

Cannabis Failed Testing Guide

Rules around failed tests may be found under OAR 333-007-0450.

Test Failed	Marijuana Item Type	Action
Pesticides	Marijuana or usable marijuana	<ul style="list-style-type: none"> • Must be destroyed*; OR • If only the analytes piperonyl butoxide or pyrethrins are found and the Oregon Department of Agriculture determines that the pesticide products used were listed on the Department’s Guide list for Pesticides and Cannabis and the product was applied in accordance with the label, the Authority or the Commission may permit the producer or grower to remediate the usable marijuana using procedures that would reduce the concentration of pesticides to less than the action level. A batch of usable marijuana that is permitted to be remediated must be re-sampled and re-tested for pesticides.
	Concentrate, extract, or industrial hemp-derived vapor item	If all marijuana or useable marijuana used to make the concentrate or extract passed pesticide testing, a process lot of concentrates or extracts that is permitted to be remediated must be re-sampled and tested for pesticides, solvents testing if required per OAR 333-007-0410, adult use cannabinoids and CBD, heavy metals if the item was manufactured on or after March1, 2023, mycotoxins if the item was manufactured on or after July 1, 2022, and microbiological contaminates if the item was manufactured on and after March1, 2023.
	Finished inhalable cannabinoid product	May not be remediated and must be destroyed.

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Water activity or moisture content	Marijuana or Usable marijuana	Batch may either: <ul style="list-style-type: none"> • Be used to make a concentrate or extract if the processing method effectively sterilizes the batch; OR • Undergo additional drying or curing and be resampled and tested for pesticides, water activity and moisture content, adult use cannabinoids and CBD, heavy metals if the marijuana or usable marijuana was harvested on or after March 1, 2023, mycotoxins if the marijuana or usable marijuana was harvested on or after July 1, 2022, and microbiological contaminants if the marijuana or usable marijuana was harvested on and after March 1, 2023.

Test Failed	Marijuana Item Type	Action
Solvents	Extract	<ul style="list-style-type: none"> • Batch may be remediated. • A remediated batch must be retested for pesticides, solvents and potency. If manufactured on or after July 1, 2022 mycotoxins. If harvested on or after March 1, 2023 heavy metals and microbiological contaminants. • A batch that fails solvent testing that is not remediated, or if remediated fails testing, must be destroyed.*

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Heavy metals	Marijuana, usable marijuana, finished inhalable cannabinoid product, or industrial hemp-derived vapor item	May not be remediated and must be destroyed.
	Concentrate or extract	<ul style="list-style-type: none"> • May be remediated using procedures that would reduce the concentration of heavy metals to less than the action level. • Must be re-sampled and re-tested for pesticides, solvents if applicable, potency, heavy metals, mycotoxins if manufactured on and after July 1, 2022, and microbiological contaminants if manufactured on and after March 1, 2023. • A batch that fails heavy metal testing that is not remediated or that fails testing after remediation must be destroyed in a manner specified by the Authority, Commission, or the Department of Agriculture.

Test Failed	Marijuana Item Type	Action
Mycotoxins	Marijuana item or industrial hemp-derived vapor item	May not be remediated and must be destroyed.

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Microbiological Contaminants	Marijuana or usable marijuana	<ul style="list-style-type: none"> • Be remediated using a sterilization process; OR • Be used to make a concentrate or extract, if processing method effectively sterilizes the batch; OR • The batch may be destroyed. * <p>After remediation or further processing must be tested for microbiological contaminants, solvents (if required) and pesticides, mycotoxins if harvested or manufactured on or after July 1, 2022, heavy metals if harvested or manufactured on or after March 1, 2023 heavy metals. If batch fails retesting, the batch must be destroyed. *</p>
	Concentrate, extract, finished inhalable cannabinoid product or industrial hemp-derived vapor item	<ul style="list-style-type: none"> • Batch may be further processed. <p>After further processing, batch must be retested for microbiological contaminants, solvents (if required) and pesticides, mycotoxins if harvested or manufactured on or after July 1, 2022, heavy metals if harvested or manufactured on or after March 1, 2023 heavy metals. If batch fails retesting, the batch must be destroyed. *</p>
	All other products	Must be destroyed. *

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Potency	Marijuana item or industrial hemp-derived vapor item (except marijuana or usable marijuana)	<ul style="list-style-type: none"> • May be repackaged to meet concentration levels outlined in rule. A repackaged item must be resampled and retested. • May be re-mixed. Must be re-sampled and retested for pesticides, potency, solvents if applicable, mycotoxins if manufactured on or after July 1, 2022, heavy metals if manufactured on or after March 1, 2023, and microbiological contaminants if manufactured on or after March 1, 2023.

The laboratory that performed the initial testing of a failed item is the only laboratory that may perform a reanalysis of the samples if requested by the licensee or registrant within seven calendar days from the date the laboratory sent notice of the failed tests. The reanalysis must be completed by the laboratory within 30 days of when requested.

If a registrant or licensee has requested a reanalysis and the sample passes, the registrant or licensee has seven calendar days from the date the laboratory sent notice of the passed test to request that another laboratory resample the batch and confirm the passed test result. The retesting must be completed by the second laboratory within 30 days from the date the retesting was requested.

*Notification of product destruction

- If a batch fails testing, it may not be destroyed without obtaining permission from the overseeing state agency.
- The OMMP may be contacted at: OMMP.labs@state.or.us.
 - A medical marijuana registrant that fails to comply with any of the testing rules will be subject to enforcement action which may include civil penalties or having their registration suspended or revoked.
- For more information regarding failed tests by an OLCC licensee contact OLCC at: OLCC.labs@oregon.gov