

INDUSTRIAL HEMP

Remediation 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** it. This guidance provides direction on the requirements for remediation.

The goal of remediation is to turn non-compliant hemp into compliant hemp. Remediation options are defined in the Act and include either of the following:

Option #1. Flower separation and disposal. Separation and disposal of all flowers while retaining stalks, leaves, and seeds. All parts of floral material, including buds, trim, and kief, must be disposed. The grower must notify the Michigan Department of Agriculture and Rural Development (MDARD) prior to remediation and flower disposal, and the department will sample the remaining stalks/leaves/seeds and witness the disposal.

Option #2. Biomass creation and sampling. Shredding the entire hemp plant to create a homogenous biomass. Biomass must be sampled by MDARD. All flowers, buds, trichomes, leaves, stalks, seed, and all plant parts from a lot should be chopped or shredded in such a way as to create a homogenous, uniform blend of the lot. Methods may include, but are not limited to, shredding of the hemp plants through shredders, composters, or specialty mechanical equipment. The grower must notify the department that remediation sampling of the biomass is needed.

Successfully remediated hemp will be allowed to enter the channels of trade. If remediation sample results show the material is still non-compliant, the lot **MUST** be disposed.

Remediation Requirements Checklist for Growers

- Choose a remediation method (option #1 or #2 above). **Both options must be completed within 30 days of receiving the lab sample results.**
- Notify MDARD at least 20 days before the anticipated remediation date by submitting a [Request for Industrial Hemp Preharvest or Remediation Sampling](#) form.
- Ensure past sampling and testing fees and fines have been paid. Inspectors will not perform sampling until payment is confirmed.

- If Option #1, flower separation, was chosen, an inspector will contact you to schedule an appointment where samples of the stalks/leaves will be collected, AND the inspector will witness floral material disposal by you on the same date. Ensure before that date all floral material has been removed from the ENTIRE lot, labeled as non-compliant material, and stored separately from any compliant lots.
- If Option #2, biomass creation, was chosen, an inspector will contact you to schedule an appointment for biomass sampling. Ensure before the inspection the ENTIRE lot has been shredded into a homogenous biomass, labeled as non-compliant material, and stored separate from any compliant biomass.
- The department will only sample once the entire lot is remediated. A grower refusing to remediate the entire non-compliant lot waives the right to a remediation sample and the lot will be ordered to be disposed.
- Ensure the remediated material is LABELED and SEPARATED from any other compliant hemp on site until test results are received.
- Ensure containers of remediated material are accessible to the inspector for sampling.
- Retain MDARD's Remediation Sampling Inspection and Report on Sample paperwork for your records. This report also meets disposal recordkeeping requirements for the floral material, so maintain this report for five years.
- Check email for lab results. If THC levels are found compliant, the remediated hemp can only be sold or transferred to a licensed hemp or marijuana processor (unless the grower also has a processor-handler license).
- Ensure the record of sale is maintained for five years and includes name and license number of the processor purchasing hemp, total weight, total sale price, date of sale, and certified lab THC test report.
- If THC levels are still noncompliant, the material MUST be disposed of within 30 days of receipt of the lab results. Follow directions in the Disposal of Non-compliant Hemp technical bulletin.
- Check email for sampling/testing fee invoice and remit payment within 15 days of receipt.

Other Information

- If the grower submits compliance monitoring samples during the growing season and discovers a lot is non-compliant, the grower can either proceed with disposal or remediation action along with notification to MDARD, or have the department collect and submit an official sample to confirm initial findings.
- Starting December 31, 2022, growers can only use DEA-registered labs for samples they collect for compliance monitoring of crops throughout the growing season.

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