



International Hemp Association Reply to Proposals for Canadian Hemp Regulations

Submitted to Jean Peart, Manager, Hemp Project, Health Canada by the International Hemp Association on January 5, 1998

According to the "Proposed Industrial Hemp Regulations", industrial hemp will still be regulated in a drug control framework, rather than an agricultural crop. Agriculture Canada is conspicuously absent throughout these proposals. Even if the present sentiment of legislators is that industrial hemp is a drug issue, it is not. Although industrial hemp does contain trace amounts of THC, it is of no practical significance. There is also a minor percentage of precious gold dissolved in sea water, but it is no more economically feasible to extract than is THC from hemp. Feral hemp, often higher than 0.3% THC, grows abundantly across the former hemp growing regions of North America, yet it only very rarely (and then only fraudulently) enters into the illegal drug market. Parsley and oregano have also been used as marijuana substitutes, but like industrial hemp, they simply don't make marijuana smokers "high".

In Europe, there are no presently reported problems with the diversion of hemp crops to the illicit drug trade, or the growing of marijuana in industrial hemp fields. Industrial hemp has been grown in many parts of Europe for decades, and despite the lack of any common or centralized system for the regulation of hemp, there are no problems with its diversion. One trusts that Canadian law enforcement and agriculture officials will be just as able to administer industrial hemp growing as their European counter-parts.

The proposed hemp legislation treats farmers as potential criminals. Governments do not regulate the sale of ammonium nitrate or urea fertilizers to farmers, although it is well-known that they can be used to make powerful bombs. Somehow, in this case, it is assumed that the vast majority of farmers will use fertilizers in a responsible way, and we allow the criminal justice system to be invoked only after laws have been broken. Although preventative regulation is often effective, it appears that the administrative costs of monitoring industrial hemp growers far outweighs the benefit of preventing a few misguided and uninformed people from attempting to use hemp as marijuana. Farmers and consumers of their products, will ultimately bear the costs of this unnecessary control system.

Enforcement under a system similar to Europe will be nearly failure proof, if the new Canadian regulations follow Europe's lead. The various European systems require that only certified hemp varieties can be purchased for sowing and only from a licensed seed seller, by a licensed grower with a declared end use for the crop. This system has proven quite effective everywhere it is used.

If law enforcement officers have a question about the authenticity of an industrial hemp crop, they can simply ask the farmer to present a permit to cultivate industrial hemp. If a farmer presents a permit, and law enforcement is still skeptical about the farmer's motives, they can then perform field or laboratory THC tests to confirm or disprove their suspicions. In this way, government funds are focused efficiently, only on situations where problems may have arisen.

Establishing that all hemp seed, regardless of whether it is sterilized or not, is to be controlled by the Drug Police is ill-advised. Hemp seed is one of the few *Cannabis* products on which Canadian farmers can capitalize, without waiting for the establishment of a supporting

industrial infrastructure. If food grains are regarded as drugs (**even though clean *Cannabis* seed contains no THC**), food producers will be discouraged from using hemp seed. Corn, grapes and many other farm products are used to make alcoholic liquor, but they are not controlled until the fermentation process begins.

The 0.3% THC limit may interfere with the early establishment of the Canadian hemp industry. We anticipate that there will be a shortage of commercially available sowing seed for at least the first few years. There has been little arrangement, such as production contracts, put in place for the reproduction of hemp cultivars in Canada. This means that for the near future, all seed must be imported. Several of the most productive industrial hemp varieties (*i.e.*, 'Kompolti TC' and 'Novosadska Konoplia') are well known in Eastern Europe, but have not been approved as yet by the EU. Their THC levels often test at 0.3% or slightly above. It would be a shame to limit a fledgling industry, facing a shortage of available seed, to be hampered by overprotective legislation. A more tolerant limit for unrestricted cultivation (up to 0.5%), well below the level of potential diversion (1.5%-2.0%), but allowing a larger window for legitimate hemp farmers, is needed. In addition, since the chemical content any plant sometimes varies, a "cautionary buffer zone" (0.5%-1.0%) is recommended. A farmer cannot be subjected to a situation of unfair jeopardy in which at harvest time each year, the crop will be deemed legal and harvestable, or illegal and subject to destruction.

Research within secured circumstances with hemp strains of higher THC content (above 1.0%) should be allowed under the proposed hemp regulations by procuring a special Health Canada *Cannabis* research license. It will be necessary for plant breeders and other researchers to use these higher-THC strains as a source of valuable genes for various traits (*e.g.*, pest resistance, etc.).

If industrial hemp must be administered as a potential drug problem, then at the very least a time-table must be laid out, so that when industrial hemp has proven to cause no law enforcement problems, administration of industrial hemp should be handed over from Health Canada to Agriculture Canada.

If Canada is going to proceed with industrial hemp, at least give the industry a fighting chance.