

INDUSTRIAL HEMP

Disposal of Noncompliant Hemp - *technical bulletin*

Michigan Department of Agriculture and Rural Development

Phone: 800-292-3939 Online: www.Michigan.gov/IndustrialHemp

In accordance with Public Act 220 of 2020, the Industrial Hemp Growers Act, as amended, when a hemp grower receives lab results showing a hemp lot was found to exceed the acceptable THC level, the grower can choose to either **dispose** of the lot or **remediate** the lot. This guidance provides direction on the requirements for disposal.

Disposal must render plants nonretrievable or noningestible. Disposal could occur for several reasons:

- The grower chose disposal after receiving a noncompliant test result from pre-harvest sampling.
- The grower received a noncompliant test result from preharvest sampling and chose to remediate the lot. Post-remediation sampling of stalks/leaves or biomass found the attempted remediation failed and the lot was still noncompliant.
- The grower identified a noncompliant lot through seasonal monitoring and testing.
- The grower chose remediation by removal of floral material, and the floral material must then be disposed of (see the Other Information section for additional instructions).
- The grower has been ordered to dispose of a lot due to violations of the Industrial Hemp Growers Act.

Growers do not need to notify the Michigan Department of Agriculture and Rural Development for disposal due to poor plant health, pests, disease, weather, or for prevention of cross-pollination from male or hermaphroditic plants.

Disposal Requirements Checklist for Grower

- Choose a disposal method (defined in law) that must be completed on site:
 - Plowing using a curved plow blade to rotate the subsoil and bury below the subsoil.
 - Mulching, disking, or composting and then blending with existing soil, manure, or other biomass.
 - Mowing.
 - Deep burial.

- Burning.
- Disposal must be completed within 30 days of receiving the lab sample results.
- Notify the Department at least 48 hours before the disposal takes place by submitting an online [Grower's Notice of Intent to Dispose](#) form.
- Wait at least 48 business hours (Monday-Friday, 8-5pm) after submitting the Grower's Notice of Intent to Dispose. An inspector *may* call to witness the disposal, at MDARD's discretion.
- **If MDARD does not set up an appointment to witness the disposal:** Proceed with the planned disposal. Submit an email to the department at MDARD-IndustrialHemp@Michigan.gov within 48 hours of the disposal that includes:
 - Date of disposal.
 - Method of disposal.
 - Total acreage or square footage disposed of.
 - Reason for disposal.
 - Photographic or video evidence showing disposal.

This email serves as your "Notice of Disposal," a required notification to MDARD.

- **If MDARD contacts you to set up an appointment to witness the disposal,** the inspector will work with you to identify an agreeable date to observe either the disposal in progress or the completed disposal. The inspector will issue you a report meeting the "Notice of Disposal" requirement.
- Keep your Notice of Disposal document or the inspector's report regarding the disposal for five years.

Other Information

- If the grower determines via non-MDARD testing for THC levels during the growing season that a lot is noncompliant, the grower can choose to submit an online notice of intent to dispose, request for remediation sampling, or request for preharvest sampling to confirm initial findings.
- Starting December 31, 2023, growers can only use DEA-registered labs for samples they collect for compliance monitoring of crops throughout the growing season.
- If the grower is disposing floral material from a remediation event, the grower does NOT need to submit a Grower's Notice of Intent to Dispose form. Instead, the grower will follow remediation procedures, so the grower must notify MDARD at least 20 days before the anticipated remediation date by submitting a [Request for Industrial Hemp Preharvest or Remediation Sampling](#) form found at www.Michigan.gov/IndustrialHemp. An inspector will witness the disposal in conjunction with sampling remaining stalks and leaves. The report issued will meet requirements of the Notice of Disposal. See the technical bulletin, Remediation of Noncompliant Hemp, at www.Michigan.gov/IndustrialHemp for details.

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