

Co-chairs Lininger and Burdick, Members of the Committee,

I would like to offer some follow up comments pertaining to SB 844 -2 given the estimated cost projections of recommended certification standards taken in conjunction with concerns I expressed at the 4/13/15 public hearing and written comments submitted previously. My concerns herein center on agricultural production only.

The testing process is statistically skewed given some “batches” could be the result of a grow encompassing several tens of thousands or more square feet vs. smaller “craft growers” producing “batches” of perhaps hundreds of square feet. In theory, a large grower might thus be sampling and testing a batch of several hundred pounds vs. a small grower producing perhaps several tens of pounds or even pounds. Testing requirements need to address a uniform batch size in order to overcome statistical sampling bias.

IMHO, the proposed sampling strategy (and of course the cost factor) for testing is favoring large investor driven grows which stands in stark comparison to views expressed at OLCC listening sessions. Having attended sessions in Salem and Newport I believe public opinion clearly favors a Cannabis industry aligned with current wineries and micro-breweries.

Perhaps we can look at these industries to assess testing protocols proposed for the emerging industry we are attempting to cultivate? Notably, do we require routine testing of beer and wine (or the ingredients used therein) for illegal pesticides and mold with no proven consequences? Is such testing required on labels? Do we require barley/hop and grape growers to adhere to misleading “organic” purity standards because an extremely small minority of folks may have compromised immune systems?

Indeed, Botrytis mold on grapes is looked upon as a favorable “ingredient” by some wine makers and this is the same genus that most often infects cannabis flowers with less than favorable consequences – but with no proven adverse health effects. What additional microbes have been proven to infect cannabis and cause adverse health effects? Until such cause and effects are established through bona fide medical research why cause undue hardship for growers and regulatory headaches for state agencies with absolutely zero practical benefit beyond enriching testing laboratories?

I therefore suggest we drop the ludicrous mold testing which is based upon fear and little, if any, scientific support. Perhaps the few who are so fearful of theoretical mold toxicity might pay for their own testing rather than requiring questionable standards that address nothing of scientific substance. Indeed, mold testing is rooted in beliefs and anecdotal claims associated with “organic” advocates. Perhaps such (optional) testing could be incorporated for such a certification or equivalent? For most it is an unnecessary burden with little proven consequence.

Ultimately, funky cannabis is not much different from moldy produce or rotten meat. Consumers can readily recognize it and most won't buy it.

I would also like to re-emphasize my objections to mandatory pesticide testing since the use of most pesticides on Cannabis is illegal under Federal law. Clearly such violation would invite additional scrutiny under the Controlled Substances Act so this is not an inconsequential point. Again, “organic” advocates might demand such testing but how many growers would risk a serious federal criminal indictment knowing their licensed grow is subject to OLCC and/or OHA and perhaps ODA inspection and subsequent referral to EPA and DEA? It is therefore an unnecessary expense unless inspectors have reasonable grounds for suspicion that unlawful substances are being applied to licensed crops.

How many individuals worldwide have succumbed to proven pesticide or mold toxicity in Cannabis? Public records can shed light on this question and I have been unable to find any cases as such. The (over)abundance of caution championed largely by purity advocates is much like requiring all citizens to wear surgical masks 24/7 since every liter of air we breathe contains thousands of microbes and pollen grains. Suitable for some special cases but impractical as a matter of public policy or technical consideration.

In summary, the only meaningful test results that might be required of growers are for potency (THC & CBD) if batch sizes are uniform and representative of a given crop. It is reasonable to assume that retailers and wholesalers, along with OLCC, OHA and ODA inspectors, have sufficient olfactory and visual acuity to recognize an otherwise “spoiled” crop, which the market will not tolerate regardless of theoretical and unproven toxicity concerns. Until toxicity questions are answered definitively it is not only a waste of financial resources for growers but also presents a potential false sense of security for consumers. We can do better.

Les Helgeson