

October 20, 2020

Timothy J. Shea
Acting Administrator
Drug Enforcement Administration
600 Army Navy Drive
Arlington, Virginia
22202

Dear Administrator Shea,

We write to express concern regarding the Drug Enforcement Administration's ("DEA") Interim Final Rule issued on August 20, 2020 ("IFR").

The 2018 Farm Bill ("Farm Bill") legalized hemp and its derivatives, extracts, and cannabinoids so long as they contain less than 0.3% Δ 9-THC on a dry weight basis. This monumental legislation opened the door for states to develop hemp programs and create a new industry for our constituents during a time when many traditional jobs were being lost due to automation, overseas job flight, and a down job market. Many states are only just starting to develop hemp programs and realize the full potential of the hemp industry and other related markets like CBD.

Since the Farm Bill legalized hemp along with hemp derivatives, extracts and cannabinoids, it logically follows that the only viable methods for processing hemp into those derivatives, extracts, and cannabinoids would also be legal. Our concern with the IFR centers around language therein that could be interpreted to make the process of extracting hemp into derivatives, extracts, and cannabinoids illegal according to the DEA.

When referring to hemp derived material, the IFR states "[c]onversely, any such material that contains greater than 0.3% of Δ 9-THC on a dry weight basis remains controlled in schedule I." As you are likely aware, the process by which hemp is extracted into cannabinoids can temporarily result in increased Δ 9-THC levels *even though the finished product cannabinoids contain less than Δ 9-THC*. Thus, the only process for extracting hemp may cause hemp processors to temporarily possess a controlled substance. If that is the case, the IFR seems to have ignored the clear legislative intent of the Farm Bill in making the processing of hemp into extracts, derivatives, and cannabinoids subject to DEA enforcement as a violation of the Controlled Substances Act.

Our offices have received countless calls from constituents involved in the hemp industry who are extremely fearful that simply following the provisions of the Farm Bill will result in criminal

liability under the IFR. The IFR will likely have the effect of inhibiting these nascent state hemp programs thereby harming those American companies and workers who chose to pursue careers in the hemp industry and made significant investments to effectuate those aspirations.

We share these concerns with citizens across this country and believe that the IFR must be revised to be consistent with the letter and intent of the Farm Bill. Not only must the legal ramifications of such a stringent interpretation of the Farm Bill be considered, but also the economic consequences. The hemp industry in the United States is estimated to be worth approximately \$10.3 billion by 2024, increasing from \$1.2 billion in 2019. This industry is capable of incredible growth and is a source of immense livelihood for Americans, all of which is at risk under the IFR's interpretation.

We join our constituents in requesting a resolution to this issue as quickly as possible. The DEA must revise the IFR to eliminate the ambiguities set forth above and provide peace of mind to all Americans who have chosen to pursue a career in the hemp industry. Our offices thank you for your good faith considerations of these concerns, we eagerly await your response, and welcome the opportunity to work alongside the DEA to promulgate commonsense hemp regulations.

Sincerely,



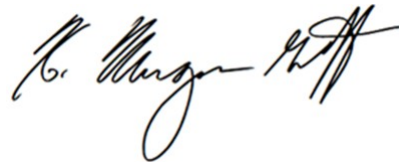
David P. Joyce
Member of Congress



Denver Riggleman
Member of Congress



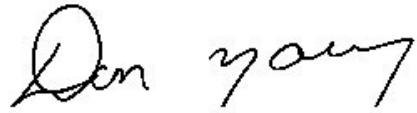
Rodney Davis
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