

The biggest risk is shipping flower that passes a delta-9 THC test but fails a total THC test. For South American exporters selling into the United States, that difference can turn a seemingly compliant shipment into an export compliance failure—especially when the cargo is raw plant material with substantial THCA.

The shift matters because THCA can convert into delta-9 THC when heated. A test or rule that accounts for total THC can therefore treat a flower differently from one assessed only on its delta-9 THC content. Add a proposed or newly applicable product-level cap, shipment paperwork, and the complexity of cross-border enforcement, and the practical question is not simply whether a product is called “hemp.” It is whether the specific material and its intended form meet the rules that apply at the time of import.

First, pin down the deadline and the rule that applies

“The December 11 US hemp rule deadline” needs careful handling. A date in a policy announcement, agency notice, court order, or buyer’s compliance schedule is not automatically the effective date of a federal import restriction. Before planning a harvest or booking freight around December 11, exporters should confirm the exact issuing authority, the document that sets the date, what products it covers, and whether the date is a rulemaking deadline or a compliance deadline.

That distinction is especially important because a separate federal change to the definition of hemp has been described as imposing a limit of **0.4 milligrams of total THC per container** for certain hemp-derived products, with an effective date that should be checked against the enacted law and current agency guidance. Do not assume that the 0.4 mg cap is already an across-the-board limit for every hemp shipment—or that December 11 is its effective date. Importers and exporters need to verify the controlling text and implementation status for the specific product and entry date.

Legal takeaway: Treat December 11 as a deadline only after confirming the legal instrument behind it; separately verify whether the 0.4 mg-per-container limit is in force and applies to the product being shipped.

Why the move from delta-9 THC to total THC changes the risk

Many hemp compliance conversations have focused on delta-9 THC. Under a total THC approach, the assessment may also account for THCA—the acidic cannabinoid present in unheated cannabis flower—often by estimating the delta-9 THC that can result when THCA is decarboxylated. In common testing calculations, THCA is multiplied by a conversion factor (often 0.877) before being added to delta-9 THC. The applicable law or testing protocol controls, so exporters should not assume every regulator or buyer uses the same method.

This is why a certificate showing low delta-9 THC does not, by itself, establish that flower complies with a total THC standard. If the flower has a high THCA concentration, **THCA pushes total THC** upward even when the delta-9 [total THC vs delta-9](#) result alone looks acceptable. A shipment can therefore pass one test basis and fail another.

Exporters should also distinguish a crop-production standard from a finished-product rule. A field sample, a harvested flower lot, an extract, and a consumer package are different materials with different sampling questions and potentially different legal tests. A laboratory result that supports one stage does not automatically prove compliance at every later stage.

Why flower shipments face the highest risk

Of the common hemp product categories, flower shipments are often the most exposed to a total THC shift. Raw plant material can contain meaningful THCA, and the cannabinoid profile may vary across plants, sections of a field, and individual packages. That creates both a chemistry risk and a sampling risk: the lab result must represent the lot that customs or a buyer may inspect.

Other product forms can face serious compliance issues too, particularly concentrated extracts or finished products subject to a per-container cap. But flower has a specific vulnerability: exporters may have relied on a delta-9 result that does not capture the full total THC calculation. If the shipment is stopped, the exporter may have to manage storage, retesting, rejection, return freight, destruction, or a dispute over which standard and sampling method should apply.



Common failure points for raw plant material

- **Testing only delta-9 THC:** A report that omits THCA or total THC may not answer the buyer's or regulator's question.
- **Sampling too narrowly:** A small or unrepresentative sample may not reflect variation across a commercial lot.
- **Testing too early:** Results from a pre-harvest sample may not match the cured and packaged material actually shipped.
- **Using unclear units:** Percent by weight, milligrams per gram, and milligrams per container are not interchangeable without conversion and product details.
- **Relying on a label claim:** Calling flower "THC-free" without appropriate lab results is not a compliance strategy.

The 0.4 mg-per-container cap: a different kind of test

A cap expressed in milligrams per container is not the same as a percentage limit for agricultural material. It calls for attention to the product's packaging and the amount of material in each defined container. An exporter cannot simply compare a flower's percentage result to a milligram-per-container limit and declare it compliant. The rule's definitions—including what counts as a container, which cannabinoids count, and how testing is conducted—must be read before applying the number.

This is particularly important for exporters supplying extracts, tinctures, edibles, or other packaged products. Even when each unit is small, the calculation may depend on the total amount of covered THC in the full container, not just a concentration figure on a lab certificate. Buyers should confirm how the limit applies to their product category and obtain written guidance where the rule is unclear.

Compliance question Why it matters Practical check Does the standard use delta-9 or total THC? THCA can increase the calculated total THC. Request a report with delta-9 THC, THCA, and the stated total THC method. Is the product raw flower or a finished package? Different product stages may face different tests or limits. Match the rule to the product's form, intended use, and packaging. Does a per-container limit apply? A concentration result alone may not establish milligrams per container. Confirm the relevant definition of "container" and calculate using package contents. Is the deadline legally applicable? A planning date is not necessarily an effective date. Identify the governing statute, regulation, agency notice, and effective date.

Build a defensible testing and paperwork trail

Third-party lab testing is useful only when the test matches the compliance question and the sample represents the lot. Exporters should agree with their US buyer on the analytes, calculation method, sampling plan, and acceptable report format before harvest or processing—not after a shipment is already in transit.

A practical file for each lot should connect the product to its evidence. Depending on the product and applicable requirements, that may include the lot and harvest identifiers, sampling date and method, laboratory identity, full cannabinoid panel, units, calculation method, packaging details, and the final commercial documents. The exporter and importer should also agree who is responsible for confirming the current US requirements and who will act if a test result is disputed.

Use online results as verification, not a substitute for records

Some brands publish **batch lab results posted online** so customers can review a certificate associated with a specific batch. That can support transparency, but a web page is not a substitute for the complete, current certificate or the documentation required for an import entry. The result needs to match the shipment's batch, product form, and test basis.

Brands such as Joy Organics illustrate why consumer-facing companies pay attention to batch documentation and testing communication. For an exporter, the operational lesson is broader than any one brand: make sure the buyer can trace the shipped lot to a suitable lab report and that the report addresses total THC where required. Do not imply that a brand's practices establish legal compliance for a different product or shipment.



Industry groups can also help companies track policy developments. The US Hemp Roundtable is one source of industry information and advocacy, while USDA (US Department of Agriculture) administers federal hemp-production rules. Neither a trade group's summary nor a production document should be treated as a replacement for checking the current federal rule governing the imported product.

A pre-shipment checklist for South American exporters

1. **Confirm the date.** Find the legal or agency document behind the December 11 deadline and check its scope and effective date.
2. **Identify the product category.** State clearly whether the goods are raw flower, biomass, extract, or a finished consumer product.
3. **Test for the right measure.** For flower, obtain delta-9 THC and THCA results and a clearly explained total THC calculation when relevant.
4. **Check the sampling plan.** Ensure the sample represents the lot as shipped, not just a field sample or an earlier production stage.
5. **Assess any container cap separately.** If a milligram-per-container limit applies, verify the legal definition and calculate it for the actual package.
6. **Align documents with the shipment.** Match lab reports, lot codes, invoices, packaging descriptions, and other export and import paperwork.
7. **Agree on contingencies.** Decide in writing who pays for retesting, storage, return freight, or other costs if a result is challenged.

The bottom line

The central exposure is not simply that US rules may become stricter. It is that a South American exporter may apply an old delta-9-only assumption to a shipment assessed under total THC, where **THCA pushes total THC**—and then discover the problem after the flower has crossed borders.

Raw plant material risk is highest when flower is tested narrowly, sampled poorly, or shipped with paperwork that cannot support the result. Treat third-party lab testing, batch traceability, and pre-shipment legal review as part of

the export process. And verify the December 11 date and the 0.4 mg-per-container cap against the controlling, current rule before making commercial decisions: a deadline or limit repeated in the market is not enough unless it applies to that product, that shipment, and that date.