

Recreational Marijuana Program Compliance Education Bulletin

Bulletin CE2022-01

February 16, 2022

The Oregon Liquor & Cannabis Commission is providing the following information to recreational marijuana licensees.

The bulletin is part of OLCC's compliance education. It is important that you read it, and understand it. If you don't understand it please contact the OLCC for help.

Failure to understand and follow the information contained in this bulletin *could result in the loss of your recreational marijuana license.*

Bulletin CE2022-01 covers the following issues:

- Retesting
- Remediation
- Destruction of Failed Packages

Retesting and Remediation

If a batch passes all state-mandated testing, it can be transferred to its intended destination. If, however, the batch fails any of the state-required tests, the originating licensee has two options, depending on the test type that resulted in the failure. First, regardless of test type, the licensee may request a reanalysis and retest be conducted. Second, for all tests other than pesticides, the licensee may remediate the product. **Remediation may occur after the first failure on the batch or if the retest process results in a second failure.**

Retesting

How Retesting Appears in Metrc

To pass retesting a batch must be tested twice for the original test that failed, and both must result in a passing result. The lab that conducted the original testing will rerun the reanalysis on the original sample material. In Metrc, a passing result at this stage will result in the batch lab status becoming "AwaitingConfirmation." At that point a second lab will resample from the batch and conduct a retest. If the retest passes, then the batch's lab status in Metrc will become "RetestPassed." If either of these retests results in a failure, the status will become "RetestFailed." **A package with a status of RetestFailed has reached a testing "dead end" and must be either remediated or destroyed.**

To illustrate the retesting process, assume that a batch of processed oil is intended to be transferred to a processor for further processing. Alpha Labs conducts testing and although the sample passes testing for potency and pesticides, it fails for residual solvent because the analyte Benzene was detected at a level above the action level. In Metrc, the batch now has a status of "TestFailed". The processor requests a reanalysis, at which point Alpha Labs reanalyzes the original sample for Benzene and finds a passing result. The batch's status in Metrc will now become "AwaitingConfirmation." Subsequently, Beta Labs takes a sample from the original batch – a sample is created in the producer's inventory as described in the "Creating Samples" section of the [Sampling and Testing Guide](#) by submitting the package for testing. The

sample is manifested to Beta Labs, and once accepted into Beta Lab’s inventory a test for Benzene is conducted. Beta Labs confirms the passing result for Benzene. The batch’s status becomes “RetestPassed.” The batch has now passed testing and may be transferred for further processing. If a producer or processor requests retesting, no special considerations need to be made in Metrc. If the specific test(s) that failed are submitted with passing results in Metrc, the system is configured to automatically carry the batch through the various stages of the retesting process. Importantly, Metrc does this on a test type basis for all tests that were entered with results of “failed” in the first round of tests. In other words, if the original lab submitted failing results for both “Solvents (pass/fail) and “Benzene (µg/g),” the retests must submit results for both of those test types.

Result # 1 Pesticides (pass/fail) Passed Failed
 Test Result ex. 100.2345
 Notes Additional notes...

Result # 2 Potency (pass/fail) Passed Failed
 Test Result ex. 100.2345
 Notes Additional notes...

Result # 3 Total THC (mg/g) Passed Failed
 Test Result 0.5
 Notes Additional notes...

Result # 4 Total CBD (mg/g; cannot fail) Passed Failed
 Test Result 0
 Notes Additional notes...

Result # 5 Solvents (pass/fail) Passed Failed
 Test Result ex. 100.2345
 Notes Additional notes...

Result # 6 Benzene (µg/g) Passed Failed
 Test Result 3.4
 Notes Additional notes...

Result # 1 Solvents (pass/fail) Passed Failed
 Test Result ex. 100.2345
 Notes Additional notes...

Result # 2 Benzene (µg/g) Passed Failed
 Test Result 1.8
 Notes Additional notes...

(results)

Act Within 7 Days

If a licensee’s product fails a test and the licensee wishes to initiate reanalysis of the sample by the original lab, the licensee must request the reanalysis from the original lab within **7 calendar days and must notify the OLCC of this request at the time the request is made**. To notify the OLCC, email marijuana@oregon.gov with the subject line of “Request for Reanalysis” including the requesting licensee’s full 14 digit license

number (e.g. "Request for Reanalysis 020-10000000123") and include the following information:

- The requesting licensee's full 14 digit license number and facility name (as they appear in Metrc)
- The Metrc package tag ID of the sample package being reanalyzed
- The lab doing the reanalysis
- Date of request for reanalysis
- Test(s) requested for reanalysis

If the reanalysis results in a passing test the licensee must request a resampling and retesting by a second lab within 7 calendar days of receiving the reanalysis test results from the first lab. The licensee must also notify the OLCC of this request for retesting at the time it is made. To notify the OLCC, email marijuana@oregon.gov with the subject line of "Request for Retesting" including the requesting licensee's full 14 digit license number (e.g. "Request for Retesting 020-10000000123") and include the following information:

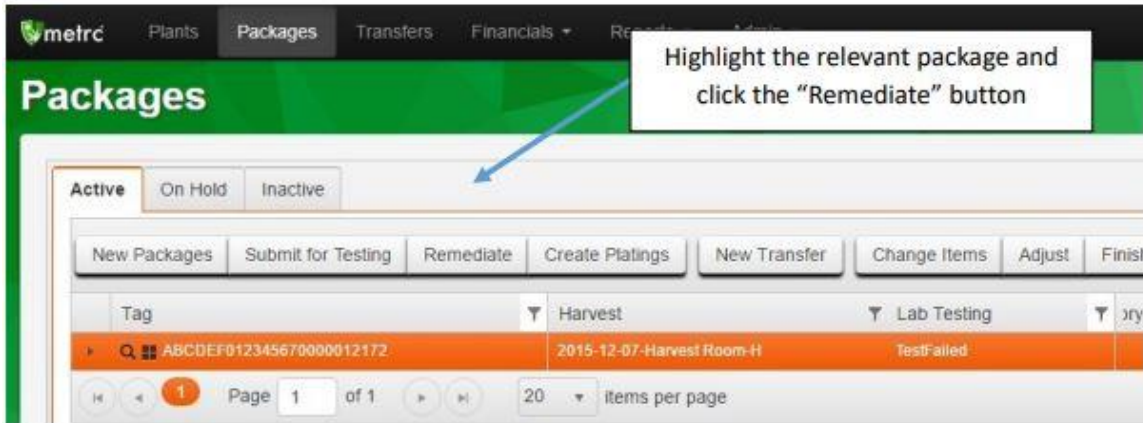
- The requesting licensee's full 14 digit license number and facility name (as they appear in Metrc)
- The Metrc package tag ID of the original sample package that was reanalyzed
- The Metrc package tag ID(s) of the batch package that will be retested
- The lab doing the retesting e. Date of request for retesting
- Test(s) requested for retesting

Remediation of Solvent and Pesticide compliance test failures

In cases allowed for under rule, remediation is a second option available to a licensee in the result of a pesticide or solvent test failure (either after one failure or if a retest results in a failure). Producers generally, cannot remediate for pesticides under rule. The one exception is if a producer has a sample from a batch of marijuana or usable marijuana fails pesticide testing but only for the analytes **piperyonyl butoxide or pyrethrins**, and the Oregon Department of Agriculture determines that the 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.

In the case of extracts and concentrates, if 100% of the usable marijuana used as an input in the process lot was tested for pesticides by a licensed and accredited lab and the test results for the pesticide results are in Metrc then the failed process lot may be remediated in a way that decreases the pesticide concentration below the action limit without diluting the item. Following remediation the process lot must be resampled and retested; **if the lot fails after remediation it must be destroyed**. Refer to [OHA's testing rules](#) for complete information regarding proper remediation.

- In Metrc, remediation must be done on the source package by clicking on the "Remediate" button in the packages tab.



- In the “Remediate Packages” box you must select the Method and Date of Remediation as well as detail the steps taken to remediate the package.

- Once the fields are completed, click submit, and the package lab status will now be “Remediated.” If the batch requires retesting following remediation, you will need to resubmit for testing as described in OHA’s testing rules.

Remediation Options by Product for Solvents and Pesticides

- Usable Marijuana
 - pesticide failures of piperonyl butoxide or pyrethrins
- Extracts/Concentrates Pesticide Failure
 - If 100% of the usable marijuana used as an input in the process lot was tested for pesticides, and the test results for the pesticide results are in Metrc, then the failed process lot may be remediated in a way that decreases the pesticide concentration below the action limit.
 - If any of the source usable marijuana was not tested for pesticides before processing the process lot is not eligible for remediation.
- Extracts/Concentrates any solvent failures
 - A batch that fails solvent testing that is not remediated or that if remediated fails testing must be destroyed in a manner specified by the Authority or the Commission.

Corrective actions for failing water activity or moisture content tests

If a batch of usable marijuana fails for water activity/moisture content the batch can be used to make a

cannabinoid concentrate or extract if the processing method effectively sterilizes the batch or it can be continued to be dried or cured. A batch that undergoes additional drying or curing must be sampled and tested in accordance with OHA's rules.

New potency limits!

The OLCC recently has changed the potency limits for edibles to 100mg of total THC starting April 1st 2022. We have recently put out further [guidance](#) on how to bring those new products to market compliantly. If you have questions about potency failures and remediation contact olcc.labs@oregon.gov.

Package Destruction

If packages need to be destroyed, after failing for pesticides or solvents, they must be held by the licensee until they are destroyed in a manner approved by the Commission. To receive permission to destroy the packages the [Pesticide/Solvent Failure Notification](#) form needs to be completed and submitted to marijuana@oregon.gov. You may not destroy marijuana items that have failed solvent or pesticide testing until you receive the approval response from the Commission. You must destroy items only in the approved methods, and you must [document this destruction](#) in the Cannabis Tracking System.

Resources

- [Sampling and Testing Metrc Guide](#)
- [Oregon Metrc Wiki: Lab Testing](#)
- [Overview of Testing Requirements in Oregon](#)
- [Advanced Metrc Training by License Type](#)
- [Pesticide/Solvent Failure Notification](#) Form
- [Metrc XP](#)- a sandbox environment where users have access to mock data for each license type. With the ability to simulate everyday activities from seed to sale, supported by scenarios to walk you through the process.

Questions?

- If you have any questions about this Bulletin, please send them to:
 - marijuana.cts@oregon.gov (How to record compliantly in Metrc.)
 - OLCC.Labs@oregon.gov (For testing related questions.)
 - marijuana@oregon.gov (For questions around pesticide/solvent failed package destruction or notifications of retesting.)