

MEETING MINUTES

INDEPENDENT LABORATORY ADVISORY COMMITTEE

The Independent Laboratory Advisory Committee held a public meeting on April 5, 2017, beginning at 2:00 p.m. at the following locations:

VIDEO-CONFERENCE SITE:
Division of Public and Behavioral Health
4150 Technology Way, Room 303
Carson City, NV 89701

VIDEO-CONFERENCE SITE:
Rawson-Neal Psychiatric Hospital
1650 Community College Dr., Room B-193
Las Vegas, NV 89146

1. Call to order; determination of quorum

ILAC Chairperson Ed Alexander called the meeting to order at 2:02 p.m.

Present: Ed Alexander, Jason Sturtsman, Chao-Hsiung Tung
Teleconference: Sue Sisley, Savino Sguera
Absent: Glenn Miller, Matt Haskin

2. Public Comment (No action may be taken on this item of the agenda.)

Public comment was taken.

3. Approval of Minutes

February 1, 2017 ILAC meeting minutes.

Alexander announced documents provided at the last meeting by Mona Lisa Samuelson and Ben Chew are not included in today's meeting information packet but are available on the Division's website.

Motion by Tung to approve meeting minutes. Second by Sturtsman. Unanimous.

4. Election of Officers (Chair & Vice Chair)

Ed Alexander nominated Tung as Chairman of the ILAC committee and second was put forth by Sturtsman. Sguera voted yes and telephone connection was lost with Sisley. Total four out of five member votes.

Motion by Alexander to nominate Tung as Chairman of the ILAC committee. Second by Sturtsman. Member votes totaled four of five.

Tung requested clarification from the division of the By Laws in accordance to elections. The division confirmed. Tung nominated Alexander

Motion by Tung to nominate Alexander as Vice-Chairman of the ILAC committee. Second by Sisley. Unanimous.

5. Discussion and make recommendations regarding the development of a standardized process to update the DPBH pesticide monitoring list in coordination with both the ILAC and Department of Agriculture, and to develop a timeline for lab implementation of new testing requirements.

Alexander asked Tung how he would like to proceed with the meeting since the change of roles. Tung authorized Alexander to continue.

Alexander asked which members would like to begin with, either the discussion or hearing from the Department of Agriculture. Tung and Sturtsman requested to hear from the Nevada Department of Agriculture prior to making comments.

Chuck Moses and Sharryn Cohen of Nevada Department of Agriculture (NDA), introduced themselves and Moses began by stating the reason for this discussion is due to discussions with counter partners and the NDA not having a good process put into place when amending the list of pesticides. Moses stated they wanted to come up with an organized way to make determinations before adding a product to the list.

Cohen stated she created a basic flow chart for clarity (draft flow chart has been posted to the medical marijuana website). A new pesticide comes to the attention and is given to the NDA to evaluate. Cohen mentioned there are two lists involved, the NDA generates a not legally prohibited list and Division of Public and Behavioral Health (DPBH) generates a pesticide monitoring list which includes tolerances.

NDA becomes aware of a new pesticide. If it meets criteria as determined by NRS 586.550, then it goes on the NDA's "Not Legally Prohibited" List and growers are allowed to use it. Then, NDA does a feasibility chemical analysis, which takes 4 weeks. NDA then presents the findings to ILAC for discussion. If ILAC adds new pesticide to the DPBH & ILAC's "Pesticide Monitoring" List, independent Labs have 6 weeks from the ILAC vote to add the pesticide to its testing panel.

Dr. Tung thanked Cohen. Tung stated he has contacted the Nevada laboratories and discussed if it is feasible to add certain pesticides to the monitoring list. He gave a brief summary of the concerns which come as a consensus from all Nevada labs with the exception of one lab in the North. Tung noted he has summarized notes from the meeting, which were submitted to the Division for public record.

Dr. Glenn Miller announced he has joined the meeting.

Sguera concurred with Tung's statement, adding there is an unknown impact on the capability of labs to be able to profit unless they purchase additional equipment to compensate for the time lost on other analyses.

Alexander expressed concerns for allowing application of a product before establishing a tolerance level and the large time lag between when a product is placed on the "Not Legally Prohibited" list and when ILAC makes a determination. Alexander continued by stating, looking at the food category, if there is not an established MRL in that food group for the prescribed pesticide, it should not be included in NDA's list as that is the governing language this program runs by. If it does have an MRL, there needs to be instantaneous adoption and communication amongst labs. If it will take 6 week or more, the product should not be applied until that time. An exception would be if we are looking at something that poses no significant risk to public health and safety.

Additional concerns are with what happens if ILAC does not add a product to the monitoring list? ILAC in conjunction with the Department of Agriculture is tasked with determining the allowable list. If there is conflict between ILAC and the Department of Agriculture, it needs to be resolved internally prior to letting cultivars know that a product can be applied. Also, he believes the instantaneous approval that is happening, needs to stop until a true mechanism for the approval process is developed.

Miller suggested as chemicals are added to the list, chemicals could be removed or periodically spot checked. If labs are not detecting it, that is a good indication that people are not using it. In addition, different allowances need to be used for different products like extractions vs leaf material. He believes there needs to be a review to streamline this whole process. Also, he believes the amount of pesticide allowed should correlate with the active ingredient in the Marijuana. Miller questioned Tung on how many samples have been tested that failed for pesticides.

Tung responded stating he has failed several samples that were submitted as research and development; however, he has not failed any official samples that exceed the allowed limit.

Alexander redirected the conversation back on topic.

Alexander suggested gathering ILAC and NDA to build a comprehensive checklist as to how potential new pesticides will be brought to the market. ILAC can then come back with a recommendation, hopefully with the blessing of the NDA. He stated he agrees with Miller and he has valid points.

Miller began speaking on the topic of pesticide concentrates in extract. Alexander interjected Miller and stating this topic will be discussed at the June ILAC meeting. (A formal recommendation was not made)

Moses agreed with Alexander. He stated getting the input before putting a product on the list is important and if ILAC does not approve a product, NDA we will remove it from their list if the product is listed.

Cohen requested to address Tung's questions regarding feasibility of chemical analysis. She stated she is looking at multi residue methods as well as catchers extractions.

Motion: Members of ILAC work with the Department of Agriculture between now and the next ILAC meeting to formalize a written procedure for inclusion of new pesticides on both the Department of Ag's list and ILAC's potential monitoring list, with formal presentations at the next ILAC meeting.

Ed Alexander moved to approve. Second by Dr. Tung. Unanimous

Moses questioned a previous comment from Alexander of not putting products on the list that don't have establish tolerances.

Alexander responded if there is not a MRL in the food group, then that product is banned.

Alexander requested to formalize a process right now and stated he would like to be involve. Dr. Miller and Dr. Tung volunteered to be part of the group. Moses stated he would be the point of contact from NDA. It was agreed the group would meet after the meeting to schedule some time.

Medical Marijuana Program Manager, Steve Gilbert reiterated Alexander's motion for clarification.

6. Discussion and make recommendations regarding the addition of Imazalil and Thiophanate-methyl to the pesticide monitoring list, and if added, at what detection level.

Moses stated Imazalil and Thiophanate-methyl were already added to the NDA's pesticide list back in January but is open to removing them from the list for now and notifying the growers who have asked about them pending the new process.

Alexander stated he doesn't want to take the conversation for agenda item number 6 or 7 too in-depth since it was just discussed to amend the process of adding pesticides. We can have some lab discussion as to the viability of looking for them but he is going to put forth a motion to table item number 6 & 7.

Moses reiterated the importance of feedback regarding this process and stated he would like to be notified when an MME fails for pesticide so he is able to investigate. He stated after meeting with a lab member, he learned that lab had 1 failed result out of 10,000 samples.

Alexander tabled agenda item 6 and 7 pending recommendation for a formalized process for adding pesticides to the monitoring list.

7. Discussion and make recommendations regarding the addition of Malathion and/or Diazinon to the pesticide monitoring list, and if added, at what detection level.

This action item was tabled pending the development of a formalized process for adding pesticides to the monitoring list.

8. Information Only – No Action. Report from Department of Agriculture regarding Myclobutanil.

Moses stated the topic of Myclobutanil came about because of concerns from laboratories that there is a possibility of residue being left over and the product failing. Before using the product, cultivators were running tests that concluded if Myclobutanil was applied early on, at the lowest tolerance, the product was not failing at the end of the harvest. Moses believes the reason there are issues with product not passing when it is applied is because the tolerance level may be too high. Currently the limit is set at 9 parts per million and upon reviewing the Code of Federal Regulations (CFR), it stated the levels were based off Kale. He stated he would like to hear from ILAC and suggested changing the tolerance to 3 parts per million.

Alexander questioned in the crop 19 group, was it previously decided to use the lowest tolerable limit?

Tung confirmed, yes.

Alexander suggested a guideline to identify the lowest common MRL and to not add to the pesticide list.

Moses suggested one manager from each establishment attend a certified training, Alexander agreed. This training would enable an establishment employee the ability to apply product to control infestation.

9. Public Comment (No action may be taken on this item of the agenda.)

There were no public comments.

10. Adjournment

The meeting adjourned at 3:30 p.m.