MEETING MINUTES
INDEPENDENT LABORATORY ADVISORY COMMITTEE

The Independent Laboratory Advisory Committee held a public meeting on June 7, 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 Chao-Hsing Tung called the meeting to order at 2:03 p.m.

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

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

3. **Approval of Minutes**
   April 5, 2017 ILAC meeting minutes.

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

   At 2:06 p.m., Ed Alexander arrived and participated in the Carson City location.

4. **Presentation of ILAC Working Group.**
   Dr. Chao-Hsiung Tung provided a brief history of the working group stating a meeting occurred with the Nevada Department of Agriculture (NDA) on April 19, 2017. During this meeting it was discovered that the revisions to the NAC 453.A, the pesticide decision role was taken away, leaving no one with the authority to make pesticide rules. However, there is a different regulation mandating that the NDA create and maintain a list of pesticides that are "Approved for Use". The NDA decided that they will not unilaterally decide which pesticides are to be added or not on the lists and want input from the industry and community prior to making a decision. Chuck Moses and Sharryn Cohen of the Nevada Department of Agriculture, created a flow chart defining the decision-making process for adding or deleting to the monitoring list and approved for use list. The flow chart was provided with today's handouts. Tung gave an overview of the flow chart pointing out the comments section for public input and NDA will be using their lab to do the initial analysis test to determine the tolerance (residual) level.

   Jason Sturtsman questioned if this process was going to be something that is open season or it will have designated times throughout the year. Tung responded stating it is open for discussion. Sturtsman suggested designating a certain time during the year for open season.

   Ed Alexander added a few of the take-aways from the meeting with NDA stating the NDA should be the industry's first stop when trying to deal with pest management or some sort of biological challenge. It is hoped that something that already exists on the list can be used due to the pushback the industry gets from the cost associated with testing. Cultivators and the industry need to understand that every item added to this list potentially adds to the cost associated with these testing protocols. It is very important to reiterate to the industry that there are a ton of already approved materials that have been vetted by NDA that are currently being tested for. This laundry list of pre-approved products should be reviewed prior to requesting to add additional materials to the list.
   Dr. Tung clarified that Alexander was talking about the Division's Monitoring List. The industry needs to understand that just because a product is on the NDA's Not Prohibited List, does not mean that it should be used. The Monitoring List is what the labs test for. There is a fine line between these lists which is the reason for the color coding.

Dr. Glenn Miller warned that the industry should not be too comfortable with this list as it is a very small subset of the potential being used and what is available to use as an insecticide, pesticide or fungicide. This is not the way pesticides on food are regulated. There should be a random test done outside of this list to catch those who are using chemicals that are not listed. He continued by asking who is doing the toxicology overview and what kind of background do they have? Simply because something has shown to be carcinogenic, it does not mean it is toxic. Or if something is not carcinogenic, it does not mean it is safe. This is a fairly complicated procedure; how will it be done?
Dr. Tung said he did not want speak for the Department of Agriculture.
Alexander interjected that the Department of Agriculture is present and will speak to this issue.

Moses questioned if Dr. Miller had reviewed the flow chart. Dr. Miller responded yes, then questioned who will be evaluating the risk assessment and comments? Moses stated, the hope is to get those comments from a toxicologist in the public comment section.

Dr. Miller stated due to a lack of research and data (like how much of a concentrate is passed to the user via edibles) to supply a toxicologist with the base information needed to make an assessment, ILAC needs to be wary of calling any of this a risk assessment period. There simply is not enough data. "We need to be really, really careful when presenting to the public that a risk assessment is being done until a risk assessment can be done that meets the Administration's standards." However due the unique nature of cannabis, this will be expensive and possibly difficult to do.
Alexander agreed with Dr. Miller. He stated one of the things to be accomplished during the meeting with NDA, was weeding out some pesticides with known consignees that had been submitted. He agrees that more data is needed but at this point something is better than nothing.
Dr. Miller further explained his point about the fallacy of using the term "risk assessment" by speaking on the carcinogens in smoke versus edibles and how pyrotized plant material as being a greater risk than any pesticides that might be used. Smoking the marijuana causes more of a risk hazard than pesticide could. Dr. Miller did not think that the term "risk assessment" should be used as it implies that the data is being looked at professionally. Additionally, the concept that the risk has been analyzed and reduced is not accurate and gives the public a false impression.

Cohen agreed risk assessment would not be the best verbiage and she would revise the flow chart, removing the wording "risk assessment" and renaming it "comment period". Also, part of this meeting was to get other voices heard on the choice of compounds to put on the monitoring list, as well as the action levels. She then gave an example stating there is a difference between the CFR (Code of Federal Regulations) and what the labs are capable of detecting, citing the difference between the CFR and Oregon's detection levels of Myclobutanil on kale (commodity #19) on their monitoring lists (CFR = 9 PPM and Oregon = .2 PPM). It is discrepancies like this that she would like to hear opinions regarding. Cohen compared Nevada having a list of 20 compounds to Oregon having 60-70. It is NDA's goal to find a median that would take into consideration health and laboratory capability into these lists and bring the action levels into alignment.

Dr. Miller agreed. He asked if Medical Marijuana was still bound to using the lowest maximum residue level listed in the CFR for any food in group 19 registered by the EPA? Is that rule still in place?"
Dr. Tung stated he believes that language does not exists anymore.
Moses clarified that after the meeting with Dr. Tung and Alexander, he looked for the exact language and could not find it in the regulations. Dr. Tung confirmed this rule was scratched out during the regulations revision.

Cohen added that there is continually evolving research coming out that needs to be considered which is why there is a large need for the comment period. For example, a Colorado paper (Eagle 20) recently came out citing the danger of pyrolyzing Myclobutanil which in turned called the compound's usage into question. Until this came out, no one really knew to look at the effects of burning plant material that had Myclobutanil on it nor that it was a hazardous combination.

Dr. Tung thanked Cohen for creating the flow chart and feels public comment would be a benefit.
Alexander agreed it is a great document. There are many other states that are doing some of this analysis, but Nevada is the gold standard state. He asked Dr. Tung what is the action item he is trying to accomplish?
Dr. Tung replied, if we can all agree on the process, then Cohen will start the process because ILAC is not officially able to approve the Department of Agriculture's actions.
Dr. Miller stated he agrees with Cohen and his recommendation is to get public comment.
Alexander suggested moving on to item 5. Dr. Tung agreed.

5. **Discussion and make recommendations regarding the process for updating the DPBH pesticide monitoring list.**
Dr. Tung stated he has heard input from committee members Alexander and Dr. Miller, he would like to know if any other committee members have any modifications, suggestions, or any type of input.

Dr. Sue Sisley stated she thinks the flow chart makes good sense and agrees to move forward.

Motion: To adopt the Nevada Department of Agriculture's flow chart as to be incorporated into ILACs approval process or review process for pesticides.

Ed Alexander moved to approve. Second by Dr. Sue Sisley. Unanimous

6. **Information Only** – No Action. State of Nevada 79th (2017) Session of the Nevada Legislature Update.

Molly Walt, representing the Division, stated the Division is not prepared to speak on Item #6 due to the fact that nothing has been signed yet.
Dr. Tung responded by stating that the Legislative update be moved to the next meeting and that hopefully everything will be signed and clarified by then.
Alexander asked that when the Division is ready to speak on this, one of the key topics that needs to be discussed is the continuation of ILAC and if ILAC will remain part of this process. Alexander stated that it would be better sooner rather than later to figure this out.

Dr. Tung's asked if anyone has proposed agenda items for the next meeting to submit to Dr. Tung or the division.
Agenda items proposed by Dr. Tung include division's legislative update, pesticide passing through flower/trim into extraction, and terpene testing/reporting: need more sophisticated determination and standardization of labels.

7. **Public Comment (No action may be taken on this item of the agenda.)**
There were no public comments.

8. **Adjournment**
The meeting adjourned at 2:58 p.m.