

West Virginia Department of Agriculture

Kent A. Leonhardt, Commissioner
Joseph L. Hatton, Deputy Commissioner



Hemp Cultivators,

7/02/2021

West Virginia's legislative rule that deals with Industrial Hemp Cultivation is *Title 61C, Series 29 (61CSR29)*. Sub-section 5 deals specifically with sampling and testing of crops.

As a licensed hemp cultivator, your crop will require sampling and testing to determine the total THC value is at or below the amount allowed by state and federal law (0.3000% *total* THC).

Notification:

As a cultivator, you are obligated to notify the WVDA **30 days** prior to harvest. (*61CSR29-5.2*)

You may notify by emailing hemp@wvda.us with your name, license number and intended date of harvest. You should also mention any limitations or dates the inspector should try and plan around. The applicant or a designated person will be required to be with the WVDA representative during the inspection.

Scheduling:

Soon after your notification, a WVDA inspector will contact you to arrange a visit for the crops to be sampled/tested. The WVDA will visit and collect the sample within 30 days of the harvest date indicated by the licensee.

Sampling:

- A WVDA employee will collect material from multiple plants to form a representative sample of the 'lot'. A lot may indicate 'like variety', field or area within a field.
- Each lot will be sampled and tested independently. Different samples may be required based on the varieties grown, lot placement, harvest date, etc. Growers input will be *considered before* the sample is collected. Inspectors **may** choose to incorporate the growers input before deciding what constitutes a sampled lot. Once the sample is collected, lots or samples will not be altered to change the results of a tested sample.
- Flower/Bud material will be collected from the uppermost portion of the plant. (*within the top 6 inches.*)
- Each lot sampled will have a specific sample number assigned.
- Chain of custody procedures will be followed to protect the integrity of the sample while the sample is being delivered to the lab, located at the Guthrie Agricultural Complex.
- At the time of inspection, an invoice will be completed including the cost of sampling and the cost of testing. A copy will be provided to the licensee for submission with later payment.
- **Payment will not be accepted in the field.**

mailing address: 1900 Kanawha Blvd. East, Charleston, WV 25305-0170

physical address: 217 Gus R. Douglass Lane, Charleston, WV 25312

telephone: 304-558-3550 • fax: 304-558-2203

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Testing:

Currently, all official tests will be performed by the WVDA, Regulatory and Environmental Affairs Division lab at Guthrie. When the test/s are complete, they will be returned to Plant Industries Division for review. We will then forward the test results to the grower, considering the payment status and THC levels indicated.

Harvesting:

The intended harvest date, from the **30-day Notification**, should be followed as closely as possible. If the actual harvest date is delayed, a different sampling/testing visit may be required to keep the sample collection within 30 days of harvest.

- Industrial hemp may not be harvested before the WVDA has officially sampled the crop.
 - Harvest may take place after sampling has been performed by a WVDA representative.
 - Hemp may not be used, distributed, or enter the commerce stream until the official test results are received and indicate acceptable levels of total THC.
 - All sampled lots should be kept separate until test results are returned and indicate the crop was within allowed levels of total THC. If mixed after harvest, multiple crops may suffer the results of a failed crop.
 - Drying and storage is only permitted on locations listed on a current Industrial Hemp License, issued by the WVDA.
 - It is the grower's responsibility to keep the WVDA informed about changes to the harvest date.
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Test Results:

Once results are completed by our lab, one of two situations are possible:

- Total THC levels are at or below 0.3000% for the sampled lot. This verifies that the crop sampled is considered industrial hemp and the represented material is permitted to be distributed or enter the commerce stream.
- Total THC levels exceed 0.3000% for the sampled lot. The crop sampled is not considered industrial hemp and further steps will be required to address the situation. Since sample results are distributed by Plant Industries Division, initial instructions will accompany the results.

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Crop Verification, Crop Failure, etc:

The WVDA is required to inspect and verify each location listed on a cultivation license even if a licensee decides not to grow, or a crop fails. The inspector will decide if a sample/test is required based on the presence or vigor of hemp material. If there are hemp plants growing, in any condition, at least one sample will be required, and the licensee will be invoiced for the sampling/testing visit.

When the inspector decides there was a 100% failure, or a crop was not grown, the licensee will not be charged for the visit.

Please keep in mind that information included in this letter should be used as guidance through the sampling process. Most, but not all, growers will harvest in the late summer months. As you can imagine, that is a busy time for the WVDA and growers alike. Hopefully this letter will help answer future questions.

Regards,

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