

CCB Board Meeting May 24, 2022 – 9am
555 E Washington Avenue, RM 2450
Las Vegas, NV 89101

May 23, 2022

re: Public Comment for NCCR 12.065 labeling requirements remediated products
and NCCR 12.035(1)(b) removal request

Dear CCB Board,

Regarding proposed changes for labeling requirements 12.065, I support the requirement to inform the businesses and public about remediated products per the required labeling. Public awareness is of utmost importance whether it be allergy, cross contamination, or consumption.

In addition to 12.065 and more specifically 12.035 (1)(b), can we please update the regulation and remove 12.035(1)(b)?

At this time, per 12.035(1)(a) we are able to use the Cannabis Establishment (CE) Name and its license number **or** the 4/5 digit CE ID on our compliance product labels. We are wondering why we still need the Medical METRC certificate number as well in 12.035(1)(b)? Was this requirement left in the regulations by accident? If anything, the system is mostly recorded through the CE Adult Use certificates and not Medical certificates in METRC. If the CE METRC ID is still required then the Adult Use certificate number makes more sense.

12.035 Cannabis production facility: Required labeling of cannabis products before sale to retail store.

1. A cannabis production facility shall label all cannabis products before it sells the cannabis products to a cannabis sales facility or another cannabis production facility and shall securely affix to or include with the package a label that includes, without limitation, in legible English and in a manner which must not mislead consumers:

(a) The name of the cannabis establishment and its license number or cannabis establishment ID;

(b) If the cannabis establishment is operated by a dual licensee, the number of the medical cannabis establishment license of the facility for the production of cannabis operated by the dual licensee; (can we remove this requirement?) I respectfully request to remove 12.035(1)(b).

Thank you,



Carina Robinson

Training and Compliance Director
TapRoot Holdings, LLC. (TapRoot Brands)

Comments on NCCR 12.065 - Cannabis treatment and remediation

Submitted by:

Jill Ellsworth, Founder & CEO

On behalf of Willow Industries, Inc.

Thank you for the opportunity to comment on NCCR 12.065, the regulation concerning labeling requirements for cannabis that has been treated or remediated. We greatly appreciate the work that the Cannabis Control Board has put into these regulations throughout this process, and think that the language has improved significantly since the first iteration. Since we believe that proactive kill steps are an important process for the cannabis industry to adopt, we particularly appreciate that the language directly addresses proactive treatment of cannabis as distinct from remediation after a failed test.

We do have two remaining recommendations to improve 12.065 even further. First, since the language acknowledges the difference between treatment and remediation, we believe that there should be different language for the notices for each process in order to avoid confusion among consumers. Second, we would like greater clarity on what exactly goes into the “[method of treatment]” and who is in control of that language.

Recommendation 1: Create different label language for treatment and remediation

As noted in the regulation, treatments can be performed either preventively (as a proactive kill step) or in response to a failed test (as remediation). However, the current draft of 12.065 requires the same notice to be used in both situations. This could lead to confusion among consumers, who may falsely believe that any cannabis bearing this notice has failed a test and been remediated. Operators that use a proactive kill step to ensure consumer safety, as is common and expected in many industries, should be given an opportunity to differentiate themselves from operators that are treating product known to be contaminated.

We suggest the following language:

12.065 Cannabis treatment and remediation. If any cannabis or cannabis product has been treated with any thermal process, chemical, ionizing radiation, or other processes for the purpose of reducing or preventing microbial contamination at any time, the label must include the method of treatment and one of the following statements:

A) If the treatment was performed after a failed test: “NOTICE: This product has undergone ~~treatment-remediation~~ using [method of treatment] to ~~ensure~~ restore compliance with testing standards” in bold lettering.

B) If the treatment was performed before the cannabis or cannabis product was tested: “NOTICE: This product has undergone preventive treatment using [method of treatment] to ensure consumer safety” in bold lettering.

This should not increase operational costs compared to the current draft, as companies that perform a routine, proactive kill step will simply include the relevant notice as a part of their standard label. Companies that remediate cannabis will need to use dynamic labeling for those batches, but that will still be required under the current draft of 12.065.

Recommendation 2: Clarify process for filling in [method of treatment]

We strongly support the notice including language that specifies the method of treatment:

“NOTICE: This product has undergone treatment using **[method of treatment]** to ensure compliance with testing standards”

However, as drafted, it is unclear exactly what can be put in [method of treatment] and who is in charge of deciding what language to use. For example, if cannabis is treated with our WillowPure 360 ozone system, there are multiple options that would all be technically correct, each with a different degree of specificity:

1. “NOTICE: This product has undergone treatment using **the WillowPure 360 ozone system** to ensure compliance with testing standards”
2. “NOTICE: This product has undergone treatment using **ozone** to ensure compliance with testing standards”
3. “NOTICE: This product has undergone treatment using **a chemical process** to ensure compliance with testing standards”

We believe option 2 strikes the right balance, providing specifics without overloading consumers with information.

We would also support option 1, but understand that including names of companies or products could be too much information for this label.

We would oppose option 3, which simply lists the category of treatment (ex. Thermal, chemical, ionizing radiation). For categories that include multiple treatment methods (like “chemical process” including both ozone and hydrogen peroxide) this could lead to consumer confusion rather than providing useful information.

In order to ensure consumers are getting accurate information, **we propose the CCB create a list of treatment methods that can be inserted into those brackets**, with operators choosing from that list rather than filling in the blank themselves.

Thank you again for your consideration. Please do not hesitate to contact us if you have any questions or would like additional information.

Submitted by,



Jill Ellsworth
Founder / CEO
Willow Industries, Inc.
jill@willowindustries.com
www.willowindustries.com

From: Erik <alotofpinoch@gmail.com>
Sent: Thursday, May 19, 2022 8:57 PM
To: CCB Meetings
Subject: Cannabis consumption lounge

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

The cannabis consumption lounge needs to be able to purchase cannabis products from the dispensary in wholesale. It is not viable to purchase at retail to then turn around and sell at retail. The cannabis industry needs equality in all aspects including purchasing and sales.
Erik Ambis

From: YVETTE AMBIS <ambis_yvette@icloud.com>
Sent: Thursday, May 19, 2022 9:06 PM
To: CCB Meetings
Subject: Cannabis consumption

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

All cannabis consumption lounges needs to be able to purchase cannabis products from the dispensary at wholesale. It's not viable to purchase at retail prices and turn around and sell at retail. The cannabis industry needs better equality in all aspects including purchasing and sales.

Yvette Ambis

From: jim sleiman <jim.sleiman@gmail.com>
Sent: Thursday, May 19, 2022 9:10 PM
To: CCB Meetings
Subject: Cannabis consumption lounge

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I believe that cannabis consumption lounges have to be able to purchase cannabis products from the dispensary at wholesale costs. It's not viable to purchase at retail prices and sell at retail prices. The cannabis industry needs to have equality in all aspects including purchasing and sales.

Thank you
Jim Sleiman



Direct Phone (702) 832-1900
Direct Fax (702) 832-1901

KIMBERLY MAXSON-RUSHTON
EMAIL: krushton@cooperlevenson.com

FILE NO. 38535-00761

May 23, 2022

The Honorable Michael Douglas, Chair
Nevada Cannabis Compliance Board
700 E. Warm Springs Road, Suite 100
Las Vegas, NV 89119

Re: NCCR 12.065

Dear Chair Douglas and members of the Cannabis Compliance Board:

On behalf of RAD Source Technologies (“RAD Source”) please allow this correspondence to serve as a further request to repeal Nevada Cannabis Compliance Regulation (“NCCR”) 12.065 or, alternatively, amend it by removing language pertaining to the process of decontaminating cannabis. As the Cannabis Compliance Board (“CCB”) is aware, “Decontamination” of a cannabis plant occurs at various stages of the growth process through a multitude of different treatments specifically intended to minimize harmful pathogens.

Specific to the process of decontaminating cannabis through ionizing radiation, RAD Source respectfully submits that the information on file with the CCB supports the safety of this process and, correspondingly the repeal of NCCR 12.065. Said information being the study conducted in January 2021 by the **Cannabis Testing Section, Food and Drug Laboratory Branch, California Dept. of Public Health** and **21 CFR Part 310**, the repeal of the “irradiation regulation” by the Federal Drug Administration in January 2021. In addition, please find enclosed an article recently published in Forbes Magazine relative to the use of ionizing radiation to eliminate contaminants in cannabis.

Separate and distinct from decontamination of cannabis is the process of remediation, which is used to mitigate contamination of a product after it has failed initial lab testing. In instances such as this a CCB mandated label could state: “For your health and safety this product has been remediated to minimize contamination.” Thereby, notifying consumers that a product has had to be remediated having initially failed lab testing.

RAD Source appreciates the CCB’s continuing consideration of the Petition to Repeal or Amend NCCR 12.065 (filed December 1, 2020) as well as the proposed alternative regulation language discussed herein.

Very truly yours,

/s/ Kimberly Maxson-Rushton, Esq.

Kimberly Maxson-Rushton, Esq.

cc: T. Klimas, Ex. Director
G. Terry, RAD Source Technologies

Would You Smoke ‘Nuclear Weed’? You Might Already: Why Irradiated Cannabis Is Common (And Safe)

Chris Roberts

Before he sells it, Suehiko Ono, the founder and CEO of [EOS Farms](#), a legal cannabis cultivation brand in Massachusetts, bombards his cannabis with radiation.

That may sound weird, but it’s not. If you purchased legal cannabis in the United States, there’s a good chance you bought what some scandalized critics dismissed as “nuclear weed” they would never (knowingly) touch, too. If you’re in Canada, there’s a near-100 percent chance your weed is irradiated.

And that’s not a bad thing—at least scientifically. Marketing is another issue.



An employee inspect medicinal marijuana plants inside the flowering room at Tweed INC., in Smith ... [+] Falls, Ontario, on Monday December 5, 2016. (Photo by Lars Hagberg / AFP) (Photo by LARS HAGBERG/AFP via Getty Images)

AFP via Getty Images

Though cannabis dispensaries and product manufacturers don’t advertise it, treating cannabis with radiation to remove enough bacteria and mold for the finished product to pass state testing requirements—a [common and EPA-approved technique in food production](#); that supermarket apple you’re eating was quite likely zapped with radiation—is de rigeuer in Canada, supported by [research](#), and increasingly common in the United States.

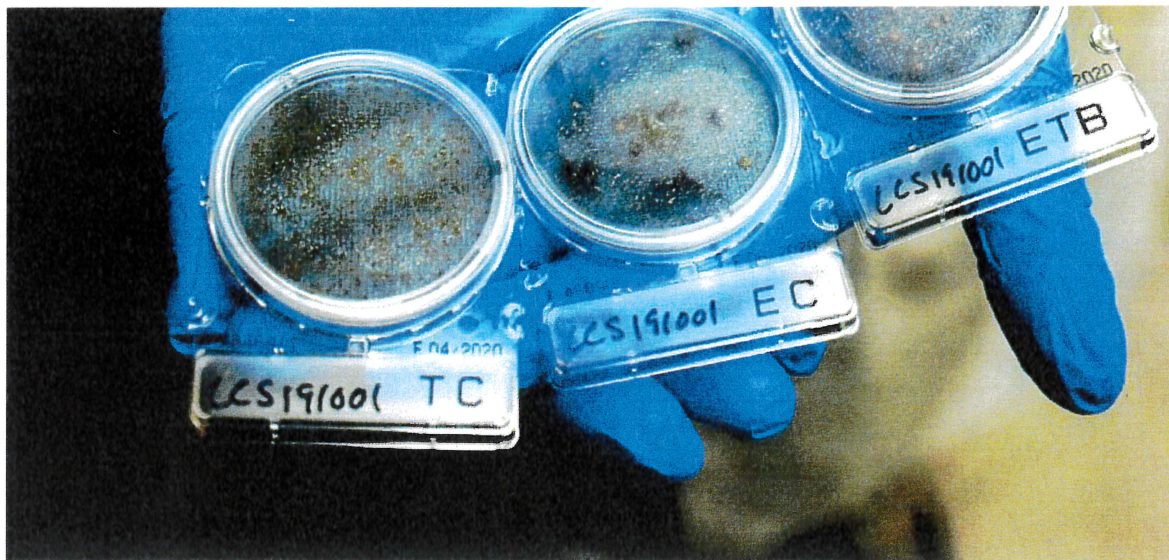
Broadly defined, in the context of cannabis and food production, irradiation is the use of ionizing radiation to eliminate contaminants like bacteria and mold.

According to George Terry, the executive vice president of sales at [Rad Source Technologies](#), one of the top suppliers of irradiating devices for the U.S. cannabis industry and the maker of the irradiation devices at EOS Farms, he has clients like Ono in 23 states: California, Colorado, Oregon, Michigan, Illinois, and Washington among them.

For an immunocompromised patient like a cancer survivor, irradiating cannabis could be the difference between a safe smoke and a life-threatening fungal infection, Terry said. When shopping for weed, Terry and some of his acquaintances actually request irradiated cannabis, he claimed.

That might be a hard ask to fulfill, as neither dispensaries nor product manufacturers are required to disclose their remediation methods, just that their product passed lab tests. (When asked whether he sold irradiated cannabis, one of Ono’s retail clients declined to answer.) And that’s what encourages the use of radiation in cannabis remediation.

EOS Farms and many of Ono’s competitors irradiate their cannabis because Massachusetts [has testing regulations](#) even stricter than other states. Massachusetts limits the total amount of bacteria and other life forms in cannabis—even beneficial bacteria.



PORTLAND, ME - OCTOBER 4: Culture plates showing failed samples of cannabis due to bacteria, yeast ... [+] or mold at ProVerde Laboratories in Portland Friday, October 4, 2019. (Staff photo by Shawn Patrick Ouellette/Portland Press Herald via Getty Images)

Portland Press Herald via Getty Images

Ono went with irradiation, “because it was the only one with no residual effect,” he said during a recent interview, noting that Rad Source’s method of using photons to kill off powdery mildew and other contaminants—techniques also used in medical and pharmaceutical settings to ensure that blood can be safely infused and medical devices are sterilized—was the only one that reliably didn’t affect the cannabis itself, leaving terpenes and cannabinoids intact, he said.

“There are literally no residual effects,” he said. “Out of all the remediation techniques used in the industry, this is the only one that doesn’t leave any residual effects.”

“Anyone who can afford it is going with radiation,” he added, noting that he believes at least 80 percent of other Massachusetts cannabis companies are using some post-cultivation remediation method.

So Ono’s cannabis is clean. Super clean. Usually that’s a boasting point. But since radiation—another way of saying “energy,” in the broadest sense—is poorly understood among members of the public and often conflated with the nastiest and scariest examples, from Hiroshima to Chernobyl to Fukushima rather than clean food and sterile pharmaceutical drugs, Ono recognizes that being open about irradiating cannabis is a liability.

“There’s definitely a fear when you say specific words,” he said. “People react without really digging into it.”

In an informal review of cannabis cultivators, distributors, and consumers in several states, none had heard of irradiated cannabis. And all of them said—sometimes in the most colorful of language—that if given the choice or presented with the knowledge, they would pitch irradiated cannabis directly into the bin.

That’s also how this story began, after an employee of Ono’s, tasked with running the radiation machine, shared an anonymous message, lamenting the fact that they were, in their view, nuking pot—and they had never heard of such an ungodly act that, upon further review, is both commonplace and accepted.

This is partially by fiat. As Ono [wrote in a Medium post last year](#), Massachusetts’s strict safety standards—almost as strict as Canada—mean that some remediation method is necessary to pass. It also means that classic “regenerative farming” methods that rely heavily on beneficial bacteria—the same bacteria that Massachusetts testing regulations toss in the same bucket as the E. coli that triggers food poisoning—can’t work without remediation, he said.

Going forward, Massachusetts should relax its rules to allow for “beneficial microbes,” he said, or at least draw a distinction between benign and harmful microbes.

“This is crucial for good farming practices in general,” he said.

Meanwhile, irradiated weed has a lead in the markets. It’s at best uncertain whether cannabis consumers will ever prefer sun-grown, regeneratively-farmed cannabis over dense, dank, and energy and nutrient-dense hydroponic indoor—and the more intensive the production method, the more use there is for irradiation and other remediation methods.

If Massachusetts won’t accommodate beneficial microbes in this way, the state could at least help with transparency. Perhaps cannabis cultivators that remediate their final product with radiation or another method should be honest brokers, and report both the that the cannabis was remediated and the method used—or be made to do so by law, he said.

“I’m very much in favor of consumer education and transparency,” he said. “I think it should be clear that it’s remediated and what methodology is being used.”

Until then, Ono is aware what a liability being honest about irradiation could be, irrational as it is.

“It’s like saying, ‘I’m afraid of energy, and as a result, I don’t like energy,’” he said.

But with the small profit margins and stiff competition along with the strict rules, cannabis “is fairly cutthroat,” he added. It’s probably a matter of time before a competitor tries to undercut EOS Farms by sharing this very story—even if they do something very similar, something of which most of their customers weren’t even aware before Ono said something.

The Honorable Michael Douglas, Chairman
Nevada Cannabis Compliance Board
700 E. Warm Springs Road, Suite 100
Las Vegas, NV 89119

Re: NCCR 12.065

Dear Chair Douglas and Members of the Cannabis Compliance Board:

On behalf of the cultivation licensees identified below, please allow this letter to serve as a request that Nevada Cannabis Compliance Regulation 12.065, be repealed or, alternatively, amended to pertain only to the remediation of cannabis.

This request is in response to the scientific information previously submitted to the Cannabis Compliance Board (CCB), which demonstrates the safety of the multiple processes used in the cannabis industry to decontaminate plants. As the regulation pertains specifically to cultivators, we do not think adding additional information about decontamination to a label will benefit consumers. Instead, the proposed label could unintentionally be construed to be a warning. As cultivators, we strive to ensure the safety of our products through research and development and vigorous lab testing. Thereby, providing assurance to our customers that the cannabis they intend to consume is safe. The obligation to include a label such as that proposed in NCCR 12.065, undermines our commitment to ensuring the safety of our products.

For the reasons set forth herein, we strongly recommend that the CCB repeal NCCR 12.065, or amend the language to apply only to cannabis which has been remediated. As remediation can be done using a variety of processes, if a label is required, we ask that the language be limited to say “[F]or your health and safety this product has been remediated.”

As always, we appreciate the CCB’s consideration of this request to repeal NCCR 12.065 and the opportunity to work with the Board on regulations that impact Nevada’s cannabis industry.



Jon Marshall, COO, Deep Roots Harvest



The Honorable Michael Douglas, Chairman
Nevada Cannabis Compliance Board
700 E. Warm Springs Road, Suite 100
Las Vegas, NV 89119

Re: NCCR 12.065

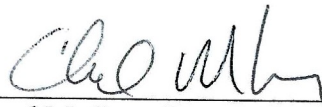
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As always, we appreciate the CCB’s consideration of this request to repeal NCCR 12.065 and the opportunity to work with the Board on regulations that impact Nevada’s cannabis industry.



Chad McCoy, Owner

Indoor Garden Farms
DBA The Real McCoy
5700 Morgan Mill Rd
Carson City, NV 89701
#84814002515725547131
#33560346467246600957



STATE OF NEVADA
Public Records Request

Deliver or Mail to:
 Nevada Cannabis Compliance Board
 555 E. Washington Ave Suite 4200
 Las Vegas, NV 89101

Email to: PRR@ccb.nv.gov

Date of Request	April 27, 2022
Requestor Contact Information	
Name:	Derek J. Connor
Organization:	Connor & Connor PLLC
Address:	2580 Anthem Village Drive
City, State, Zip:	Henderson, NV 89052
Phone:	(702) 750-9139
E-mail:	derek@connorpllc.com

Records Requested:

Check one: Paper copies Electronic copies Certified copies Inspection (in person)

Please be specific and include as much detail as possible regarding the records you are requesting.

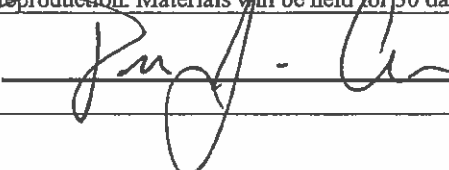
Please provide a copy of the meeting minutes for the Cannabis Compliance Board emergency board meeting that was held on May 20, 2021.

To complete an estimate, the agency will need the following information:

<input type="checkbox"/> I will pick up	<input type="checkbox"/> Please FedEx Fed Ex billing number:	<input type="checkbox"/> Please send USPS	<input checked="" type="checkbox"/> E-mail (if format allows)
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Statement

I understand there is a charge for copies of public records. I understand I will receive a written estimate for production of the records indicated above if the estimated cost is expected to be over \$25.00, which I will be required to pay in full prior to inspection or reproduction. Materials will be held for 30 days.

Requester Signature:  Signature

Office Use Only

Request status:		Estimate:	
Date	Request received	Estimate:	\$ _____
_____	Receipt acknowledgement issued	Date deposit received	_____
_____	Request filled	Actual (if different):	\$ _____
_____	Estimated completion	Date final payment received	_____
_____	Estimate provided	Completed by	_____
_____	Request denied in whole		
_____	Other:		

*Retain request form for 90 days following completing of request.
 RDA 2009047*