

U.S. Hemp Roundtable

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April 3, 2019

Louis J. DiRienzo
Assistant Inspector in Charge
Deputy Counsel
United States Postal Inspection Service

Dear Mr. DiRienzo:

The US Hemp Roundtable, the hemp industry's national business advocacy organization, appreciates the opportunity to weigh in on the United States Postal Service's (USPS) March 4, 2019 advisory "Acceptance Criteria for Cannabidiol (CBD) Oil and Products Containing CBD" (the "USPS Advisory"). We are grateful that the USPS has set forth a clear policy that will permit the interstate mailing of hemp products, such as CBD, and is open to industry input on the procedures.

It is important to note at the outset that the Agriculture Improvement Act of 2018 (the "2018 Farm Bill") was signed into law by President Trump on December 20, 2018, and it fundamentally changes the legal landscape for hemp and hemp products. While the US Department of Agriculture is developing regulations for the growth and cultivation of the hemp crop, hemp itself is now a legal commodity under federal law, removed permanently from the purview of the Controlled Substances Act. Hemp is hemp, no matter whether it is grown as part of a 2018 Farm Bill-authorized program, grown pursuant to a 2014 Farm Bill pilot program, or grown outside the United States in a country where such cultivation is also legal.

Accordingly, the acceptance criteria within the USPS Advisory, which were based on the pre-2018 Farm Bill legal regime, are overly restrictive. The key concern is the requirement for the mailer to prove that the product was produced by a registrant of a 2014 Farm Bill-authorized pilot program. Manufacturers of hemp-derived CBD do not have to register with states to sell CBD; they can simply obtain CBD for their products from state registrants or can import it from other jurisdictions where hemp is grown legally.

We would suggest instead that the criteria be as follows:

Any mailer who presents CBD oil or other CBD products derived from hemp for mailing must demonstrate that their mailing is compliant with the 2018 Farm Bill by providing:

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1. A signed self-certification statement, subject to the False Statements Act, 18 U.S.C., Section 1001. The statement must be printed on the mailer's own letterhead, must be signed by the mailer, and must include the text "I certify that all information furnished in this letter and supporting documents are accurate, truthful, and complete. I understand that anyone who furnishes false or misleading information or omits information relating to this certification may be subject to criminal and/or civil penalties, including fines and imprisonment."
2. The statement should attest that the products being mailed are derived from hemp, as defined by the 2018 Farm Bill, and do not contain more than 0.3% tetrahydrocannabinol (THC) on a dry weight basis, and that the hemp was grown legally in a state or jurisdiction where such cultivation is permissible.
3. The mailer should include a copy of a result showing the products contain a delta-9 THC concentration of not more than 0.3% on a dry weight basis, including, but not necessarily limited to, a Certificate of Analysis or delta-9 THC laboratory testing result. In the alternative, the mailer may provide a link to a website where such testing results are posted.

Again, thank you for the opportunity to participate in this important process. We look forward to hearing from you.

Sincerely,

Jonathan Miller
General Counsel, US Hemp Roundtable

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