

REMEDICATION AND POST-HARVEST TESTING GUIDANCE FOR LICENSED PRODUCERS

Hemp crops grown by a MA Licensed Producer are eligible for remediation OR post-harvest testing when a sample tests with THC levels above 0.300% (inclusive of the measurement of uncertainty) according to laboratory results obtained through regulatory THC testing.

1. Post-Harvest Testing

If sample results show THC levels exceed acceptable THC levels for a crop, up to 2 additional rounds of sampling may be conducted by the Department upon request. Post-harvest samples may be taken from intact floral material or remediated material. A crop may not be tested more than 2 additional times after the initial test.

2. When a crop is eligible for Post-Harvest Testing

A crop is only eligible for Post-Harvest Testing if it has been harvested within 30 days. All lots must remain separate and clearly marked. Combined or unmarked lots are not eligible for post-harvest testing. Any request for Post-Harvest Testing must be made to the Department within 10 days of receiving results and completed within 30 days. The Licensee will be responsible for the costs incurred with any additional regulatory testing.

3. Remediation

Remediation is the process by which a Licensee may attempt to transform a non-compliant crop into a compliant crop as allowed by USDA's Final Hemp Production Rule and the MA State Plan. The process of remediation must follow all guidelines provided here, and can be achieved by one of two methods:

- (a) Separating and destroying all floral material/flowers while retaining stalks, leaves, and seeds; or
- (b) Shredding the entire hemp plant to create a homogenous "biomass"

Any Remediated hemp, including shredded biomass material, retained stalk, stems, or leaf material must be re-tested for compliance by the Department. **Crops may NOT be transported off-site for remediation.** Any crop that has tested with THC levels above 0.3% is not considered Hemp and may not be transported or moved off site for any reason.

4. When you may Remediate a Crop

A crop that has tested with THC levels above 0.3% and harvested within the allowable 30 days is eligible for remediation at the licensed property where production occurred.

5. Notifying the Department

Upon receiving notice that a crop has tested above the acceptable hemp THC level, the Licensee should notify MDAR of the decision to either re-test the crop without remediation, re-test the crop after remediation, or destroy the crop **within 10 days**. The Licensee will also need to notify MDAR of the method by which the crop will be either remediated or destroyed.

MDAR must be notified of intent to re-test, remediate and then re-test, or dispose of the non-compliant crop using the form provided. **Crops that are remediated without prior approval are not eligible for further testing and must be destroyed.** MDAR also reserves the right to deny a Licensee the option of remediation. Please complete the Remediation Form included here or found online at: <https://www.mass.gov/guides/resources-for-hemp-program-licensees>

6. Approved Remediation Methods

Crops may NOT be moved off site for remediation. Any crop that has tested with THC levels above 0.3% is not considered Hemp under state or federal law and may not be transported or moved off-site for any reason. Any crop that has been moved off site for remediation will not be eligible for off-site testing and will be subject to a destruction order.

Non-compliant crops may be remediated using one of the following methods:

- (a) Separating and destroying non-compliant floral material, while retaining stalks, leaves, and seeds. Seeds that are retained during remediation may NOT be used for propagation. The flowers, including buds, trichomes, "trim," and "kief" should be removed from the crop and destroyed. Methods may include, but are not limited to, the removal by hand or mechanical removal. Destruction of floral material must be witnessed by an inspector. If this is the remediation method you choose, an inspector will schedule a time with you to witness the destruction and re-test of retained material. Approved methods for destruction of floral material include plowing under, mulching/composting, disking, bush mowing, deep burial, and burning.
- (b) Shredding the entire hemp plant to create "biomass." 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 called "biomass." Methods may include, but are not limited to, the shredding of hemp plants through shredders, chippers, composters, or specialty mechanical equipment. Lots must be kept separate and not be combined during this process. Combined lots are not eligible for further testing and will be subject to a destruction order.

No other remediation methods have been approved at this time. Remediation in a manner inconsistent with the above will result in destruction of the crop.

For more information on approved hemp disposal and remediation methods, please visit:

<https://www.ams.usda.gov/sites/default/files/media/HempRemediationandDisposalGuidelines.pdf>

7. Re-testing for Remediated Crops

All remediated crops, regardless of remediation method used, must be re-tested by MDAR to ensure the hemp material tests within acceptable THC levels. Once remediated, if the crop still tests above the acceptable THC limits on your second test, you may opt for one additional post-harvest test. If the third test of the crop shows THC levels in excess of 0.3%, the crop is non-compliant hemp and will be subject to a destruction order.

8. Recordkeeping requirements for Remediated Crops

All records regarding remediation and/or destruction of all cannabis plants that do not meet the definition of hemp shall be made available for inspection by State, Tribal, or USDA inspectors, auditors, or their representatives during reasonable business hours. If a Crop is remediated or disposed of, either voluntarily or through an enforcement action, you must keep records that include, at minimum, dates, methods used, varieties and lot numbers, amounts, and test results.

Questions?

Email mahemp@mass.gov

Post-Harvest Testing Request Form

Directions

Complete the following form and submit to the MDAR Hemp Program *within 10 days of receipt of test results*.

- Crops may NOT be moved off-site for remediation. Remediation MUST occur at the licensed production location. Crops that are not certified as hemp may not be transported for remediation.
- Remediation must be approved by the MDAR Hemp Program.
- Each individual hemp variety by planting location is considered a "Lot." Each Lot must be remediated and/or tested separately. Lots may not be co-mingled or combined until a Hemp Certificate is issued. Please ensure that all varieties to be remediated and/or re-tested are held separately and are clearly marked.
- This form will be returned to you with a determination for approval. An inspector will schedule a time to re-test the crop and/or witness the destruction of any plant parts or other voluntary crop destruction.

Please email completed forms to: MAHemp@mass.gov

Please type or print clearly (incomplete or illegible forms will be returned).

License Holder Information

Name of License Holder:

License Number:

Submitted by:

Date:

Requested Re-test/Destruction Date:

Please select all that apply

Sample/Lot Number	Variety	Request	Proposed Method of Destruction or Remediation	Location (FSA number)	Amount
<i>Example: IHP-080418-0420-01</i>	<i>Ex: BaOx</i>	<input type="checkbox"/> Retest <input checked="" type="checkbox"/> Remediate/retest <input type="checkbox"/> Destroy	<i>Example: biomass</i>	<i>Ex. Field 1 1234-56-1A</i>	<i>Ex. 1 acre</i>
		<input type="checkbox"/> Retest <input type="checkbox"/> Remediate/retest <input type="checkbox"/> Destroy			
		<input type="checkbox"/> Retest <input type="checkbox"/> Remediate/retest <input type="checkbox"/> Destroy			
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Official Use Only

Approved: YES NO (explain):

Scheduled: