (biomass creation or flower separation) and associated test results.
- □ Inspection reports.
- □ Enforcement letters, corrective action plans, and your written responses.
- □ Full invoices/receipts for purchases of hemp and purchase prices.

For more information about Michigan's Industrial Hemp program, visit www.Michigan.gov/IndustrialHemp or email MDARD at MDARD-IndustrialHemp@michigan.gov.

Additional links referenced in this bulletin:

FSA County Office locator: https://offices.sc.egov.usda.gov/locator/app

USDA Hemp and Farm Programs acreage reports: https://www.farmers.gov/manage/hemp

Request remediation sampling or disposal: visit www.Michigan.gov/IndustrialHemp and click on "Forms"

View remediation or disposal technical bulletins: visit www.Michigan.gov/IndustrialHemp, click on "Laws and Regulations" and scroll down for "Compliance Assistance Documents"