Dear Director Sullivan:

Illinois Stewardship Alliance has reviewed the proposed Rules and Regulations for Industrial Hemp. Thank you for providing an opportunity and forum for public input to ensure effective regulation of hemp that work for Illinois producers. Many of our members are eager and excited for the opportunity to grow hemp as soon as possible. After speaking with our members and ally organizations, such as the Illinois Hemp Industries Association and the Illinois Farmers Union, we respectively provide the following recommendations to the proposed rules.

RECOMMENDATIONS:

Section 1200.10 Definitions and Incorporations

**Recommendation:** Please consider adding the definition of a farm to ensure readers understand that under the Property tax code in section 1-60 to qualify as a farm, there must be a two-year eligibility requirement.

**Recommendation:** We recommend reconfiguring the definition of a farm to include those wishing to cultivate hemp that live in urban areas and may not meet the Property Tax Code requirements.

Section 1200.20 General Provisions:

e) All seeds, clones, transplants and propagules used to cultivate industrial hemp in Illinois shall be certified under the Association of Official Seed Certifying Agencies (AOSCA) standards and guidelines for industrial hemp.

**Recommendation:** farmers should be allowed to grow certified seed from anywhere (Canada, other states, etc.)

**Recommendation:** farmers are very concerned about securing certified seed through AOSCA due to the lack of seeds available in Illinois. Limited varieties limits the ability for the market to grow. Please consider allowing certified seed varieties from other states until Illinois develops varieties.

**Recommendation:** If Illinois growers are to compete with growers from across the Country, there must be access to seeds and cultivar developed from plants adapted to Illinois Growing environments.

Section 1200.30 Application and Licensure

a) Each applicant for an industrial hemp cultivation license shall submit a signed, complete, accurate and legible application form provided by the Department at least 90 days prior to planting.

**Recommendation:** If the IDOA is adequately staffed, we recommend lessening the application submittal time to 30-60 days. This will give farmers a chance to plant in the 2019 growing season and more time to prepare/acquire certified seeds.

a) 6) Documentation to prove the land area is a farm as defined in Section 1-60 of the Property Tax Code

**Recommendation:** Land area should only have to meet the requirements contained in the definition itself (“farm”) and not necessarily meet requirements contained in additional tax
guidance issued for the purpose of assessing taxes. Therefore, there should be no limitation to farms that have been in operation for two or more years nor limitation to acreage.

**Recommendation:** Create a definition to allow for urban growers with the required acreage and/or greenhouse to cultivate industrial hemp. The opportunity to enter the market should be available for all those that meet spatial requirements. Many of those that do meet requirements may not fall under Section 1-60 of the Property Tax Code.

b) **An applicant for a license or registration issued by the Department shall be subject to a criminal background check conducted by the Illinois State Police or another State or federal law enforcement agency approved by the Department and paid for by the applicant.**

**Background check forms will be supplied by the Department.**

**Recommendation:** We urge IDOA to begin this process as soon as possible to avoid delays in application and licensure approval.

c) **A license or registration shall be good for 3 calendar years from the date of issuance.**

**Recommendation:** If the Department introduces a scale fee system, please also consider a one-year license versus a three year license.

**Rationale:** Farmers cultivating on smaller acres may decide to scale up and will need to make adjustments to their application information.

Section 1200.50 Inspection and Sampling

**e) (7) All harvested industrial hemp receiving a sample test result with a delta-9 THC concentration on a dry weight basis that equals or exceeds 0.7% shall be destroyed in a manner approved by the Director.**

**Recommendation:** For hemp that fails the test, additional marketing options should be available before destruction for farmers cultivating hemp for non-food production (fiber and construction material).

Section 1200.60 Fees

a) **2) Upon approval of an application, the license fee for each noncontiguous land area and each indoor cultivation operation shall be $1,000**

**Recommendation:** Please consider a gradual scaled fee system based on acreage. For example: $150 for 0-30 acres, $5/acre for 31-199 acres, or $1000 for 200 acres or more - this is Wisconsin Industrial Hemp Pilot Research Program. Scaling fees ensure that all farmers have equal access to cultivating opportunities and are not discouraged by high licensure prices for small acreage.

a) **4) Actual Cost of testing shall be paid by the licensee.**

**Recommendation:** Farmers should be notified of the sampling fee upfront. We suggest including a sampling fee price in the finalized publication of the rules and regulations.

The cultivation of industrial hemp has the ability to help rural communities make a come-back. The only way to be sure that this industry succeeds is by developing fair rules that serve both sides of the playing field; rural communities and small farmers as well as farmers operating on more acres. We appreciate the opportunity to share our take on the proposed rules and look forward to working with you in the future.

Sincerely,
Liz Rupel
Policy Organizer
Illinois Stewardship Alliance