



THE VOICE OF FOOD RETAIL

Feeding Families  Enriching Lives

March 11, 2019

Electronic Submission in Advance of Listening Session on March 13

Agricultural Management Service
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Re: USDA Agricultural Marketing Service 2018 Farm Bill Listening Session on the Regulation of Industrial Hemp; Public Comment

Food Marketing Institute appreciates the opportunity to provide input on this significant development. FMI proudly represents the food retail industry, which employs nearly 5 million workers and represents a combined annual sales volume of almost \$800 billion. FMI membership includes the entire spectrum of food retail venues – from single owner grocery stores and large multi-store supermarket chains, as well as their pharmacies, to online and mixed retail stores. In total, FMI member companies operate nearly 33,000 retail food stores and 12,000 pharmacies. Through programs in food safety, public affairs, research, education, health and wellness and industry relations, FMI offers resources and provides valuable benefits to almost 1,000 food retail and wholesale member companies, while serving 85 international retail member companies. In addition, FMI has almost 500 supplier member companies that provide products and services to the food retail industry. For more information about FMI, please visit www.fmi.org.

On December 20, 2018, President Trump signed the Agricultural Improvement Act of 2018 (the Farm Bill) into law with several provisions that change the regulatory framework for the cultivation and production of hemp in the U.S., in addition to the commercialization of hemp-derived ingredients and products. Importantly, these provisions redefine “hemp” and amend the Controlled Substances Act (CSA) to make clear that hemp, under this revised definition, is excluded from the CSA definitions of marijuana and tetrahydrocannabinol (THC). Therefore, hemp, under this new definition, is no longer subject to control as a Schedule I controlled substance under the CSA. As a result, it has been widely reported that the Farm Bill “legalized” hemp and hemp derivatives, such as cannabidiol (CBD), which has generated significant attention in recent months.

FMI understands passage of the Farm Bill did not preempt state law regarding the manufacturing and/or sale of products containing hemp or hemp-derivatives, nor did it alter the Food and Drug Administration’s (FDA’s) authority over the use of hemp or hemp-derivatives in FDA-regulated products. However, given the complex regulatory landscape and growing consumer interest in all things hemp, it is understandable stakeholders across the board remain both interested and confused. As a result, FMI regularly fields a wide range of questions from member companies regarding the production and sale of hemp/hemp-derivates; from its supply and transportation, including issues relating to interstate commerce, to which products can be sold legally and their labeling requirements.



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Given the public’s widespread interest in the production and use of hemp and hemp-derivatives, FMI respectfully requests that USDA work with FDA to provide increased clarity around the regulatory framework for production and sale of hemp products. FMI will remain closely engaged and would welcome the opportunity to collaborate or help in any manner. To that end, please don’t hesitate if we can be a resource, and we look forward to working with you. On behalf of the retail grocery sector and supermarket industry, FMI appreciates the opportunity to provide these brief remarks.

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If you have questions about these remarks or would like additional information, please feel free to contact Peter Matz at pmat@fmi.org or 202-220-0805.

Sincerely,

Peter Matz
Director, Food and Health Policy