



October 20, 2022

Department of Cannabis Control (DCC)  
Legal Affairs Division  
2920 Kilgore Road  
Rancho Cordova, CA 95670

Director Elliott and Legal Affairs Division:

I write today on behalf of the American Council of Independent Laboratories (ACIL) California Cannabis Working Group (CA-CWG) to thank the Department of Cannabis Control (DCC) for the most recent round of revisions to the Standard Cannabinoids Test Method and Standardized Operating Procedures for All Licensed Commercial Cannabis Testing Laboratories. While the modifications do not remedy all of our previous concerns, we recognize and applaud the Department's efforts to address them. We continue to stress the importance of the testing laboratories' ability to modify or provide a fully validated equivalent method in order to provide the most accurate results.

Regarding the most recent round of modifications specifically, our independent laboratories will be commenting directly to the Department on the technical aspects of the language for which they are most ably qualified to address. We ask the DCC to continue treating these comments with the gravity they deserve, coming from industry experts with decades of experience and innovation in laboratory testing.

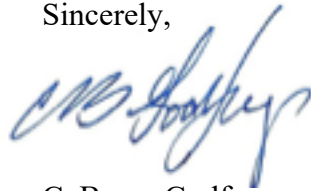
The DCC should look to emulate the technical practices employed by other state regulatory agencies, such as drinking water and waste testing, which rely on data from testing laboratories. These practices have proven to provide successful program structure, sustainability, and the best science in the testing industry. They have also allowed for the flexibility required to respond to innovation and improvement in their regulatory markets. As we have stated previously, the Department should pursue established scientific regulatory practice as it relates to the testing industry to ensure the greatest success in its program and outcomes.

As has been communicated to the DCC at every comment period, the proposed standard potency method is known in the industry to present numerous performance issues. Without a proper understanding of method performance metrics, the Department cannot know what constitutes acceptable results. Without the multi-lab validation required to ensure appropriately published data reduction and performance evaluation, DCC will have no basis for accurately

determining underperforming labs, and thus no basis to discipline these labs. Per our formal comment below, ACIL encourages DCC to perform a thorough multi-lab validation of its method. Our California Cannabis Working Group members are willing to participate directly in this process, assisting the Department in addressing the most glaring performance issues in the process.

We thank the Department of Cannabis Control again for the opportunity to submit these comments for the record and remain available and willing to provide feedback and collaborative solutions that raise the standards for our industry in a meaningful way.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Bruce Godfrey". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

C. Bruce Godfrey

ACIL Chair

California Cannabis Working Group Member

**Title of Proposed Regulation:** Modifications to Test Method and Standardized Operating Procedures Regulations

**Public Comments related to this rulemaking**

**Comment #1**

*Applicable regulation number:* Section 15712.1. Test Method for Cannabinoids

*Comment:* The Department of Cannabis Control has the authority under the proposed regulation to establish “more than one method for use by testing laboratories.”

*Suggested change:* Because the proposed method is demonstrably flawed and inadequate to provide safe and accurate results for cannabis consumers, the Department of Cannabis Control should utilize its ability to establish additional methods and allow licensed and accredited laboratory professionals in cannabis testing to provide an alternative, multi-laboratory validated testing method. This method would provide laboratories with the accurate results and ability to test across the range of cannabis products that the currently proposed method lacks.