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Independent Regulatory Review Commission

DH, MMRegulations

From: Russell Greenland <russellk.keystone@gmail.com>
Sent: Thursday, March 25, 2021 12:06 PM
To: DH, MMRegulations
Subject: [External] Medical Marijuanna proposed rule change
Attachments: State Proposal to rule change response .docx

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Please see attached feedback to proposed changes

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Thank you,
Russell Greenland
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March 16, 2021

To: John J Collins, Director
Office of Medical Marijuana
Department of Health, Room 628
Health and Welfare Building,
628 Forster Street
Harrisburg PA 17120
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Requiring growers/ processors to work with multiple laboratories will be detrimental and have potentially dire consequences to the integrity of the program.

1. What happens when two laboratories have different results? Who makes the decision of what goes on the label or into MJ Freeway? If the State make the decision, what is the scientific background or biochemical, chemical, or biological background of the Department or personnel that will make the decision on which laboratory is correct? If a laboratory such as ours, can definitively provide proof, traceability, and validation data that we are in fact doing the science correctly and a regulatory or grower/processor decides to rule against data we provided what is our course for challenging that decision? Will we be able to seek monetary damages and compensation from Grower/Processors or State for damages and loss of business?
2. If your intention is to get the same result out of two laboratories or as you mention keep laboratories "in check" what methods will you force the laboratories to use since there is no nationwide standardization? How will you ensure they are being followed? How will you ensure they are correct? Since there is no nationwide standardization, all laboratories are using whatever methods they deem as "theirs." If you want the same or confirming results from two different laboratories for the same sample collected then **YOU WILL HAVE TO ENSURE** they are going to be looking at it the same way by having to use the same methods of sampling and testing. Which agency will be charged with this task?
3. It may end poorly if the Department of Health is passing the ball of regulation responsibilities of the laboratories to grower/ processors. The same grower/processors who have huge financial interests will now be tasked with keeping things "in check"? This has potential for very negative optics. Is laboratory regulation being passed off to private business grower/ processors really a wise idea?
4. If the grower processor has the ability to keep laboratories "in check" who will regulate that they are choosing the right answer and not just making financially beneficial decisions ?

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5. Current legal code and regulation allows the Department to regulate laboratories using existing guidelines to include round robin and proficiency testing. The Department can use these to keep laboratories “in check”.
6. How will the Department address laboratory collusion between two laboratories that are “working together” in a “partnership” to produce similar or identical results?

Thank you for your time,
Russell Greenland
CEO Keystone state testing