



U.S. Hemp Authority[®]

Summary of Changes from Standard v2.0 to v3.0

Background

In 2020 the US Hemp Authority resolved to revise its Guidance Procedures version 2.0 (its certification standard) according to Terms of Reference¹ established by the Board of Directors. The Board mandated this task of revision to the Technical Committee, who followed the Terms of Reference, albeit with a slight delay in timeline to account for robust considerations and learning that occurred during the revision process. In January of 2021 the Technical Committee finalized version 3.0, which was then ratified by the Board of Directors.

Enforcement Timeline

Version 3.0 (now referred to as the Standard, instead of the Guidance Procedures) goes into force immediately for all new applicants to the US Hemp Authority certification program. Entities already certified will have until their 2021 annual certification inspection to demonstrate full compliance with any changes they need to make between versions 2.0 and 3.0.

Summary of Changes

The Standard has been significantly overhauled – so much so that a line-by-line comparison is not practical; version 2.0 contained approximately 80 pages of text, whereas version 3.0 has a little over 20 pages. The US Hemp Authority emphasizes that this reduction in no way however reduces the rigor of the program. Rather, the changes from v2.0 to v3.0 may be seen more as a clarification of the expectations intended by v2.0, with the added insight of another year of experience gained by the program. Operations certified in good standing to v2.0 will therefore find little in the way of new requirements. Changes are summarized as follows:

- An introductory section has been added to the Standard, to describe the intentions, objectives and scope of the program. The scope of certifiable products and operation types is explicitly and intentionally broad.
- The Glossary has been revised to remove terms no longer included in the rest of the text. Definitions have also been adjusted, most notably those of Broad Spectrum and Full Spectrum. The US Hemp Authority recognizes that definitions are a matter of significant stakeholder discourse and has endeavored to craft ones that balance the most current regulatory, industry, and consumer needs. These definitions may be revised in subsequent versions of the Standard as understanding among the sector evolves.
- Requirements around current good manufacturing practices (cGMPs) and government regulations relating thereto are now referenced in the Standard, but the explicit details of applicable CFR sections are not spelled out in the Standard. Rather, demonstration of any given operation's adherence to applicable laws is required, but the means through which this may be demonstrated is

¹ <https://ushempauthority.org/assets/uploads/USHA-Guidance-Procedures-Rev-Terms-of-Reference.pdf>



given flexibility. Furthermore, the intended outcomes of all such cGMPs are covered in the clauses of the US Hemp Authority Standard; all certified operations must heed clauses relevant to their type of operation(s).

- Explicit analytical protocols have been specified for ingredients and products that are included in goods certified under the program.
- Rules around labeling of certified products have been updated to heed regulatory, industry, and consumer concerns related to content, formulation, and clarity of messaging (truth in labeling). The US Hemp Authority recognizes that government regulations around labeling are not yet consistent across all regulatory authorities and therefore has attempted to strike a balance between legal necessity, credibility to consumers along the stated intentions and objectives of the program, and the need to retain a certain amount of flexibility.
- Requirements around compliance and qualification of suppliers and their inputs to certified entities' operations have been clarified, providing flexible options depending on the situation.
- Responsibilities of Brand Owners, especially but not only those who do not physically handle any products themselves, have been clarified.
- An annex has been added to the Standard, which describes the certification process.

Further inquiries about the Standard's development process may be directed to info@ushempauthority.org.



U.S. Hemp Authority[®]
Standard version 3.0 Development Process
First Consultation Round Summary

During the first public comment round on the draft for version 3.0 of U.S. Hemp Authority Standard, The Technical Committee received a total of 66 written comments from consumers, brand owners, processor/manufacturers, growers, certification bodies, retailers, and industry advocates, which are summarized as follows:

Comments that did not warrant or result in changes to the draft:

- A number of comments were simply supportive of the draft and encouraging of the U.S. Hemp Authority's efforts without offering further critique. We received an equal number of additional comments where stakeholders lauded the benefits of hemp and CBD, without further suggestions for the draft.
- Slightly more comments were received criticizing or objecting to federal and/or state regulations where stakeholders felt that certain restrictions such as limits on THC content, restrictions on growing and pre-harvest crop testing, and other regulatory issues are too strict or onerous. It is beyond the U.S. Hemp Authority's purview to override such regulations; legal compliance is embedded in the U.S. Hemp Authority Standard. The U.S. Hemp Authority interfaces with legal advocacy groups such as the U.S. Hemp Roundtable and other organizations interested in the evolution of the hemp sector to participate in the ongoing public-private dialogue on hemp-related regulations.
- A couple of commenters suggested infrastructure or technology amendments to the program, such as implementation of blockchains or similar traceability mechanisms. The program appreciates these suggestions but does not have the capacity at this time to implement such possibilities.

Changes made to the draft based on stakeholder comments:

- A few commenters made impassioned pleas that we do not create a standard that only large or wealthy operators could meet in terms of requiring additional audits, personnel, or financial resources. The U.S. Hemp Authority intends that its certification program be inclusive of all high-quality operations regardless of their size. The language in the draft has been analyzed and adjusted to clarify that it provides feasible pathways for all scales of operators to participate and attain certification.
- Clarifications were requested regarding the ways in which federally mandated good manufacturing practices (cGMPs) and food safety requirements fit into the program. We have clarified the interface between the U.S. Hemp Authority Standard and other auditing programs that also specifically address such practices, so that redundant work and expense is avoided without compromising integrity of the U.S. Hemp Authority seal.



- The requirement for full supply chain compliance has been removed, while clarifications have been added about supplier qualification both for processor/manufacturers and brand owners.
- We received some questions regarding some of the definitions in the draft. The Technical Committee has spent considerable time weighing many possible definitions for certain terms, most notably full-spectrum extract and broad-spectrum extract. While the program anticipates that these definitions may need to be adjusted in the future to keep pace with government regulations and evolved sector understanding, those posed in the current version are the best compromise that the Technical Committee has been able to craft.
- Analytical protocols for testing hemp and hemp derivatives have been revised and expanded to include some additional norms.
- The Standard now is clearer as to how its scope includes hemp fiber, pet products, and a full range of other hemp-derived goods. It also clarifies the U.S. Hemp Authority's position that edible products marketed specifically to promote their THC content are outside of the program's scope.
- Clarifications have been made with respect to retail product labeling, in particular with respect to country of origin declaration and claims such as "THC free."
- Numerous minor adjustments to the text were made in response to specific stakeholder suggestions to improve wording.
- An annex has been added to describe the certification process.

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U.S. Hemp Authority[®]
Standard version 3.0 Development Process
Second Consultation Round Summary

During the second public comment round on the draft for version 3.0 of U.S. Hemp Authority Standard, The Technical Committee received a total of 13 written comments from consumers, brand owners, processor/manufacturers, growers, and industry advocates which are summarized as follows:

- A comment was received criticizing or objecting to federal and/or state regulations where stakeholders felt that certain restrictions such as limits on THC content, restrictions on growing and pre-harvest crop testing, and other regulatory issues are too strict or onerous. It is beyond the U.S. Hemp Authority's purview to override such regulations; legal compliance is embedded in the U.S. Hemp Authority Standard. The U.S. Hemp Authority interfaces with legal advocacy groups such as the U.S. Hemp Roundtable and other organizations interested in the evolution of the hemp sector to participate in the ongoing public-private dialogue on hemp-related regulations.
- A commenter raised concern about the elevation of THC content during interim processing steps to greater levels than the legal limit of 0.3%. The U.S. Hemp Authority is aware of this phenomenon and, along with many other stakeholders who have raised this issue, await guidance from the US government as to how this problem will be resolved. For the time being, the US Hemp Authority standard focuses on the legal limit only in terms of the final product(s) being sold by any given link in the value chain, requiring that such products do not exceed the legal limit of 0.3% THC.
- A commenter noted that definitions in the standard for full spectrum and broad spectrum referred to "final product" but that final product was itself not defined. Such a definition has now been provided in the standard's Glossary for "finished product" (with corresponding changes to use of the term "finished product" throughout the document), indicating that a finished product is that which is supplied by any US Hemp Authority certified entity, regardless if their place in the value chain.
- Two commenters suggested refinements to the definitions of Broad Spectrum and Full Spectrum, further clarifying the content and origin of the components of such extracts. The Technical Committee has adopted refinements to these definitions based on the comments received.
- One commenter requested several definitions be added for terms that the Technical Committee believes are already commonly understood by farming, industry, consumers and regulators alike, and so the Technical Committee did not add such terms to the Glossary. Going forward, if questions arise regarding meaning of terms, the certification body shall calibrate interpretations and definitions and advise the Technical Committee accordingly, who shall in turn consider additions to the Glossary,
- Two commenters urged the US Hemp Authority to expand the scope of the program to a wide range of hemp-based products, including dried biomass, textiles and food; the standard already allows for certification of such products, so no change was deemed necessary to the performance requirements, although the Scope section of the Standard did receive some refinements to clarify



what is included in the program's scope. Similarly, a commenter emphasized that ingestible products and non-ingestible products should not be considered the same; the Technical Committee agrees and believes that the Standard already allows for a full range of hemp-based goods to be certified based on their own quality needs. Lastly, one commenter also requested that smokable product be certifiable under the US Hemp Authority program. While the intention of the request is appreciated, at this time the program declines to include this category due to regulatory uncertainty and inconsistency but intends to closely monitor this topic and reconsider it for the next revision of the Standard.

- A commenter urged the program to require sustainable agriculture practices. The US Hemp Authority shares this sentiment and has considered including such aspects. The program hopes in the future to make progress on this front. Based on participation and overall stakeholder feedback to date, the Technical Committee assesses that the sector needs to mature further before the program can withstand the inclusion of such requirements. In a similar vein, the Technical Committee received a suggestion to include that growers should control waste, which has now been added to the Standard.
- One commenter requested additional guidance or requirements be written into the Standard to (i) further guide analytical specifications; (ii) further restrict which extraction solvents may be used; (iii) suggest software solutions to maintain compliance with the Standard; and (iv) a way to more easily qualify suppliers based on their participation already in the US hemp Authority program. Point (iv) mentioned here already exists on the US hemp Authority website and is being developed further to provide more detail. The Technical Committee chooses not to add the additional requested content because, respectively, (i) the Standard already names acceptable analytical protocols and further provides for flexibility in product development and labeling promises while still assuring high quality of products; (ii) restricting solvents does not match with the broader stakeholder sentiment at this time, and the Standard also mandates checks for residual solvents; and (iii) the program does not see it as its proper role to endorse specific private solutions for compliance. The U.S. Hemp Authority also received offers from stakeholders to provide software solutions for program participants. The Technical Committee advises that such offers are more appropriately presented to and coordinated by the Secretariat and stakeholders; interested parties should approach the Secretariat directly to facilitate such matters.
- Two commenters expressed concern that the Standard was geared only to large corporations and would not be fit to serve smaller enterprises, claiming that the bureaucratic load imposed by the Standard would be too great to sustain by small operations. We respectfully disagree. The Technical Committee deliberated intensively on this topic based on comments received during the first consultation round for the v3.0 revision and has worked to craft the language of the Standard's requirements such that any size of operation should be able to comply with their own fit-for-purpose systems for management and documentation of hemp production operations. The wording is deliberately flexible to meet requirements that assure products placed on the market are of promised quality and heeding legal obligations. We encourage anyone with such concerns to carefully read the Standard to see that there is indeed a range of ways in which compliance with the requirements may be achieved.



- One commenter shared extensive comments that had been submitted to the state of New York in response to their recently proposed rules for hemp. We value the content of those comments and believe that v3.0 heeds those to best of practical feasibility at present. The US Hemp Authority is
- keenly aware of the rapidly evolving situation with the multiplicity of regulations currently being developed and intends to evolve its own requirements correspondingly over time.
- Along with the aforementioned comments several questions were received having to do with the certification process and provision of information as part of that. All such questions are answered in due course by the certification body (FoodChain ID) on a case-by-case basis directly with the entity applying for certification.

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