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Sen. Craig Hickman, Chair
Rep. Laura Supica, Chair
Joint Standing Committee on Veterans and Legal Affairs
Maine State Legislature
100 State House Station
Augusta, ME 04333

Re: ***LD1567, An Act to Require Labeling of Radiation Treatment and Ozonation of Adult Use Cannabis and Inspection and Registration of Associated Equipment***

Dear Sen. Hickman, Rep. Supica, and Members of the Veterans and Legal Affairs Committee:

On behalf of a client who wishes to remain anonymous, we write to provide comments regarding ***LD1567, An Act to Require Labeling of Radiation Treatment and Ozonation of Adult Use Cannabis and Inspection and Registration of Associated Equipment.*** Sadly, the lack of education surrounding the use of irradiation to treat cannabis has resulted in a level of acrimony and stigma such that my client does not feel safe submitting public comment on this proposed legislation.

***Comments from my client***:

We are not going to speak to the science and data supporting the many safe uses of X-ray light, of which there is plenty. We will let the experts, scientists, and factual data reports speak to that.

Every day, X-ray light is utilized to treat countless consumer products: pharmaceutical compounds, fruits, vegetables, meat, and seafood, just to name a few. This practice is deemed safe and considered GRAS by the Center for Disease Control (CDC), the World Health Organization (WHO), and the Food and Drug Administration (FDA). Each of these government agencies has approved this technology.

If this labeling law is allowed to pass, it will negatively impact the adult-use cannabis consumer by misleading them into thinking that cannabis treated with irradiation is somehow less safe, dangerous, or unhealthy. This should be the greatest concern! One of the driving

factors of the regulated cannabis market is consumer safety. The consumer not only deserves a safe product, but to also have a level of confidence that the regulator, in this case the Office of Cannabis Policy, has their best interest in mind. The unintended consequence of this labeling requirement is that to the misinformed consumer, a cannabis product **not** pretreated with X-ray light will appear to be a safer product; however, audit testing at any retail establishment will prove that **the irradiated product is consistently meeting the state's expectations and standards as being safe**. The untreated product will over time be prone to more microbial issues, failed testing, and potential recalls resulting from failed testing conducted on audit samples. Bottom line, a consumer, not educated in the science of the use of X-ray light, will gravitate towards a product that does not have an irradiation label due to a preconceived stigma, underscored by the inevitable marketing campaigns that will arise around this issue, and will believe that irradiated product is somehow less safe or less healthy than untreated product.

In an effort to provide a clearer picture of testing protocols, the following is data on a typical adult-use test sample: A 22g sample is taken from a batch; A couple of grams of that is pulled out for microbial testing. The remaining 20ish grams are homogenized and used for the rest of the testing analytics. Microbial growth issues are hit and miss; we have performed numerous replicate tests, per strain, per batch, for microbial activity. We can submit 10 different samples from a single batch of AU flower and have as many as eight or nine "passed testing" and only one or two fails. Vice versa, those 10 samples can show eight or nine fails and one or two "passed testing." These results speak to the inconsistency of microbiological activity inside a batch of cannabis. An issue ultimately rooted in the OCP's best practices sample collection guidelines. How can one have confidence in a product being clean across the board when only a couple of grams of a 10,000 gram batch passes or fails? This practice has the potential to create unwarranted confidence and unnecessary failures. We want to be confident that our product is safe for the consumer and from a potential recall due to a failed audit from a single bud. Or be required to destroy a 10,000 gram batch that is determined not to be up to testing standards because of a couple of grams sample.

This labeling requirement is merely hygiene theater, and will ultimately give the consumer a false sense of security as to the health and safety of an untreated cannabis product. Product recalls based on inconsistent testing are not what the industry needs. Failed microbial product on the market is not what the industry needs. The industry needs certainty in the safety of the product. Irradiation is like an insurance policy that the product going onto store shelves will be safe from microbials.

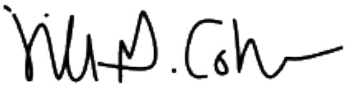
After a series of recalls in the industry and following the issuance of an October 7, 2024, OCP guidance document stating that only **remediated product** (meaning product treated to solve a known problem such as a failed test) would need to be labeled as being treated with X-ray light, we made a significant capital investment in this technology. We made this investment not only with our consumer health and safety in mind, but also to remain consistently compliant with the testing requirements in the AU cannabis industry. This purchase ensured that our product would never be held hostage in a product recall due to the inefficiencies of the microbial testing and batch sampling guidelines.

The use of X-ray light technology ensures the whole batch meets the state's standards

consistently, ensures a safe product for the consumer, and protects the business owners from potential recalls. Please, follow the science and do the right thing; this labeling requirement has no place in Maine and will not make the marketplace safer. It will do just the opposite. It is counterproductive, based upon a lack of education, and will ultimately mislead and harm consumers.

Thank you for your time and thoughtful consideration of my client's remarks as to this important issue.

Sincerely,



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