



August 26, 2015

**INDUSTRY-WIDE BULLETIN: 15-04**

**RE: BETA TESTING FOR MICROBIAL CONTAMINANT FOR RETAIL MARIJUANA AND RETAIL MARIJUANA CONCENTRATES**

Dear Marijuana Industry Members:

On September 23, 2015, pursuant to MED Rule R 1501, the Marijuana Enforcement Division (MED) will begin beta testing of microbial contaminant. This process will require:

- All Retail Marijuana Cultivation Facilities (RMCs) to submit Marijuana samples for every Harvest Batch of Retail Marijuana to a Retail Marijuana Testing Facility (RMTF) certified for microbial contaminant testing.
- All Retail Marijuana Product Manufacturing Facilities (RMPMF) to submit Marijuana samples for every Production Batch of food-based Marijuana Concentrate Samples and water-based Marijuana Concentrate Samples to a Retail Marijuana Testing Facility (RMTF) certified for microbial contaminant testing.

Mandatory beta testing for microbial contaminants will continue for ninety (90) calendar days.

Effective September 23, 2015 and per the Colorado Department of Public Health and Environment (CDPHE) recommendations, the MED will enforce Rule R 712 and R 1501

**Table 1.**

**MED Rule R 712 (E) Retail Marijuana Testing Facility: Mandatory Sampling and Testing Program**

E. Permissible Levels of Contaminants. If Retail Marijuana, Retail Marijuana Concentrate or Retail Marijuana Product is found to have a contaminant in levels exceeding those established as permissible under this rule, then it shall be considered to have failed contaminant testing. Notwithstanding the permissible levels established in this rule, the Division reserves the right to determine, upon good cause and reasonable grounds that a particular Test Batch presents a risk to the public health or safety and therefore shall be considered to have failed a contaminant test.

1. Microbials (Bacteria, Fungus)

| Substance   | Acceptable Limits Per Gram                           | Product to be Tested  |
|---|--|---|
| -Shiga-toxin producing Escherichia coli (STEC)*- Bacteria | < 1 Colony Forming Unit (CFU)                        | Flower; Retail Marijuana Products; Water- and Food-Based Concentrates |
| Salmonella species* - Bacteria                            | < 1 Colony Forming Unit (CFU)                        |   |
| <b>Total Yeast and Mold**</b>                             | <b>&lt; 10<sup>4</sup> Colony Forming Unit (CFU)</b> |   |

\*Testing facilities should contact the Colorado Department of Public Health and Environment (CDPHE) Marijuana Laboratory Inspection Program when STEC or Salmonella are isolated.

utilizing the standard below in *Table 1*:

\*\*The MED is requiring a simplified total yeast and mold testing which will replace the previous Aspergillus testing requirement based on Colorado Public Health and Environment (CDPHE) recommendations and projected to be effective in November 2015.

Retail Marijuana Establishments must follow the failed contaminant test procedures pursuant to MED Rule R 1507 (B).

**Table 2.**

**MED Rule R 1501 – Retail Marijuana Testing Program – Contaminant Testing**

Required Contaminant Tests. 1. Microbial Contaminant Testing. Each Harvest Batch of Retail Marijuana and Production Batch of Water- or Food-Based Retail Marijuana Concentrate and Retail Marijuana Product must be tested for microbial contamination by a Retail Marijuana Testing Facility. The microbial contamination test must include, but need not be limited to, testing to determine the presence of and amounts present of Salmonella sp., Escherichia coli., and *total yeast and mold*.

An RMCF may elect to utilize the process validation procedure for Retail Marijuana only when each Harvest Batch produced during a twelve (12) week period has passed all microbial contaminant testing. Marijuana Samples should include twelve (12) Test Batches that were submitted at least six (6) days apart and from entirely different Harvest Batches pursuant to MED Rule R 1501(B)(1) and total yeast and mold data is required for process validation.

Only when each Production Batch produced during a four (4) week period has passed all contaminant tests may an RMPMF may elect to employ the process validation procedure for Retail Marijuana Concentrate. Samples must include at least four (4) Test Batches submitted at least six (6) days apart containing Samples from entirely different Production Batches pursuant to MED Rule R 1501(B)(2) and total yeast and mold data is required for process validation.

Licenseses that meet the requirement in rule may achieve process validation during beta testing and would be exempt from further testing of every Harvest Batch and Production Batch. Subsequently, the RMCF and RMPMF are only required to have Samples taken from at least 10% of the Harvest Batch or Production Batch produced annually pursuant to MED Rule R 1502(C).

Process re-validation is required if an RMCF makes a material change to a cultivation. Process validation is required if an RMPMF makes a material change to the production process where total yeast and mold testing is required.

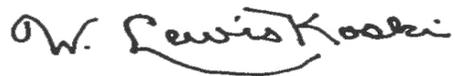
Additional tests and submission of Samples other than Retail Marijuana, Retail Marijuana Concentrate, or Retail Marijuana Product for microbial contaminant testing may be required pursuant to MED Rule 1501(D) and 1502(D).

Industry members are required to access the Marijuana Enforcement Division (MED) website for specific certification information on licensed testing facilities: <https://www.colorado.gov/pacific/enforcement/med-licensed-facilities>. RMTFs not provisionally certified for microbial contaminant testing shall not perform any mandatory

microbial contaminant testing following the commencement of beta testing on September 23, 2015.

Implementation of the required testing regulations remains a top priority and continued cooperation and full compliance is appreciated.

Regards,

A handwritten signature in black ink that reads "W. Lewis Koski". The signature is written in a cursive style with a large, sweeping underline under the name.

W. Lewis Koski  
Director  
Marijuana Enforcement Division