Public Comments for CA Cannabis Advisory Committee Meeting on March 7th, 2024

Comment #1:

- **Applicable regulation number:** §15712.1. Test Method for Cannabinoids. (a) Notwithstanding section 15712, a licensed laboratory shall utilize the cannabinoids test method required by this section.
- **Comment:** The Department should allow laboratories to use methods which are equivalent to this method. This should be allowed due to the numerous previously and currently commented shortcomings with the method.
- **Suggested change:** Rather than specifying that this method be followed exactly, the department should require a licensed laboratory tol utilize the cannabinoid test method required by this section or a cannabinoid test method that *has been demonstrated to be equivalent or better.*

Comment #3:

- **Applicable regulation number:** §15712.1.V.B.2
- **Comment:** §15712.1.V.B.2 states “From the homogenized composite sample, weigh 200 mg of sample into a labeled 50 mL centrifuge tube and record the weight”. However it is unclear what was intended since that value has only one significant figure (2 x 10^2) and can be interpreted in the following ways:
  1. Weigh 0.1995g – 0.2004g (assuming “200 mg” to mean “200.0 mg”)
  2. Weigh 0.1800g – 0.2200g (assuming 200.0 mg ±10%)
  3. Weigh 0.1500g – 0.2499g (assuming “200 mg” to have one significant figure)
  4. Weigh 0.2000g – Xg (assuming ≥200.0mg)

  Additionally, the 200 mg prep mass deviates away from the 0.5 g minimum required in regulations and is less representative of the true potency of the sample and can result in increased variance between tests.
- **Suggested change:** The department should provide an acceptable range for the preparation mass of flower samples in accordance with the standardized method, or a prescribed minimum. This rang or prescribed minimum should be at least 0.5 g. Additionally, the department should review all regulations to ensure that the proper significance is applied to numeric values as this can lead to confusion with the interpretation of Action Levels and the rounding of values.

Comment #4:

- **Applicable regulation number:** Standard Operating Procedure §V Procedure (general)
- **Comment:** This standardized method requires both an LCS and a Matrix Post-Dilution Spike, yet these LQCs serve the same purpose and both only evaluate analyte recovery in the presence of a matrix. Since the LCS involves spiking analytes in solution onto a blank matrix, it does not truly evaluate the extraction process because analytes are not extracted from the matrix. Considering that the volume of the Matrix Post-Dilution Spike can be scaled down, the LCS preparation would require significantly more cannabinoid standard than the Matrix-Post Extraction Spike.
- **Suggested change:** The department should only require a post-dilution spike for this assay since the LCS would not provide any unique information to further validate the associated data and a Matrix-Post Dilution Spike is significantly cheaper for the laboratory to prepare.

Comment #5:

- **Applicable regulation number:** Standard Operating Procedure §VII E. UV-Visible Spectrum
- **Comment:** The text “If the laboratory is unable to deconvolve the cannabinoid from the interference, the sample shall be re-analyzed in accordance with the requirements of California Code of Regulations, title 4, section 15730” was added, but this does not provide significant guidance. The DCC method does not consider CBGa,which is a cannabinoid prevalent in all cannabis flower, so it will frequently cause interference unless significant changes are made to the instrumentation.
- **Suggested change:** The department should provide guidance on how to address co-elution when the laboratory is unable to deconvolve the cannabinoid upon reanalysis. Additionally, the DCC should include CBGa into the standardized method for flower since it will be expected at some level in all samples and there is a strong consumer demand for this analyte. If the Department were to include CBGa in the standardized method, it would save laboratories from requiring an entire method validation (as opposed to a verification) for just one additional analyte. This would prevent adding further cost increases associated with this regulatory change for laboratories that would like to provide clients with CBGa results for flower samples.

Comment #6:

- **Applicable regulation number:** General
- **Comment:** SB-544 and the resultant regulations/cannabinoid method do not address the rampant issues within the cannabis testing industry in California. The issue was not a lack of regulations, but more a lack of enforcement of the existing regulations. Many laboratories will still be able to inflate potency using this method and these inflated results will likely go undedicated by the department. Additionally, this standardized method does not address concerns surrounding sample collection, which is where much of the result manipulation can occur. It truly does not matter how accurate/precise the standardized cannabinoid method is if the samples being tested are not representative of the whole batch.
- **Suggested change:** The department should routinely conduct on-site audits of laboratories to ensure compliance with all aspects of the regulations. The checklists which the department shall use to evaluate laboratories should be made public and should include a section for sampling. Also, the department should routinely request sampling footage from distributors to ensure sampling is performed in accordance with regulations. Additionally, the department should develop a means for getting alerts/flags when certain atypical results are uploaded to METRC. This can include product results exceeding what would be normally expected for a particular matrix (e.g. Flower >40% Total THC), or when cannabinoid results for flower samples are submitted from laboratories that lack an approved verification/validation from the department.