



September 15, 2020

To: Board of Pesticides Control Staff and Board Members
Fr: John Jemison
Re: Pesticides and cannabis production in Maine

I would like to request that our board and staff have a discussion at our board meeting under “new business” about the topic of pesticide use in cannabis production. There are specifically three main areas that I would like to discuss: 1) detection of pesticide residues in cannabis trim in operations not using those products; 2) Office of Marijuana Policy (OMP) lack of pesticide testing protocols; and 3) pesticide use, standards and compliance testing for Maine’s medical use and adult use markets – and potential costs to the growers and other participants in each market.

Point 1: I was recently made aware of a very troubling situation. Two licensed caregivers from different towns in the state (one on an island and the other not), with completely different production facilities and no connection between them (except for being members of an emerging alliance, Seed2Health Learning Health Alliance) each donated cannabis trim for processing and use by a lady with stage 4 breast cancer. In order to assure absence of pesticides prior to processing and subsequently get an idea of cannabinoid and terpene constituents and concentration to guide patient dosing, they each submitted a sample to the lab for analysis. Both producers came back with pesticide residues in their trim samples, both growers had the same two detected residues, and neither of them can yet explain how they got there. The specific chemicals were bifenthrin, imidacloprid, and PBO. These operations have nothing in common except that they are soil-based production facilities, and both growers are distraught about the findings. I am friends with one of the growers, and I know with 110% confidence that she didn't use these products. The only commonality identified so far between the two operations may be the compost material that they use. If this proves to be the plausible pesticide source, I would like to discuss whether the BPC could dedicate some time and resources to test some compost sources in Maine that take yard clippings and biomass to make compost. If pesticide materials can make it through the composting process, then we have a significant issue on our hands. Cannabis is not the only thing to which this compost is applied.

Point 2: There remains a disconnect between what the state’s (OMP) is requiring in the way of pesticide testing and what the medical/recreational user believes is going on with regard to pesticide testing in cannabis flower and products. The patient and casual consumer likely believe that the product they are using has been tested for pesticide residues, heavy metals, and fungal organisms. This comes from the fact that an increasing number of states require this prior to sale. The latter issues are perhaps beyond the purview of the BPC, but pesticide testing should be our wheelhouse. OMP has questions related to testing (frequency, specific products, etc) and to this day are not requiring any pesticide testing (now slated it seems as a 2021 market requirement). To further muddy the waters, currently there is only one lab (Proverde Labs) in the state that samples for

pesticide residues in cannabis. Given the importance, complexities and significant costs of pesticide testing, OMP is working with ProVerde and other labs in the state to find a balanced approach. My first question is this... Have we (the BPC staff) been contacted about suggesting a protocol? Should we try to reach out to OMP and see if they would like to meet with the board and staff and have a discussion at a BPC meeting?

Point 3: Pest management is an issue for cannabis growers. Most smaller operations use lots of IPM approaches like beneficial pests, intensive sterilization and cleaning of facilities between grows, and careful management of mother plants etc. We know that not all growers follow pesticide labels, use appropriate record keeping, and provide staff with PPE as we found in a complaint and a subsequent fine with a large grower in the state a few years back. We approved the highest fine possible for a first offense because we know health compromised people are using this as medication. If the state requires intensive pesticide testing of all growers, some smaller (and I'd argue smaller operations are often tighter and better managed) growers will be forced out. I would like to have a discussion about ways to ensure that all cannabis producers are following appropriate protocols without a pesticide testing cost that will cripple their business. If you are growing in a multi-acre indoor grow with thousands of plants, you can likely afford testing. But, if you are growing for 5 or 6 people, providing guidance to those patients on how to use it, it would likely put you out of business. Possible options could include potentially conducting surprise inspections of facilities and using those as the basis to say that people can opt out of pesticide testing if they pass the inspection without issues for perhaps three to five years? Grow facilities with issues would be required to do testing on some basis.

I realize that we might only be able to discuss in some detail whether we might devote some resources to issue #1, and we can't discuss the others in detail on Friday, but I submit this to at least get the board members and staff aware of these issues, and perhaps we could request key officials at OMP, Chris Hudalla (Chief Science Officer at Proverde Lab and a member of many national and international standards working groups including USP), to meet with us at the following board meeting to see if we can influence policy decision-making in this very important issue.

I thank you for your time with this matter.