



Recreational Marijuana Program

Compliance Education Bulletin

Release of products with detected Aspergillus mold



CE2023-03

September 20, 2023

The Oregon Liquor and Cannabis Commission (OLCC) is providing the following guidance to all marijuana licensees regarding the release of cannabis products that tested positive for Aspergillus mold that have been on hold in Metrc, the state's Cannabis Tracking System (CTS).

This education bulletin is part of OLCC's compliance education. It is important that you read it and understand it. If you do not understand it, please contact the OLCC or the Oregon Health Authority (OHA) for help.

This education bulletin (**CE2023-03**) addresses how cannabis products that were found to contain Aspergillus mold and are on hold within the CTS may be released.

Background

As [previously announced](#), OHA has adopted a temporary rule removing the requirement that cannabis products be tested for the presence of Aspergillus mold. The temporary rule also specifies that cannabis products found to contain Aspergillus on or before August 25, 2023 are not considered to have failed a compliance test.

As a result of the rule changes, cannabis products will no longer be subject to a CTS hold based on laboratory detections of Aspergillus.

However, not all products can immediately be released from the hold and require additional action to comply with OHA's requirements. This includes products that failed other testing requirements or products that have been remediated.

Licensees with affected products should refer to the guidance below to decide next steps.

Products that passed all other testing

The OLCC is working with Metrc to have the test status manually changed to the "test passed" status for products that were found to contain Aspergillus mold and passed all other testing requirements. The individual lab result of the Aspergillus detection will remain in Metrc. Please note that products that failed for both mold and heavy metals (or failed for any other basis) will not be changed to a "test passed" status.

Because of the volume of products requiring manual changes, it may take several business days for Metrc to complete the process for all affected packages. Once the status of a package has been changed to “test passed,” it may be transferred or sold like any other item that has passed compliance testing.

Further testing on these packages may cause the packages to revert to the “test failed” status. Licensees will need to use this [online form to request a test status override](#) to have those packages changed back to “test passed” status.

Products that *failed other testing*

For products that were found to contain Aspergillus and failed other testing, licensees must address the test failures under OAR 333-007-0450 for the products to be released. Licensees that compliantly remedy all test failures, other than Aspergillus, will need to have the lab enter retest results for everything except Aspergillus. Licensees may need to use this [online form to request a test status override](#) if the package is “stuck” in the “test failed” status.

Products that passed all other testing and are *currently being reanalyzed*

If the product only failed for Aspergillus and is pending reanalysis or is currently being reanalyzed, the status will be changed to “test passed” and no further action is necessary.

If the product failed other testing, Licensees should follow the direction above for “Products that *failed other testing*”. [See section above]

Products that have undergone Aspergillus remediation, *but have not completed a new set of testing*

These products will need to undergo and pass OHA testing in [OAR 333-007-0450\(6\)\(c\)](#). This is because that batch has gone through a sterilization step after the first set of tests. The products will not be tested again for Aspergillus. Those products (packages) must:

“... be tested for microbiological contaminants, solvents if required per OAR 333-007-0410, pesticides, heavy metals if the marijuana item or industrial hemp-derived vapor item was harvested or manufactured on or after March 1, 2023, and mycotoxins if the marijuana item or industrial hemp-derived vapor item was harvested or manufactured on or after July 1, 2022.”

Questions about this guidance may be sent to olcc.labs@oregon.gov and cts.marijuana@oregon.gov.