



Commercial Vehicle Safety Alliance

Improving uniformity in commercial motor vehicle safety and enforcement

March 7, 2019

Agricultural Marketing Service
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20228

RE: Comments for 2018 Farm Bill Implementation Listening Session on Hemp

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments regarding the Agricultural Marketing Service's listening session on implementation of the Agriculture Improvement Act of 2018's (2018 Farm Bill) hemp provisions.

CVSA is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility and reciprocity of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Our mission is to improve commercial motor vehicle safety and uniformity throughout Canada, Mexico and the United States, by providing guidance and education to enforcement, industry and policy makers.

Although the provisions in the 2018 Farm Bill allow for the interstate transportation of hemp produced under the outlined program, there are discrepancies among states on how hemp is handled at the state level. States do not enforce federal laws, instead, they enforce state laws and must reconcile their conflicting laws and practices to align with the requirements set forth in the 2018 Farm Bill and any corresponding federal regulations that will be promulgated. This process takes time and varies between states, often requiring action by state legislators. The issue is further complicated because federal regulations around the interstate transportation of hemp have not yet been issued. In addition, the provision is likely to be challenged, resulting in legal proceedings to determine whether states must allow for the transportation of hemp under the program. As a result, until these differences and any proceeding legal challenges are reconciled in each state, vehicles may not immediately be able to transport hemp produced in the 2018 Farm Bill program in every state.

In addition to the process required at the state level to reconcile state and federal requirements, there are several challenges to the uniform, accurate enforcement of such a provision that must be addressed. For example, there is not currently a credible technology that can be utilized roadside to determine the delta-9 tetrahydrocannabinol (THC) levels to the accuracy necessary to verify that hemp products being transported are below the allowed .3 percent THC threshold. Additionally, there is not an established process in place to verify that hemp has been produced under an approved federal or state regulatory plan, as required by the 2018 Farm Bill. Without these issues resolved, an enforcement official will not be able to determine if the hemp substances being transported meet the federal guidelines.

The Alliance works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions.

If you have further questions or comments, please do not hesitate to contact me by phone at 301-830-6149 or by email at collinm@cvsa.org.

Respectfully,

A handwritten signature in black ink, appearing to read 'Collin B. Mooney'.

Collin B. Mooney, MPA, CAE
Executive Director
Commercial Vehicle Safety Alliance