



RICHARD A. BALL

Commissioner

August 14, 2020

Dear Industrial Hemp Grower:

Four years ago, the New York State Department of Agriculture and Markets (Department) embarked on its industrial hemp pilot research program. Year after year, with the Governor's untiring support, New York expanded its research program with new initiatives to further support hemp cultivation and processing. Our program has grown from 30 acres and two growers in 2016 to over 20,000 acres for hemp cultivation and over 500 producers authorized in 2019.

With the passage of the Agricultural Improvement Act of 2018 (the 2018 Farm Bill), Congress authorized a national licensing system for the cultivation of hemp under the control of the United States Department of Agriculture (USDA). Central to the 2018 Farm Bill was Congress' directive to provide states the opportunity to assume primary regulatory authority under plans proposed by the states that complied with rules to be developed by the USDA.

In October 2019, the USDA issued its Interim Final Rule governing the licensing and cultivation of hemp. The Department found substantial elements of the USDA's requirements to be very challenging and contrary to Congress' objective of stimulating the hemp industry. The Department shared its concerns with the USDA in hopes of timely revisions for the 2021 planting season.

Unfortunately, as of today, the Interim Rule remains unchanged. It is the Department's view that many of the requirements concerning the scope and timing of sampling and testing, the disposal of non-compliant plants, and reporting are unrealistic and impose unreasonable burdens on growers and any state interested in administering a compliant program.

As such, the Department has notified USDA that it will not be submitting a state plan for the 2021 growing season. Unless the 2014 Farm Bill is extended or the USDA otherwise agrees to change its requirements for the 2021 grow season, it appears that growers interested in cultivating an industrial hemp crop in 2021 will need to apply to USDA for a producer license.

Please understand that the State will continue to advocate for reasonable requirements related to the oversight of industrial hemp. In this regard, the Department has asked the USDA to extend the 2014 Farm Bill until 2021 and to otherwise provide a more flexible regulatory structure. We have made clear that if the federal requirements are modified to remove the challenges communicated to the USDA, the Department will reconsider submitting a state plan to assume responsibility for the program.

We remain committed to the hemp industry in New York State and are optimistic that working with Congress, the USDA, and other hemp producing states, adjustments in the federal program will occur to make it more workable. In the meantime, we stand ready to assist you in the transition to USDA licensing for the next season should that be the only path available to growers on October 31.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Ball". The signature is written in a cursive style with a large initial 'R'.

Richard A. Ball
Commissioner