

MEETING MINUTES

INDEPENDENT LABORATORY ADVISORY COMMITTEE

The Independent Laboratory Advisory Committee held a public meeting on August 2, 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 approximately 2:10 p.m.

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

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

No public comment was taken.

3. Approval of Minutes

June 7, 2017 ILAC meeting minutes.

Motion by Sturtsman to approve meeting minutes. Unanimous.

4. Discussion and possible recommendation of the proposed changes to the NDA Pesticide List and DPBH Monitoring List

Dr. Chao-Hsiung Tung asked if Agriculture could come enlighten the committee about the issue. Sharryn Cohen with Nevada Department of Agriculture (NDA) stated that they have yet to receive responses regarding the list serve sent out by Charles Moses. The list serve sent out stated suggested changes for the next update: the action level for Myclobutanil should be lowered from 9 to 4 ppm; the action level for Spinosad should be raised from 1.7 to 10 ppm; Thiophanate-Methyl and Imazalil were added to the NDA Pesticide list, however no action levels have been established by DPBH. If these remain on the list, the recommended action levels should be 2 ppm for Thiophanate- Methyl, and 3 ppm for Imazalil. She added that Captan will be removed from the NDA pesticide list and is recommended to remain on the DPBH monitoring list at action level 0.5 ppm.

Dr. Tung explained that there might be issues with the list serve because many haven't received the email. He also stated that the action levels for the first three pesticides are alright, but asked for Ms. Cohen to summarize the change to the level the fourth. Ms. Cohen explained that the change to Myclobutanil came about from comments out of Colorado finding issues at 9 ppm. Spinosad is on the National Organic Pesticide List (NOP) and considered relatively benign and easily breaks down in ultra-violet light. The findings came from literature and other states like Colorado.

Dr. Tung asked if the two new ones changing from 2 to 3 ppm came from the literature. Ms. Cohen stated that it came from the literature and the work she's done in her lab with Imazalil. She also stated the recommendation may be a bit high referencing Oregon's list at 0.2 ppm and that the literature had nothing to do with cannabis, but food sources instead.

Dr. Glenn Miller commented that Thiophanate- Methyl is not being changed because it's not on the June 26, 2016 list.

Ms. Cohen stated that they would like discussion regarding adding Thiophanate- Methyl and Imazalil to the list, as well as change the action level of Myclobutanil and Spinosad.

Dr. Miller asked what is the basis of Thiophanate- Methyl is and if people are using that.

Ms. Cohen responded that she believes there was one request and questioned if it should be added based on one request since inspectors haven't seen it. She also noted that it is on the NDA pesticide list and listed yellow on the Green, Yellow, and Red code.

Ed Alexander stated that when he met with Ms. Cohen and Mr. Moses they discussed needing a greater qualification than a single request to add an item to the monitoring list due to financial impact it would impose. Mr. Alexander also commented that the committee selectively gravitates to Oregon, Washington, or Colorado policies and if there is a reason why sometimes we use different states for reference.

Ms. Cohen responded that Oregon's list was one of the few that was published and that they contacted her. She added that Thiophanate- Methyl is not on their list, but Imazalil is and that they base their list on laboratory capability.

Mr. Alexander recommended using the list serve to gauge public comment regarding pesticides. He added that if the committee isn't scrutinizing tolerance levels as thoroughly as other states then we should look to other states for guidance.

Dr. Miller responded saying that the committee doesn't have basis in deciding chemical uses. He added that no one is going to use the analytical list and that you're free to use Captan now and that is a problem.

Mr. Alexander mentioned that the Department of Agriculture will be doing randomized samplings so at some point that may be a wider range of test than those conducted in independent laboratories.

Ms. Cohen responded saying the Captan will be removed from the NDA pesticide list, but is recommended to remain on the health monitoring list at the current action level and it should still be looked for.

Dr. Miller stated that other chemicals are on the approved list that aren't on the analytical list. Ms. Cohen affirmed and responded that Thiophanate- Methyl is one of them and can either be removed from the agriculture list or placed on the monitoring list.

Mr. Alexander commented that the two lists should perfectly align. Tessa Regnier responded that it's the two pesticides (Thiophanate- Methyl and Imazalil) that haven't been established yet. Ms. Cohen added that they can remove them from the NDA Pesticide list and they are able to provide alternatives.

Dr. Tung thanked Ms. Cohen and opened the meeting to public comment.

Motion by Dr. Tung to recommend to the Division to modify the list lowering the action level for Myclobutanil from 9 to 4 ppm and raising the action level for Spinosad 1.7 to 10 ppm. Second by Alexander. Four others favored. Jason Sturtsman abstained. Motion passed.

Ms. Walt asked for clarification regarding pushed action items.

Motion by Dr. Tung that anything that is not on the Agriculture list should not be on the DPBH Monitoring List, but will still be looked for.

Mr. Alexander respectfully disagreed stating that in the previous conversation every laboratory in the room stated that if it's not on the monitoring list, they will not look for it.

Ms. Walt stated that a motion was being discussed without a second and asked Dr. Tung to restate the motion.

Motion restated by Dr. Tung to take Captan off the Division Monitoring List. Second by Sturtsman.

Dr. Miller asked if the committee has the authority to remove it. Dr. Tung and Mr. Sturtsman stated that they can recommend removal.

Ms. Regnier stated that there are several items on the DPBH Monitoring List that aren't okay to use and that Captan has such a short half-life that it isn't worth monitoring.

Dr. Miller stated that the committee has no data to support the half-life claim and that there is a huge difference between indoor and outdoor use.

(Recording's sound cut out for approximately 10 seconds before Dr. Miller finished his comment)

Ms. Cohen stated that some of the "not okay to use" compounds were put on this list due to being widely available online.

Motion restated again by Dr. Tung to take Captan off the Division Monitoring List. Unanimous.

Dr. Tung stated that he will not make a motion today regarding the last items until the language is clarified. Dr. Tung then asked the Department of Taxation if the procedure and policies will carry over from DPBH to Taxation. Ms. Walt confirmed that procedures and policies will carry over.

Mr. Alexander recommended that Dr. Tung communicate with the Department of Agriculture about establishing protocol relating to the randomized request for a single anolide to be added to the list. He added that if it's requested 3 or 4 times over the course of 6 months then maybe it should be considered.

5. Discussion and possible recommendation to standardize terpenes testing and reporting

Dr. Tung introduced the agenda item and turned the floor over to Mr. Sturtsman to elaborate. Mr. Sturtsman commented that he noticed an increased inconsistency regarding terpenes. He then recommended creating round-robin testing addressing terpenes.

Dr. Tung called for public comment from Southern Nevada.

Darryl Johnson (Southern Nevada) stated that terpenes are volatile compounds and terpene values will vary based on when they're tested. He added that they would see similar, if not worse, distribution of data, as seen in potency. Mr. Johnson then questioned if people were testing it wrong or intentionally falsifying the data. He suggested matrix-matched, round-robin testing.

Ini Afia (Southern Nevada) agreed with Mr. Johnson about terpenes being volatile. Mr. Afia expressed concern regarding measuring terpene values and that they vary with different testing methodologies. He added that there is no say on what terpene levels should be and which ones should be predominant.

Mr. Alexander commented that since terpenes are extremely volatile and there is no regulatory obligation it seems that this only increases the testing price for something that is not as relevant as it is portrayed. He added that he is not in favor of requiring terpene tests.

Dr. Miller commented that he agrees with Mr. Alexander. He added that there would need to be a strong argument for requiring terpene measuring. He suggested that it should be a discussion between laboratories and growers and should not involve the Division of Public and Behavioral Health or the Department of Taxation. Mr. Alexander added that it shouldn't be included in the label either.

Sue Sisley commented that she agrees terpene testing is a bad idea. Randy Gardner also agreed that terpene testing is a bad idea and explained promulgating methods is not an easy endeavor.

Jason Strull commented that terpenes are pertinent with the "entourage effect" and agreed that it should be removed from the label. He suggested continuing round-robin testing for potency and solve the issues that are addressed. He added that he believes low terpene levels are due to storage issues.

Dr. Miller commented that if people buy product based on terpene content, the decision should be between laboratories and growers. He also suggested that the issue be dropped from any regulatory requirement.

Mr. Sturtsman commented that terpenes are as essential to medical marijuana patients as cannabinoids. He added that he would not want to leave it to the market to decide terpene results and believes round-robin testing is possible.

Dr. Tung commented that a round-robin test took place between four laboratories showing similar trends between prominent terpenes, but the numbers were plus or minus 25% at least. He added that storage conditions were not a concern and questioned whether the range of number can be identified.

Motion by Dr. Tung to conduct a round-robin between laboratories and present results at the next meeting

Dr. Miller stated that he doesn't think the motion is within the committee's jurisdiction, but is in favor of the proposal among the laboratories and suggested that everyone use the same procedure.

Motion rescinded by Dr. Tung

Dr. Tung suggested that unless there is a motion to conduct the round-robin, the issue will be tabled.

Motion by Mr. Sturtsman for terpene testing by either the Department of Agriculture or Department of Taxation

Ms. Walt reminded the committee that the action item is to standardize terpene testing and asked if that is what Mr. Sturtsman was motioning.

Mr. Sturtsman confirmed.

No second. Action item did not pass.

6. Discussion and possible recommendation to add testing for pesticides in extracts and production items

Mr. Alexander commented that the committee needs to talk about what concentration levels are being looked for in concentrates.

Dr. Miller questioned whether ratios or product would be looked at and feels it would require additional research and discussion.

Mr. Alexander questioned whether allowable levels of pesticide are specific to flower. Dr. Tung stated that the action can't be defined today and discussion should take place, if it's necessary, can it be tested, and at what level.

Mr. Alexander stated that it is an issue that needs to be addressed and a recommendation should be made to test concentrates for pesticide due to a big lawsuit taking place in California.

Dr. Tung asked the Department of Taxation if they can make that recommendation. Ms. Walt confirmed that the committee can, but it would change the regulations so it would have to happen at the next legislative session.

Dr. Tung suggested that everyone submit their comments to gauge the concern and formulate what can be done.

Motion to table this item. Second by Sturtsman.

Steve Gilbert requested a submission of the recommendation concerning a couple anolides in writing. Dr. Tung said he would submit the written recommendation.

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

Mr. Alexander referred back to the terpene agenda item stating that he believes it possible to do a successful terpene round-robin. His concern is due to the volatility of terpenes, results may vary with differing storage methods, as well as the terpene preservation from the time of the laboratory results to being represented at the time of retail sales.

Mr. Sturtsman commented on the lack of consistency in test results regarding terpene testing.

Ini Afia commented on pesticide testing on extracts. He said that certain pesticides get concentrated in extracts and others do not. He feels this is important to test for.

Mr. Chew commented pesticide testing on extracts. He stated that about 9 of the pesticides on the list will coelute with the cannabinoids which causes issues when looking for pesticides. He also stated that they have yet to test on anything at 90% like a shatter. Mr. Sturtsman commented that those limits would have to be substantially increased in order to test. Mr. Chew agreed.

Jason Strull commented that he and another doctor are conducting a study on pesticides in extracts. He would be happy to forward the data to share with the committee.

Dr. Miller commented that with concentration they need to also talk about exposure and acceptable pesticide level based on THC dose.

Mr. Gardner commented that they are already testing the trim and asked if concentrates should still be tested. Dr. Miller stated that he doesn't believe the concentrate would need to be tested if the trim is tested.

8. Adjournment

The meeting adjourned at 4:12 p.m.

DRAFT