



*American Academy of Forensic Sciences
American Society of Crime Laboratory Directors
International Association for Identification
International Association of Forensic Nurses
National Association of Medical Examiners
Society of Forensic Toxicologists/ American Board of
Forensic Toxicology*

Attorney General Barr, Secretary Chao, Secretary Vilsack,

We desire to provide public comment on the rules that will regulate the growing and transportation of Hemp as a result of the Agriculture Improvement Act of 2018.

The Consortium of Forensic Science Organizations (CFSO) represents over 21,000 forensic science service providers nationwide at the federal, state, county, tribal and local jurisdictions. The mission of the CFSO is to speak with a single voice regarding forensic science issues in matters of mutual interest to its member organizations, to influence public policy at the national level, to highlight the demands placed on labs in supporting the ever increasing needs of the criminal justice system, and to make a compelling case for coordination at the federal, state, tribal and local levels. We believe CFSO member participation is critical in the development of national policies, such as the hemp policies, in view of the fact that forensics laboratories across the country will be tasked with testing these substances for interstate commerce law enforcement purposes and many states desire to mirror the federal regulations in their new state laws and policies.

Our membership has several scientific comments about the Agriculture Improvement Act of 2018 wording, and would like to ensure that these comments are considered in the development of regulations which states and others will be subject to as they move forward under the direction of the USDA.

We have specific scientific concerns about the wording of the Agriculture Improvement Act of 2018 some of which were clarified in the USDA proposed rule. Specifically, Subtitle G, Section 297A. Definitions, now reads:

“(1) HEMP.—The term ‘hemp’ means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.”

- The USDA proposed rules on Hemp Production and Guidelines for Testing removed the ambiguity as to what was meant by “delta-9 tetrahydrocannabinol concentration.” We commend this clarification and encourage this inclusion in the final version. The proposed rule clearly defines the THC concentration to include THCA when providing a test result for total THC concentration. Since only heat is required to convert THCA to THC, this is an important clarification for the criminal justice system.
- We respectfully suggest expanding the definition of Hemp to use the term “**on a dry weight basis or by volume, as appropriate**” instead of the term “dry weight basis.” The definition of hemp includes extracts that are often seen in oil or other liquid form. It is unclear how these samples would be tested on a dry weight basis and are more appropriately tested and reported on a %volume concentration.

We thank you for your efforts to define a national policy for hemp production and interstate commerce. We would be happy to meet with you to discuss these suggestions and the importance of these rules to forensic science service providers in the United States.

Thank you,

Matthew Gamette
CFSO Chair