



Updated March 25, 2021 – Effective after USDA Approval on May 25, 2021

The Missouri Department of Agriculture anticipates continued regulatory changes in the coming years as state and federal rules are revised. Some of these changes may be reflected in procedures outlined in this document.

Remediation refers to any approved process by which non-compliant hemp (total THC concentration > 0.3%) is rendered compliant (total THC concentration \leq 0.3%). All remediation lots must be resampled and retested to ensure the material does not exceed the acceptable hemp THC level.

I. ELIGIBILITY FOR REMEDIATION

- All industrial hemp lots must be sampled *prior to harvest* in accordance with the MDA Sampling Protocol; and,
- Harvested within the original thirty (30) day harvest window; and,
- Remediation procedures, including remediation sampling, must be completed **within sixty (60) days after the pre-harvest compliance sample** was originally collected

II. REMEDIATION METHODS

Non-compliant industrial hemp lots that are eligible for remediation must undergo an approved remediation method, and be resampled and retested to provide evidence that the harvested materials meet the acceptable hemp THC level. Two approved remediation methods are described below. Alternative remediation methods must receive written approval from the Missouri Department of Agriculture prior to use.

Destruction of Floral Material

Non-compliant lots may be remediated destroying the flower and associated materials, including buds, trichomes, trim, shake, and kief. These materials must be destroyed in accordance with the MDA Destruction Protocol Step 3. Any remaining non-floral material - stalks, stems, leaf material, and seed - must be resampled by a Certified Industrial Hemp Sampler in accordance with the applicable section of the MDA Sampling Protocol.

Homogenization

Non-compliant lots may be remediated by chopping or shredding all harvested components of the lot (entire plant) to create a uniform, homogenous “biomass” mixture. After shredding, the biomass mixture must be sampled by a Certified Industrial Hemp Sampler in accordance with the applicable section of the MDA Sampling Protocol.

- No plants or portion of plants may be sold, distributed, or further processed from this lot that are not included in the biomass mixture. For example, you cannot remove the leaves from this non-compliant lot and sell them separately.
- No commingling of other lots (including compliant and non-compliant lots) or commingling with other materials (including non-*Cannabis* material) is permitted.

Any viable seed obtained from remediated lots shall not be used, sold, or distributed for propagation (replanting) purposes.



III. SAMPLING OF REMEDIATION MATERIALS

After undergoing an approved remediation method, remediation materials must be sampled by a Certified Industrial Hemp Sampler in accordance with the MDA Sampling Protocol. This remediation sampling must occur within sixty (60) days of the pre-harvest compliance sampling.

IV. TESTING OF REMEDIATION MATERIALS

All remediation samples must be tested by a qualified testing laboratory. All test results for remediated materials, regardless of results, must be submitted to the Department **within seven (7) calendar days** of receipt.

- If the test results show a “pass” (total THC concentration of $\leq 0.3\%$), the lot is now compliant and the eligible remediated material may be moved into commerce. If any viable seed remains, it shall not be used, sold, or distributed for propagation (replanting) purposes.
- If the test results show a “fail” (total THC concentration of $> 0.3\%$), the lot remains non-compliant, will be ordered for destruction, and must be destroyed in accordance with the MDA Destruction Protocol.

V. REMEDIATION REPORTING & TIMELINE

The remediation process, including the remediation method and resampling, must be completed **within sixty (60) calendar days after the pre-harvest compliance sample collection** – this equates to thirty (30) calendar days after the harvest window closes.

A Remediation Report and Certificates of Analysis (COA) for remediated lots must be submitted to the Department **within seven (7) calendar days** of COA receipt. The Remediation Report will be made available by the Department. The Registered Producer must complete and submit the Remediation Report, and completed by the Registered Producer.

Test results for all remediation samples, regardless of total THC content, must be submitted to the Department **within seven (7) calendar days** of receipt.

For example:

***Day 1 – Pre-harvest compliance sample is collected.**

Day 4 – Sample arrives at the laboratory and the quality is sufficient for testing.

Day 16 – Laboratory completes testing and issues COA. It is a “fail”. (Must submit to MDA within 7 days)

Day 19 – Producer submits COA to the Department.

Day 20 – Producer and program staff discuss options. Producer chooses to remediate by homogenization and program staff provides the Remediation Report.

Day 28 – Producer completes harvest of the lot & begins drying process.

***Day 30 – Harvest of entire lot must be completed.**

Day 50 – Producer shreds all harvested material from this non-compliant lot and places into tubs.

Day 54 – Certified Industrial Hemp Sampler (CIHS) completes sampling of biomass material. Producer or CIHS sends remediated compliance sample to laboratory.

***Day 60 – Remediation procedures including sampling must be completed.**

Day 65 – Laboratory completes testing and issues COA. It is a “pass”. (Must submit to MDA within 7 days)

Day 67 – Producer submits the COA and the Remediation Report to the Department.