

CANNABIS CONTROL COMMISSION

August 22, 2024
11:00 AM

In-Person with Remote Access via [Microsoft Teams Live*](#)

PUBLIC MEETING MINUTES

Documents:

- Matthew Gregg's written testimony

In Attendance:

- Acting Chair Kimberly Roy
- Commissioner Nurys Z. Camargo
- Commissioner Bruce Stebbins

Minutes:

1) Call to Order

- The Acting Chair (AC) recognized a quorum and called the meeting to order.
- The AC gave notice that the meeting is being recorded.
- The AC gave an overview of the agenda.

2) Commissioners' Comments & Updates – 00:00:49

- Commissioner Camargo thanked and welcomed everyone. She also thanked Commissioner Concepcion for encouraging the meeting and staff at the Commission for their work on the topic. Commissioner Stebbins welcomed everyone for being there. Commissioner Roy emphasized the importance of hearing from the constituents, stakeholders, and how important they are to the industry. She gave an overview of outdoor cultivation in the Commonwealth and applauded everyone's involvement in the industry.

3) Public Listening Session Regarding Outdoor Cultivation – 00:05:02

- The listening session started off with Matt Allen, the CEO of MA Craft Cultivation, LLC. He started by emphasizing that the current Commissioners had an equally important job as the inaugural Commissioners to continue to evolve the industry in a way that allows small businesses to thrive. He added his concern was how do they survive in the challenging environment. He brought up the Sun Grown Cannabis Alliance and the purpose to change some regulations so they can all function better.



He also mentioned issues: soil and water testing, Metrc tags, quality control samples, and exorbitant fines. He emphasized fear was a barrier for everyone. The next speaker was Suehiko Ono and he stated they were together representing the Sun Grown Cannabis Alliance. He noted he had been involved in organic agriculture since 1999 and stated he was specifically interested in the intersection of cannabis and agriculture farms. He pointed out a few metrics for everyone and provided his suggestions for improvement through policy changes. He noted he understood the sentiment to protect the public and that everyone agrees that we want the healthiest viable product and to protect the consumer. He noted the vision everyone in the room shared about the potential for the future of Massachusetts cannabis and to create a guild of outdoor growers. He turned it over to Dave Dewitt and he thanked the Commissioners for having them. He stated he was mainly there to talk to the Commissioners about farming including organic and biological farming. He noted their farm and cannabis company was located Truro and had been farming there for thirty-seven years. He gave the Commissioners an overview of biological farming and what they are trying to achieve. He stated he had been working with the Commission from the beginning with many discussions over the years. He stated what is important to him as a farmer is microbial testing. Suehiko jumped in to provide further context. Commissioner Camargo acknowledged the Manager of Lab and Testing Janine Paul being in the meeting and thanked her. Commissioner Roy asked Matt Allen about his prior comments. Matt Allen explained the waste process. Commissioner Camargo asked if he could send the Commissioners the issue in an email. Matt thanked the Commissioners for taking action. The next speaker was Matthew Gregg. Commissioner Roy remembered speaking with him before and thanked him for his service. He voiced that they focus on policy, reform, and education. Commissioner Camargo mentioned the document he provided them was very detailed. Matthew directed the Commissioners to page five and gave them an overview. Matthew spoke to the entire room to emphasize they all needed to be the voice and change and an audience member mentioned they are required to take the Responsible Vendor Training (RVT) training every year, but it is the same exact course over and over again.

- The next speaker was Wilder Sparks from MA Craft Cultivation. He emphasized gratitude for the Commission prioritizing public safety. He mentioned areas where work still needed to be done in the cannabis industry and added that the current standard of testing goes beyond what they need to preserve public health and safety. He mentioned the prohibitively costly and stringent consequences for not meeting testing standards and that they are dire enough to discourage a lot of people who want to be involved. He discussed ways in which these standards and their enforcement are shaping the industry. He provided an example of local farms who had completely fell apart in the face of the Commission's current restrictions. He emphasized that if a system was in place where they could benefit, it would be huge for a lot of communities in the Commonwealth.
- The next speaker was Chris Roos from High Plains Farm. He mentioned that when the regulations are drafted, it seemed that most of them were written for big indoor



facilities. He added that batch sizes and tested were his biggest concerns. Commissioner Roy asked Chris what he would propose. Chris proposed his suggestion regarding batch size and added that their biggest cost was labor.

- The next speaker was Nick Rosati from High Plains Farm. He stated his top priority to speak about was the microbial thresholds of testing. He mentioned sustainability as they are growing outdoors using natural sunlight and waters getting into the plants. He added one of the least sustainable things they deal with in the regulations is Metrc tags. He explained the costs for these Metrc tags and the challenges. Commissioner Roy acknowledged that sustainability was an issue and added they had received many proposals related to the topic. He also brought up badging of agents and proposed to allow some of the staffing companies that are in this industry already to badge and train people. He added it would be beneficial for them to not have them have a badge that is specific to one license. Commissioner Roy asked if he proposed the badge follows the person and he confirmed.
- The next speaker was Ben Sanders and Elizabeth Stainton from Greenfield Greenery. Ben touched on increasing batch sizes. He added there seemed to be a redundancy in testing and transfer requirements especially between cultivators and manufacturers. He stated that raising the pound limit on batches going from cultivation to manufacturing would make more sense as it would help not only cultivators but consumers and manufacturers. He added dropping the pesticide testing requirement for transfers between cultivation and manufacturing. He mentioned that Oregon did not require pesticide testing upon transfer to manufacturers, just before it goes to the consumer or dispenser. He stated there was no need for double testing and recommended an alternative method. He emphasized the need to either increase the batch size or decrease the amount of pesticide tests per batch. Commissioner Roy confirmed he meant one pesticide test for the whole crop. She asked what the time frame would be to test and Ben answered right before plants come down. Ben added his proposal would also help cultivators for fresh frozen production. Someone from the audience gave further context and gave a hypothetical. He explained costs and how it is a waste of money. He stated the amount of extra costs everyone had been saddled with because of testing, licenses, etc. are going to put them all out of business. He added that farmers and nursery men that have been growing plants and green house for hundreds of years are afraid to get into this industry. Commissioner Roy asked if there is too much supply and the Commission should force relegation or is there not enough supply that they should let it fly. Ben stated it was a complicated question, both statements were true, and gave her some background. Elizabeth joined in and noted that Sun Grown Cannabis Alliance was a good illustration that outdoor farmers of all stripes often seek community to depend on each other for help and solidarity. She suggested that workers badged as outdoor cultivators could register to work at more than one farm. She added that badging farm employees was time consuming and expensive. She urged the Commission to consider following California and to consider how the startup and ongoing cost of compliance challenged producers to stay afloat.



- The next speaker was Toria Souza from Holistic Health Group (HHG). She focused on vertically integrated farms such as themselves with pesticide screening on fresh frozen product. She gave an overview of the fresh frozen process. She noted the redundancy in testing.
- The next speaker was Cheryl Maguire from Stafford Green, INC and Francis Maguire joined her. Cheryl gave background on how their season looks May 1st to October 31st and gave some insight on their agent registration process. She asked the Commission to separate the indoor and outdoor registration process. Commissioner Roy asked by a show of hands who else wanted the Commission to look at this topic and many raised their hands. Francis described experiences that happen frequently that may not be in the view of the Commission regarding dispensaries adding outdoor product to their menus. They brought up possible prejudice in consumers between outdoor and indoor product. They added last year they still had half of their product, and they had been to a bunch of dispensaries and getting the same answer. They emphasized the fear in the whole industry and how the old economic maxim of supply and demand is not applying. They noted the marketing issues and prejudice. Commissioner Roy noted that was the first time she heard that and asked why there is a stigma or prejudice for outdoor grown cannabis and Francis provided context and examples. Francis noted the industry itself is in a great deal of flux.
- The next speaker was Craig Willett and Cameron from Regenerative LLC. Cameron stated that it would be amazing if they had the ability to package manufactured products they made such as concentrates the same way they can package flower as long as it is not being altered. He added this would make a massive difference in everyone's pockets. Commissioner Roy confirmed he meant to revert it back to the cultivators to repackage. He also brought up problems with concentrate testing and suggested structure like California and Colorado markets. Next, Greg spoke and started off talking about testing and the Massachusetts Department of Agricultural Resources (MDAR) approved products. He stated that if they were to use a lot of these products they would fail microbial, yeast and mold tests. He pointed out it was a contradiction to the regulation and that a broad spectrum was not feasible. Commissioner Roy asked if they used a more specific testing method whether by strain or pathogen, if it would be a more expensive test. Someone from the audience stated they did not think it would not be more expensive and would be helpful. He provided examples regarding increasing limits and advocated for a single license that stays with the employee. He also added he believed that fines should only be assessed for people in severe gross negligence. Commissioner Roy asked him to define severe gross negligence and he answered when people know what they are doing is wrong, giving the example of taking pesticides and spraying crop.
- The next speaker was Liam Sullivan from High Hawk Farm as the Director of cultivation. He added that this was the farming in question regarding rumored positive pesticide tests. He provided past experience and compared testing requirements on raw milk versus cannabis. He mentioned that Massachusetts leads the nation in direct farm to consumer sales. He spoke about the background of their positive pesticide tests and how it has been professionally, personally, and financially



- devastating. Commissioner Roy mentioned they were going to see what they could do as a body without jeopardizing public health and welfare. She also added the work they will do, and that the conversation is important. Commissioner Camargo thanked him for his honesty and transparency. She mentioned the difficulty of being the second cohort of Commissioners.
- The next speaker was Erik Williams as the COO of Canna Provisions. He stated they had both indoor and outdoor cultivation. He stated he was there to show this support for the struggles that especially large-scale outdoor cultivation have and he mentioned he did not disagree with anything anyone said prior to him speaking. He added that remediation was no longer a solution to anyone. He explained his personal struggles when it came to batch sizing and how the limitations do not make sense. He added that the RVT training was not relevant to cultivation. He emphasized that there was an oversupply on the market currently. He almost mentioned his concern on mosquito spraying.
 - The next speaker was Julie Beauchemin. She noted that she was currently the closest to achieving operations for craft marijuana cooperative placement in Massachusetts. She stated their mission was to encourage sustainably grown cannabis by providing the outdoor growers with logistical support services. She was thankful for the craft co-op license type and added it was a really important first step to supporting the local agricultural community. Someone from the audience added that it was first of the country as a license and the room applauded. She added they deserved regulations that reward transparency, taking proper actions, and contributing sustainable practices. She noted she would love to see the Commission consider implementing either reduced fees or a priority status for the outdoor farms.
 - The next speaker was Jon Ferguson from Green Valley Analytics as the CEO and Co-founder. He mentioned they were an independent testing lab in Holyoke. He thanked the Commissioners and the Sun Grown Alliance for putting the meeting together. He mentioned that limits have put a heavy burden on the cultivators and provided examples. He emphasized that he believed in the power of the plant and its ability to help millions of people around the world. He added that limits are a necessary part of keeping people safe, but the rigorous limits are overly restrictive and hurting the chances of farmer's success for outdoor farms. He added that without them there would be a serious hole in the supply chain for quality sun grown cannabis in Massachusetts along with the manufacturers. He mentioned other states limits and made recommendations for the Commonwealth. He stated that a reasonable increase in certain microbial limits along with some testing method standardization would be a great starting point to help protect the outdoor farmers while still protecting the health and wellbeing of the patients and consumers. Commissioner Roy pointed out Martha's Vineyard and how there is almost three hundred medical patients without a Medical Marijuana Treatment Center and they have to go to adult use. She posed, if the standard is different with no access to a medical treatment, what would those people do. Someone from the audience mentioned that you cannot sanitize cannabis to make it healthy and gave some insight on testing. Someone recommended regulations of how to get product to the islands legally.



- The next speaker was Grant Smith Ellis. He started off by telling the Commissioners they should listen to their licensed applicants and their struggles as they have outlined a lot of the issues. He added he thought some of the issues could be taken care of quickly. He added there was an outstanding ambiguity on product sample and that the Commission should look into it. He emphasized that limits did not matter if there was lab fraud occurring. He stated that a fundamental fix was going to come from how the standardization of testing methodology is implemented and recommended a systemic change to the monetary incentive in the testing process. He also mentioned a farmer equity program would be wonderful and then they could do a farmer equity brand fund.
- The next speaker was Heidi Zorn. She started off by stating she wanted to speak about inspection of their sites and how it was not very streamlined. She emphasized the want to work as a team with the Commission instead of having to be scared. She asked for a checklist from investigators and to think about investigators for each specific license type.
- The next speaker was Ari Zorn from Devine Retail Cannabis. He read a statement, and laid out concerns around if outdoor growers do not get the same protection from the nuisance compliance around the order that conventional farmers get, outdoor growers will be litigated out of business. He provided some examples of neighbors' complaints and how they are being harassed to be shut down. He added that New York was at their heels and how they are allowed to sell three ounces versus one.
- Someone for the audience made a comment about their eleven-point validation system for odor, the costs, odor surveys, and complaints. Conversation broke out in the room. Commissioner Roy stated she was not sure what they could do about that at the Commission level but thanked him for sharing. Someone else asked who they would go to for help with that. Commissioner Roy answered to speak with their legislators as it is out of the Commission's jurisdiction and she noted the local control component in the cannabis industry. Someone added that small towns can spawn a strong legal defense part of the marijuana establishment. Another audience member asked the Commission to look into getting cannabis back into a definition of agriculture and added he thought the Commissioners could have massive influence with the state house. He added that it was important to get it designated as an agricultural crop. Commissioner Roy stated that it had to be fixed legislatively and mentioned that rescheduling of cannabis could help a lot in that argument. An audience member mentioned they need them as a policy group to make the push and how they have a lot of say at the State house. He also explained the benefits this change would have as they currently do not have rights to protection from the state in cannabis. Another member added that cannabis is the number one crop in the state and asked why the Commission is not standing up for them as the state house to give them the protections they need.

The Commission took a short recess. (Returned at 2:10:20.)



- The next speaker was Megan Dobro as the founder and CEO of SafeTiva Labs. She provided her background and why she got into this industry, specifically her interest in public health. She emphasized they needed to remove total aerobic bacteria and yeast testing, and she provided her reasoning with her experience as a scientist and mother. She added she did not see any negative sides to doing that and a majority of these bacteria are harmless to humans. She added some could even be beneficial to us and to the plants. She emphasized that natural pesticides help to fend off from more harmful species and only the harmful ones should be tested. She added that there was no guidance about which species are supposed to be included so labs could be testing differently and would still be within compliance of the vague regulations. She recommended adding aspergillus testing as there is evidence of it impacting human health in cannabis. She also mentioned that the total counts test would not hold up in court which leaves vulnerability for lawsuits. She emphasized with the current microbial limits and categories it is nearly impossible for many companies to survive and it might result in less of a safe product being sold to consumers. Commissioner Roy asked what she was recommending, and Megan answered that they follow what is listed in the protocol of the sampling document that outlines how sampling should be done randomized and on camera and that there needs to be oversight and enforcement of that. She added that they need to remain nimble enough to make changes as new information is available. She ended with the recommendation of getting rid of the two-driver rule for all license types. She mentioned how New York performs testing. Someone from the audience pointed out that the “sounds scary” rational was how they got where they are. Commissioner Roy noted she was trying to avoid that. Conversation broke out amongst the room regarding recommendations to testing, standardization, and eliminating potency.
- The next speaker was Jesse Gambati from EOS Farms. He thanked the Commissioners for trying to support the market in Massachusetts and gave a background of his experience in the industry. He emphasized it was difficult to grow cannabis in the Commonwealth. He stated that the issues were capital, labor, and quality. He noted the uphill battle for outdoor cultivators to push their product at the same level as indoor and provided examples. He stated what would provide immediate relief would be packaging size, labor element, and transferring without pesticides for fresh frozen. He added that in California the only people who won are the people that have stacked licenses. He also mentioned they are all racing to the bottom with pricing and they are all ending up broke. He added to produce quality cannabis requires labor and infrastructure and the quality of outdoor cannabis has gone down. He recommended restricting licenses at some level to limit the oversupply and then they need to couple up with the retailers that support craft product and get their quality up to compete with indoor.
- A member from the audience mentioned how social consumption was a whole new upcoming market which could care about the craft product. Commissioner Camargo stated there was more to come on that and she was happy to speak with him after the meeting.



- The next speaker was Brayden Farnsworth. He started off by saying he thought the Commissioners job was just as difficult as theirs. He mentioned that one thing they did not discuss was how microbial testing are affecting the quality of cannabis. He stated his biggest concern for Massachusetts was not the market today but their market with interstate farmers.
- The next speaker was Helen Gomez Andrews from the Cannabis Advisory Board (CAB). She emphasized it was important to reiterate the current microbial testing policy requirements and how they affect everyone across the industry, but mostly impacts outdoor farmers. She mentioned that she invited a subject matter expert to speak at the cannabis industry subcommittee and encouraged everyone to watch. She emphasized the importance of making sharing labor across farms easier and correcting badge policy would go a long way.
- The next speaker was Ryan Dominguez from the Massachusetts Cannabis Coalition. He thanked the Sun Grown Cannabis Alliance and all the outdoor growers for their comments. He stated that one thing that could really save all of them money is by increasing batch sizes and recommended taking incremental steps as they increase. He touched on agent registration funds and stated they need a badge that can follow the agent. He added the opportunity for the Commission to consider creating a new badging system. He also brought up Metrc batch tagging and negotiating with Metrc on batch tagging. He emphasized the want to keep Massachusetts competitive with other states and we are long overdue for some changes. He ended off touching on increasing of purchase limits was their number one priority going to the legislative session.
- The last speaker was Dan Berger from Grassp Ventures. He brought up guidance on zoning on all license types. He also brought up vertical integration requirements on the medical side and removing that would help. He added that on the adult use side they must pay individual licensing fees.
- Commissioner Roy confirmed there were no further comments and stated they had all taken notes and that the work would not stop here. She also added how she would no longer be Acting Chair (AC) after the current meeting and called for three special meeting around the topics of the AC, provisional licenses, and Governance.

4) Next Meeting Date – 02:53:35

- The AC stated that the next meeting date is September 12, 2024.
- Commissioner Roy asked again if there were any final comments. An audience member expressed that Massachusetts was the standard and other states want to copy what they are doing with cannabis. The room applauded.

5) Adjournment – 02:55:11

- Commissioner Roy stated that the meeting was adjourned.

