



**U.S. Department of Justice  
Drug Enforcement Administration**

---

[www.dea.gov](http://www.dea.gov)

APR 23 2013

The Honorable Patrick J. Leahy  
Chairman, Committee on the Judiciary  
United States Senate  
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter dated January 23, 2013 to the Drug Enforcement Administration (DEA) regarding the cultivation of marijuana (cannabis) for industrial purposes. We welcome this opportunity to respond to your questions.

Under the Controlled Substances Act (CSA), cannabis is a schedule I controlled substance regardless of its potency. All persons who wish to cultivate cannabis for any purpose, including industrial purposes, must obtain a DEA registration. See *Monson v. DEA*, 589 F.3d 952 (8th Cir. 2009); *United States v. White Plume*, 447 F.3d 1067 (8th Cir. 2006); *New Hampshire Hemp Council v. Marshall*, 203 F.3d 1 (1st Cir. 2000). The statutory criteria DEA must consider when evaluating an application for registration relating to a schedule I controlled substance are set forth in 21 U.S.C. 823. In addition, the DEA regulations provide that all applicants and registrants must provide effective controls and procedures to guard against theft and diversion of controlled substances. 21 CFR 1301.71. This provision of the regulations further provides that, in determining whether an applicant will provide effective controls against diversion, the DEA Administrator shall use the security requirements set forth in 21 CFR 1301.72-1301.76 as standards for physical security controls.


You asked how many applications DEA has received since 2000 by persons seeking to cultivate cannabis for industrial purposes. In accordance with the CSA and DEA regulations, all persons who seek to manufacture cannabis – regardless of whether the purpose is for medical and scientific research or industrial manufacturing and industrial research – must submit an application that specifies the drug code number for marijuana. DEA's registration database presently is incapable of differentiating amongst the different types of cannabis cultivation applications. Accordingly, we could not rely on an electronic search of our database to respond to your inquiry. Nonetheless, a preliminary, manual review of DEA's files shows the following: Since 2000, DEA has received eight applications by persons seeking to cultivate cannabis for industrial purposes, including for industrial research purposes). Three of the eight applicants were granted registrations. Once registered, each of these persons proceeded to cultivate cannabis for industrial research purposes. One of the eight applicants entered into an agreement with DEA under which the registration will be granted upon the installation of required security measures. The remaining four applications were effectively withdrawn based on the applicants' failure to agree to install required security measures. In essence, the difference between the four

applications that were either approved or conditionally approved and the four that were not was that the former applicants were willing to install the required security measures and the latter were not.

You also asked whether "DEA [has] reconsidered . . . its regulation of hemp" in light of recent state legislation and resolutions that signal support for the domestic production of cannabis for industrial purposes. As stated, notwithstanding state legislative activity, cannabis remains a schedule I controlled substance under the CSA. DEA believes the current regulatory framework governing these types of applications – a framework designed to ensure effective safeguards against diversion – remains adequate. In this vein, please note that even those cannabis plants that have a relatively low THC concentration provide a substantial source of psychoactive material that would be readily exploited by drug seekers – for example, manufacturers of "hash oil" – if inadequate security measures were tolerated.<sup>1</sup>

I trust this information addresses your concerns. If I may be of further assistance to you in this matter, please do not hesitate to contact me.

Sincerely,



Eric J. Akers, Deputy Chief  
Congressional and Public Affairs

---

<sup>1</sup> The production, itself, of hash oil is dangerous activity. Just recently, on February 7, 2013, the U.S. Fire Administration (a component of the Federal Emergency Management Agency) issued a bulletin entitled "Hash Oil Explosions Increasing Across U.S." In this bulletin, which is available at [www.usfa.fema.gov/fireservice/emr-isac/infograms/ig2013/6-13.shtml#1](http://www.usfa.fema.gov/fireservice/emr-isac/infograms/ig2013/6-13.shtml#1), the U.S. Fire Administration stated, among other things, that explosions in residences and hotels are being traced back to the production of hash oil using butane and that the number of these incidents appears to be increasing.