



Florida Department of Agriculture and Consumer Services
Division of Plant Industry



HEMP WASTE DISPOSAL MANUAL

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Section 581.217, F.S., Rule 5B-57.014(6) F.A.C
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I. Pursuant to the Agriculture Improvement Act of 2018, the Florida Legislature has created the state Hemp Program within the Department of Agriculture and Consumer Services ("Department"). In section 581.217, F.S., the Florida Legislature instructed the Department to provide a procedure for the effective disposal of hemp plants, whether growing or not, that are cultivated in violation of section 581.217, F.S., or Department rules, and products derived from those plants. This manual outlines the waste disposal procedures that licensees, registrants, and permittees must follow.

II. Definitions. The definitions provided in ss. 500.03, 578.011, 580.031, 581.011, 581.217, F.S., and the following shall apply to this manual:

1. "Hazardous Waste" means any waste generated by a Possessor that constitutes a hazardous waste as defined in 40 C.F.R. Part 261.3 (Rev. 07/20).
2. "Hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a Total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.
3. "Hemp extract" means a substance or compound intended for ingestion that is derived from or contains Hemp and that does not contain other controlled substances.
4. "Licensee" means a person with a valid license to cultivate Hemp, as issued by the Department.
5. "Lot" means a contiguous area in a field, greenhouse, or indoor growing structure used for the cultivation of the same variety or strain of Hemp.
6. "Permittee" means a person with a valid food permit for a Hemp Food Establishment and a paid associated fee as required in rule 5K-4.020, F.A.C.
7. "Possessor" means a Licensee, Permittee, or Registrant as defined in this manual.
8. "Post-harvest plant material waste" means any part of the Hemp plant, such as leaves, stalks, and stems, that has been harvested and that is not processed with solvent or used in the processing of Hemp to generate derivative product;
9. "Pre-harvest plant material waste" means any part of the Hemp plant, such as leaves, stalks, and stems, that has not been harvested.
10. "Registrant" means any person issued a master registration by the Department.
11. "Total delta-9 tetrahydrocannabinol concentration" means [$\text{delta-9 tetrahydrocannabinol} + (0.877 \times \text{tetrahydrocannabinolic acid})$].
12. "Universal Waste" means any waste generated by a Possessor that constitutes a universal waste, as defined in 40 C.F.R. Part 273, Subpart A (Rev. 07/20).
13. "Waste," as used in this rule, means the following:
 - (a) Processing waste, including spent solvents, and similar materials used in the processing of Hemp;
 - (b) Derivative product waste, including Hemp that is unusable or unfit for sale or consumption. Product waste includes unused, returned, surplus, contaminated, recalled, and expired Hemp or Hemp product; and
 - (c) Other contaminated materials, which is defined to include any substance, item or material that, at any time while in possession of the Possessor contained or came in contact with Hemp or Hemp-infused product.
14. "Waste Disposal Plan" means a detailed plan outlining the process the Possessor will use to destroy Hemp or products containing Hemp extract.

III. Disposal.

1. A Possessor shall store, handle, transport, manage, and dispose of any solid or liquid waste, generated during any activity related to acquisition, cultivation, possession, processing, manufacturing, transferring, transporting, sale, distribution, dispensation, and administration of Hemp and products containing Hemp extract in compliance with applicable federal, state, and local statutes, ordinances, and regulations.
2. Waste Disposal. Waste that does not meet the definition of hazardous or universal must be rendered unusable, unrecognizable, and non-retrievable before it leaves the control of the Possessor. Waste must be rendered unusable by grinding and mixing the waste with, at least, an equal amount of other compostable materials (e.g. food waste, yard waste, vegetable-based grease or oils) or non-compostable materials (e.g. paper waste, cardboard waste, plastic waste, or oil). Waste is rendered unusable and unrecognizable if all components are homogenous, indistinguishable, and incapable of being inhaled, ingested, swallowed, injected, or otherwise used or consumed. Waste must be rendered non-retrievable by permanently altering its condition and thereby rendering the waste unusable for all practical purposes.
 - (a) Until such time that the waste is rendered unusable, unrecognizable, and non-retrievable, the waste must be stored in waste receptacles that are:
 1. Securely locked, enclosed container;
 2. Securely fastened to a permanent structure such that it cannot be removed; and
 3. Located in a secured area of the facility
 - (b) A Possessor shall maintain, and provide to the Department upon request, policies and procedures identifying employees of the Possessor with access to the waste storage area(s) of its facility.
 - (c) After the waste is rendered unusable, unrecognizable, and non-retrievable, the waste shall be collected by a waste hauler along with other non-Hemp waste generated by the Possessor and delivered to a solid waste management facility, as that term is defined in section 403.703(39), F.S., for final disposition.
3. Hazardous Waste Disposal. Chapter 62-730, F.A.C., governs the methods in which hazardous waste may be disposed.
4. Universal Waste Disposal. Any waste generated by a Possessor that constitutes a universal waste shall be managed and disposed of in compliance with all applicable requirements of 40 C.F.R. Part 273, Subpart A (Rev. 07/20).
5. Plant material waste. Pre-harvest plant material waste or Post-harvest plant material waste which does not meet the definition of Hazardous or Universal waste must be disposed of by the Possessor in one of the following ways:
 - a. Plowing the plant material waste into the field;
 - b. Burying the plant material waste at a depth of at least 12" on-site;
 - c. Disposing the plant material waste in a landfill;
 - d. Burning the plant material waste on-site;
 - e. Composting the plant material waste.
6. The Possessor is responsible for all costs associated with the disposal of the Hazardous waste, Pre-harvest plant material waste, Post-harvest plant material waste, Waste, and Universal waste.