



## **County of Santa Cruz Board of Supervisors**

### **Agenda Item Submittal**

**From:** Board of Supervisors - First District and Third District

**Subject:** Resolution Urging Statewide Improvements to Cannabis Testing

**Meeting Date:** February 25, 2025

**Formal Title:** Adopt resolution requesting the Governor and the Department of Cannabis Control to declare contaminated cannabis in the regulated market a public health emergency, and take related actions

### **Recommended Actions**

1. Adopt the attached resolution requesting the Governor and the Department of Cannabis Control to declare contaminated cannabis in the regulated market a public health emergency; and
2. Direct staff to transmit the resolution to the Governor, the Department of Cannabis Control, the Department of Pesticide Regulation, the State Water Resources Control Board; the California State Assembly Committees on agriculture, environmental safety and toxic materials, health, and human services; the California State Senate Committees on agriculture, environmental quality, health, human services, and natural resources and water; and Santa Cruz County's delegation to the California State Legislature; and
3. Direct the Chair of the Board write letters to the executive director and president of the California State Association of Counties and the League of California Cities urging them to share this information with other Cities and Counties to grow collective action; and
4. Direct the Santa Cruz County Board of Supervisors representative on the California State Association of Counties to raise this as a priority with CSAC.

### **Executive Summary**

The contamination of cannabis products within the regulated market poses a significant public health threat. An LA Times investigation uncovered alarming levels of pesticides in products sold at dispensaries statewide, highlighting critical failures in the state's testing protocols. The proposed resolution advocates for immediate State-level action to address the issue, including enhanced testing requirements and a proposed shift in regulatory oversight.

### **Discussion**

The promise of legal cannabis was threefold: providing safe products to consumers, eliminating illicit grows and the associated environmental harm, and removing organized crime from the market. At the County level, we've been able to effectively address the last two points but when it comes to ensuring people have access to safe cannabis, that is the State's responsibility.

An investigation by The Los Angeles Times uncovered alarming levels of pesticides in cannabis products available at dispensaries statewide (Attachment A). This means that consumers are potentially unknowingly inhaling harmful gases through the combustion

of pesticides on the cannabis that should not be present at any level. These findings highlight a need for increased regulation in the state's current testing system to prevent contaminated products from reaching consumers and exposing them to serious health risks.

Currently, the Department of Cannabis Control (DCC) is responsible for cannabis testing-related matters, however as research shows, their protocols are inadequate. Six years into legalization, the DCC still lacks the capability to test cannabis for pesticide contamination effectively, and therefore allows contaminated products to reach the market.

To reduce cannabis pesticide contamination, the authors of this item recommend that the board propose two straightforward solutions for state elected officials to consider that can significantly improve consumer safety while bolstering public health:

1. *Transfer Pesticide Regulation to the Department of Pesticide Regulation* - The Department of Pesticide Regulation (DPR) has the technical expertise to enforce pesticide regulations and conduct reliable testing using proven quality assurance methods already employed in other states.
2. *Transfer Lab Accreditation to ELAP* - The State Water Resources Control Board's Environmental Laboratory Accreditation Program (ELAP) already certifies labs for testing drinking water, food, soil, and hazardous waste through a rigorous process. Transferring analytical testing lab accreditation from the DCC to ELAP would leverage existing infrastructure, reduce duplication, and allow the DCC to focus its resources on other critical responsibilities.

By strengthening cannabis testing standards, this policy enhances self-sufficiency, supports the local economy, and helps safeguard consumers from the risks of contaminated products in the broader market. To immediately protect the health of cannabis consumers in our community, we urge residents to prioritize their safety and consider the environmental benefits of purchasing locally grown and produced cannabis products. Until stronger safeguards are in place to ensure a safer cannabis supply chain, the best way for consumers to minimize risk is to buy from well-regulated local businesses. With locally sourced cannabis readily available at retailers throughout the County, this policy will not disrupt the local retail market.

#### **Additional Key Provisions of the Resolution:**

- *Laboratory Standards* - Mandate that all cannabis testing laboratories achieve accreditation through ELAP by March 1, 2026.
- *Enhanced Testing Protocols* - Introduce stricter analytic testing requirements to detect harmful contaminants like pesticides and residual chemicals.
- *Delegated Authority* - Empower DPR to oversee cannabis pesticide testing and enforcement.

To expedite the implementation of these changes a ~~strikeout~~-underline version of the California Code of Regulations Title 4 Division 19 15717 through 15735 and a ~~strikeout~~-underline version of Sections 26001 and 26100-26104 of the Business and Professions Code are included for consideration.

For the reasons listed above, the authors recommend adoption of a resolution requesting the Governor and the Department of Cannabis Control to declare contaminated cannabis within the regulated market a public health emergency and utilize the emergency rule making process to require additional analytes be added to the cannabis regulatory testing and require cannabis testing labs to obtain accreditation through the State Water Resources Control Board's environmental lab accreditation program. Additionally, the authors recommend the State Legislature provide regulatory authority to revise the contaminant testing requirements to the Department of Pesticide Regulation, via the proposed changes to the Business and Professions code provided.

**Financial Impact**

The recommended action does not have a financial impact.

**Strategic Initiatives**

Operational Plan - Comprehensive Health & Safety

Operational Plan – Sustainable Environment

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**Recommended By:**

Carlos J. Palacios, County Administrative Officer

**Artificial Intelligence Acknowledgment:**

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.