

Summary of Advocacy Committee Meeting  
November 7, 2024 1 pm Eastern

1. Welcome and Introductions

Steve Arms welcomed everyone to the meeting. Attendance is recorded in Attachment 1. The agenda was approved by unanimous consent (see Attachment 2). The minutes from October 3 were unanimously approved after a motion by William, seconded by Sharon.

2. Updates

Newsletter

Jan, who prepares the newsletter, was hard hit by hurricane Milton, so her workload is backed up, but Jerry expects that the newsletter can go out by November 13. The start of the Board election is being delayed until the newsletter can announce it.

Jacksonville Conference

Registration is open.

Winter 2026 Conference Location

None of the hotels looked at before offered any better proposals, but after considering the number of potential labs (attendees) within driving distance, Boston was selected. Jerry made this comparison by utilizing a map created by TNI's IT Administrator that places all accredited labs (from LAMS) on a Google map (URL for this utility is <https://lams.nelac-institute.org/map>; it is only updated manually, so not necessarily current to the date one looks at it).

Submission of Comment about Green Lab Certification

A comment was submitted and will be posted to the Advocacy Documents page of the website. Jerry noted that ACIL as well as other EPA program offices are trying to meet with the Office of Pollution Prevention and Toxics to discuss the FR Notice but so far, no response is available. See October minutes for more details.

3. Discussion and Possible Action Regarding C&EN Article on Cannabis Labs

C&EN, the weekly newsletter of the American Chemical Society, published an article titled "Shopping for cannabis testing labs" on September 9, 2024, and a related editorial, "Cannabis testing needs culture change" was published on September 7, 2024. The general consensus of this committee is that TNI should submit some sort of response to this article, promoting the use of quality management systems (including ethics requirements) in both sampling and analysis of cannabis products.

All agreed that the issue of "lab shopping" is not limited to cannabis labs, or even to commercial labs. It was widespread in the environmental field before accreditation was introduced, and is both a sampling problem and a lab analysis issue. This topic is an excellent venue to raise awareness of the NEFAP program as well as NELAP lab accreditation. The editorial article fails to mention accreditation at all, and only focuses on "reference labs".

Two guests, Melissa Jackson (an ORELAP cannabis lab assessor) and Victoria Pretti (a manager and research scientist in the NY Office of Cannabis Management), provided their insights and perspective on multiple aspects of the issue.

ORELAP accredits cannabis labs to the TNI Standard in its NELAP AB. Since TNI does not have required methods for cannabis, they rely on lab-validated reference methods, which may be inadequate for synthetic cannabinoids. ORELAP also performs “off the shelf” product testing (market surveillance is uncommon in the cannabis industry). Melissa noted that lack of compliance with the data integrity and ethics requirements of the standard are common issues in assessments. One committee member noted that ISO/IEC 17065 (Conformity assessment — Requirements for bodies certifying products, processes and services) has more focus on data integrity and ethics than does ISO/IEC 17025.

Another participant noted that ASTM has developed many cannabis methods and recommended that those methods be used rather than creating and validating new ones in each lab. Presently, methods are not standardized across the industry, as each state has its own reference lab that chooses its own method(s). NOTE: Shipping samples out-of-state for round-robin validation studies is not legal due to federal classification of marijuana (cannabis) as a drug having no medical uses.

One important point to stress in TNI’s comments is the need for a strong ethics component in certification, something that is present in both the NELAP and NEFAP standards but is absent in ISO/IEC 17025. Both Oregon and NY have seen a reduction in the number of accredited labs, and speculation is that “honest” labs lose business to labs reporting higher tetrahydrocannabinol results. Enforcement by withdrawing certification/accreditation does occur, but often is challenged in courts.

Some non-NELAP states do certify cannabis labs, including out-of-state labs, using ISO/IEC 17025. Still, there are no standardized methods in use across the industry. NJ and FL also have cannabis certification programs that are completely separate from NELAP; California does, as well. Cannabis regulatory programs are most often in the agriculture or health agencies, not environmental agencies.

In addition to testing for tetrahydrocannabinol (THC) levels, some states require testing for mold and pesticide residues. Melissa noted that the TNI standard lacks QC requirements for PCR methods (for molds, yeasts, pathogens). NY uses AOAC’s Standard Method Performance Requirements (SMPR) for validating PCR methods (typically used for presence/absence testing only).

Labs are required to be independent of growers, and staff are typically subjected to background checks. Lab staff do the sampling, but it is fairly easy to avoid moldy materials and apparently, a common practice for growers is not to spray one area with pesticides, then guide samplers to that spot. ORELAP’s collection protocol is being distributed with these minutes.

Several participants noted that it was the labs, not the state or federal regulators, that sought accreditation in the drinking water industry, as they sought credibility that could only be attained through a third party accreditation. Despite stories of “cheating”, there are many (most?) people in the cannabis lab industry seeking to maintain integrity and honesty in their work.

Jerry noted that, back when ORELAP first began accrediting cannabis labs, TNI considered whether to create a cannabis standard, but because EPA grant money still came to TNI, that would have potentially created difficulties. Now, with no EPA funds involved in TNI, the Board may wish to revisit that possibility. The areas involved for the NELAP standard would be biological tissue (flowers) and “solids” for all other cannabis products (edibles, oils, etc.), with chemical and microbiological testing needed. NEFAP may also consider creating a separate module for cannabis.

After this extended discussion, Jerry agreed to work with Sharon and draft an initial response to C&EN that will be provided to committee members for additional input and comments.

4. Discuss Updated NELAP Vision and Outreach Plan

The meeting time was expired, so this topic will be postponed for a future meeting.

5. New Business

There was no new business offered.

6. Next Meeting

The next teleconference is scheduled for **Thursday, December 5, 2024, at 1 pm Eastern.** An agenda and any needed documents will be provided prior to the meeting.

**Attachment 1**

	<b>Name</b>	<b>Stakeholder Group</b>	<b>Present/Absent</b>
1.	Steve Arms, Chair	Other	Present
2.	Stacie Crandall	Lab	Absent
3.	Mike Delaney	Other	Absent
4.	Zonetta English	Lab	Absent
5.	Marlene Moore	Other and NEFAP	Present
6.	Janice Willey	Federal	Absent
7.	Robin Cook	Lab	Present
8.	Sharon Mertens, Vice Chair	Lab	Present
9.	William Lipps	Other	Present
	<b>Associate Members</b>		
	Sheela Agrawal	TNI Ambassador	Present
	Celeste Crowley	Other	Absent
	Stephanie Drier	AB	Absent
	Paul Junio	TNI Ambassador	Present
	Silky Labie	Other	Absent
	Ashley Larssen	TNI Ambassador	Absent
	Judy Morgan	TNI Ambassador	Absent
	Devon Morgan	TNI Ambassador	Absent
	Lily Sanchez	TNI Ambassador	Absent
	Aurora Shields	Other	Present
	Elizabeth Turner	Lab	Absent
	<b>Staff</b>		
	Jerry Parr	TNI ED	Present
	Lynn Bradley	TNI PA	Present
	<b>Guests</b>		
	Melissa Jackson, ORELAP		
	Victoria Pretti, NY State Office of Cannabis Management		

## **Attachment 2 – Agenda as approved, November 7, 2024**

- Welcome and Roll Call
- Approval of Agenda
- Approval of Minutes (October minutes attached)
- Updates
  - Newsletter
  - Jacksonville Conference
  - Winter 2026 Conference Location
  - Submission of Comment About Green Lab Certification
- Discussion and Possible Action Regarding C&EN Article on Cannabis Labs (see attached best copy available plus editorial, Jerry to send clean copy if possible)
- Discuss Updated NELAP Vision and Outreach Plan (see attached Vision and Plan documents)
- New Business, if any
- Adjourn