Pennsylvania Adult-Use Hearing
Laboratory Panel (1pm-2pm EST)
Purpose: Gathering industry perspectives on what standing up an adult-use program should entail.

Opening Statement / Remarks

Topics for consideration in standing up an adult-use program.

1. **Laboratories are key to your market's success - but not an arm of enforcement.** Robust quality systems require laboratories and licensed producers/cultivators to work together closely.
    a. Consider how rules and regulations will impact this critical relationship.
    b. Utilizing laboratories in enforcement, creates conflict and opens the door for operators willing to work outside of the rules.
    c. While laboratories are not an arm of enforcement - they are most definitely a resource. Engage this community prior to the introduction of new rules to explore intended and unintended consequences.
2. **Focused laboratory oversight is foundational.** As a critical partner in the success of your state marketplace, you should ensure that your laboratory oversight is in place first and foremost (the longer this is absent, the harder it will be to correct). This means a great deal more than ISO 17025 accreditation. It means regular collaboration and conversation, proficiency testing, random audits and transparent interlaboratory comparisons or exercises to this effect. Doing this well early on will help prevent market manipulation from taking root.
    a. **ISO 17025 is a [necessary] foundation.** But it does not ensure compliance or accuracy. Just as getting a contractors license doesn't mean someone will build a quality home, there is a great deal more that goes into ensuring quality in your laboratory operations - you still need inspectors/inspections.
    b. **Conduct random audits.** Random audits of in process and final products will assist in identifying issues. One method of conducting random audits should involve selecting retail products for retesting (by multiple laboratories). Spot audits (after removing identifying labels/tags) can help discourage intentional manipulation. In the event that there is a dispute or conflict related to audit testing results, there must be a defined pathway for dispute resolution - the laboratories cannot be expected to regulate one another.
    c. **Invest in your regulatory team.** Hire experts in analyzing and monitoring large data sets - look for trends and investigate. Hire scientists who have worked in laboratories and know what to look for. Regardless of your approach to testing and monitoring, the data produced through your seed to sale system is your window into what's happening in your market - don't under-utilize this asset.
    d. **Share data.** Transparency is a tool in rooting out issues. As a State, if you are opaque with your data, your operators will follow suit.
        i. Share results with those participating in interlaboratory comparisons or other similar audits (remove names and identifiers to protect licensees and know what is visible in your seed-to-sale system).

ii. Allow for anonymous, aggregated sharing of State data. Let this fuel research, innovation and further conversations concerning trends..

3. **Encourage collaboration.** Create a scientific / laboratory round table and ask for input.
   a. You cannot possibly anticipate every product form or process that will be developed (and where they should fit into your testing regulations). These groups will help you build and maintain frameworks intended to evaluate and incorporate the unknowns.
   b. Create a safe pathway for all licensees (including laboratories) to consult your regulators when a non-standard situation comes up. Be a partner in issue resolution.

4. **Reward investment in quality systems.** When rules are based on regular risk assessment, operators are encouraged to invest in quality systems that identify risks and inform testing to ensure the safety of their products.
   a. Avoid rules / regulations that discourage R&D testing, input testing, product development and testing to control the supply chain. These are healthy elements of quality control.
   b. Every operation will identify risks in their facility and processes - this is a good thing. One of the greatest risks to the end consumer is creating a system that incentivizes operators to avoid these issues or not look for them at all.
   c. Where possible, focus on the elements of production and the intended method of consumption of the end product. These are critical factors in understanding the contaminants for which you need to test.

5. **Be aware of your pressure points**. Growth from medical to adult use is exponential not linear. Your state regulators know where your systems are strongest and where it is weakest and most prone to manipulation. These cracks will become chasms in an expanded AU market. Be on the lookout for rules that rely on people not to challenge audits and resulting enforcement - they stand to undermine your entire structure.

Resources for consideration and continued support:

- S3 Collective. A nonprofit facilitating multi-stakeholder conversations and providing input and feedback on regulatory guidance and system in development (a great partner for any state looking to engage experts in the drafting process).
- Standardizing Cannabis Lab Testing Nationally. Published by the National Cannabis Laboratory Council (NCLC), addressing broad testing requirements that will serve the eventuality of federal legalization and interstate commerce.
- FDA presentation. A New Way Forward for CBD and Other Hemp Products.
- ASTM Cannabis Resources. ASTM International's Committee on Cannabis Standards (D37) formed in 2017, welcomes participation, and has published a growing number of standards related to cannabis and laboratory testing.
- AOAC International's Cannabis Analytical Science Program (CASP) - published Standard Method Performance Requirements (SMPRs) specific to cannabis testing.