



August 31, 2023

The Honorable Debbie Stabenow  
Chairwoman  
U.S. Senate Committee on Agriculture  
328-A Russell Senate Office Building  
Washington, DC 20510

The Honorable Glenn Thompson  
Chairman  
U.S. House Committee on Agriculture  
1301 Longworth House Office Building  
Washington, DC 20515

The Honorable John Boozman  
Ranking Member  
U.S. Senate Committee on Agriculture  
328-A Russell Senate Office Building  
Washington, DC 20510

The Honorable David Scott  
Ranking Member  
U.S. House Committee on Agriculture  
1301 Longworth House Office Building  
Washington, DC 20516

**RE: American Herbal Products Association's 2023 Farm Bill Priorities**

Dear Chair Stabenow, Chairman Thompson, and Ranking Members Boozman and Scott:

On behalf of the American Herbal Products Association (AHPA), we write to express our strong support for the following priority issues to be considered in the 2023 Farm Bill reauthorization measure:

1. Amendment to Organic Food Production Act: Amend the Organic Foods Production Act (OFPA) to clarify the National Organic Program's (NOP's) authority to regulate all dietary supplement products labeled or marketed with "organic" claims (and not, per the U.S. Department of Agriculture's (USDA's) 2020 policy change, solely those labeled or marketed with claims referencing the USDA or the NOP, including the latter's seal).
2. Hemp: Amend the legal definition of hemp to raise the delta-9 tetrahydrocannabinol (THC) from 0.3 percent to 1 percent, and remove an existing requirement that the hemp crop can only be tested at laboratories registered by the Drug Enforcement Administration (DEA).
3. Industrial Hemp Act of 2023: Inclusion of the Industrial Hemp Act of 2023 (S. 980 and H.R. 3755), which would create a clear distinction and separate regulations for industrial hemp fiber and grain from cannabinoid or flower hemp.
4. Specialty Crop Block Grant Program: Increase funding for the U.S. Department of Agriculture (USDA) Specialty Crop Block Grant program in the 2023 Farm Bill.

AHPA is a national trade association representing more than 350 member companies consisting of growers, processors, manufacturers, and marketers of herbs and herbal goods. Herbs are sold in a wide variety of products, including conventional foods, dietary supplements, teas, beverages, nutritional, and personal care products. AHPA's mission is to promote responsible and sustainable commerce of herbal products to ensure consumers have access to a wide variety of safe herbal goods.

Over the past two decades, USDA's National Organic Program (NOP) has issued conflicting interpretations of its authority to regulate dietary supplement products that make an organic claim in

violation of federal standards and requirements. The confusion surrounding NOP's authority in this area emanated from an erroneous statement in the preamble of its December 2000 final rule establishing the program. NOP's most recent interpretation is that dietary supplements fall outside the scope of its regulations.

Dietary supplements are explicitly categorized as a type of food under the Food, Drug, and Cosmetics Act. For this reason, AHPA asserts that USDA has clear authority to regulate dietary supplement organic claims under the OFPA. NOP's decision to not take action against dietary supplement marketers who make violative organic claims is not equitable to those in the industry who make substantial investments to comply with the NOP certification process. The history of repeated changes in NOP's interpretation of its authority is a source of confusion for industry and consumers which may deteriorate public trust in organic standards.

To safeguard consumer confidence in the USDA organic program as well as to protect the program's integrity, AHPA supports including language in the Farm Bill to clarify NOP's enforcement authority over dietary supplement products. AHPA has had productive meetings with your staff on the Senate and House Agriculture Committees, and shared suggested amendment language which would resolve this issue.

Second, AHPA joins other hemp farming community advocates in support of amending the existing definition of hemp to raise the total allowable dry weight delta-9 THC concentration in hemp plants from 0.3% to 1%. Hemp growers, processors, and CBD product manufacturers are still struggling to make the most of this important commodity. As you may be aware, environmental factors outside the control of farmers, as well as intermediate steps in hemp extraction can temporarily raise the THC content of a crop, which frequently requires the destruction of otherwise valuable raw materials. Raising the THC limit would give producers additional leeway to use, rather than destroy, materials that remain below or at a 1% THC level. In addition, the 2018 Farm Bill provision which requires hemp to be tested at only at registered DEA laboratories is prohibitively restrictive in light of the limited number of such facilities across the country. This requirement should be removed in the 2023 Farm Bill.

Third, AHPA requests the inclusion of the Industrial Hemp Act of 2023 (S. 980 and H.R. 3755) in the next Farm Bill. This legislation, which is bicameral and bipartisan, would create separate and less onerous regulations on farmers that grow industrial hemp for non-extraction purposes. When farmers grow hemp with fiber or grain as the intended harvested material, there is no rationale to burden them with background checks or costly sampling and testing protocols. As such, this measure would break down barriers and keep the market open for farmers who have invested in the cultivation of hemp for industrial purposes.

Lastly, the Congressional Farm Bill is important to AHPA members as herbal farmers throughout the country have been beneficiaries of USDA's Specialty Crop Block Grant Program. This important program supports initiatives to enhance the marketing, education, and research of specialty crops, which encompasses herbal crops. The program also funds other activities aimed at increasing the overall competitiveness of specialty crops, including training and plant health initiatives. The production of these crops, which require variable growing conditions and are often sold in niche markets, can be labor-intensive. As such, USDA's Specialty Crop Block Grant Program has played a vital role in the sustainability and growth of this large agricultural category. In alignment with the priority objective of the Specialty Crop Farm Bill Alliance, AHPA respectfully requests an increase of funding for the Specialty Crop Block Grant program in the 2023 Farm Bill.

We appreciate your serious consideration of these priority issues of American Herbal Products Association as you craft the 2023 Farm Bill. Should you have any questions, please feel free to reach me at [mmcguffin@ahpa.org](mailto:mmcguffin@ahpa.org). Thank you for your continued leadership in ensuring that the next Farm Bill will support and strengthen herbal crop growers and producers.

Best regards,

A handwritten signature in black ink, appearing to read "McGuffin". The signature is fluid and cursive, with a prominent loop at the end.

Michael McGuffin  
President, American Herbal Products Association