

Attachment C

Good afternoon. My name is Kyle Speidell one of the owners of The Green Solution, a family owned, vertically integrated cannabis company with 23 stores, 8 grows, and a manufacturing operation across the state. I am writing in support of Senator Sonnenberg's amendments to codify CBD regulation in statute.

Frankly I am surprised to see any hemp legislation moving forward this session. Senators Fenberg and Marble passed legislation last year to create a process for state compliance with Federal regulations, a bill we worked hard to amend to ensure hemp products, like CBD, were included in the regulatory discussions. We have all been patiently awaiting the outcome of those discussions and yet somehow some regulation is being prioritized over others. We feel very strongly that if hemp regulation is moving forward that the regulation of consumable hemp products move along with it. It cannot wait.

You have likely seen the results of a Clean Label Project study that shows that high percentages of CBD products contained THC, and dangerous levels of pesticides, microbials, and other contaminants. This is because there is no federal framework for the regulation of CBD products.

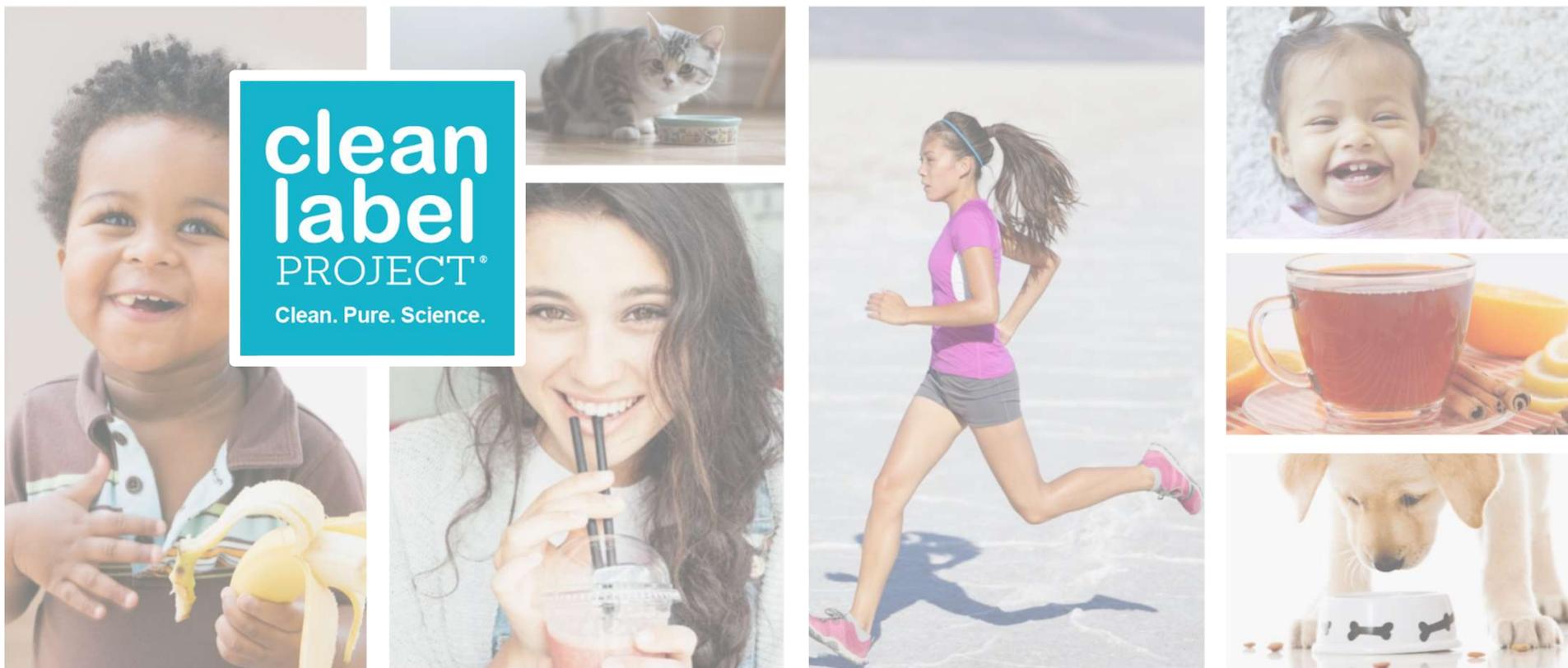
Last week the Marijuana Enforcement Division released guidance for licensed marijuana stores to sell hemp-derived CBD products. It lays out a comprehensive testing and labeling program for those products. I have attached that guidance to this email. We believe that all consumers should have the same protections consumers shopping in our stores do. Here are some things to consider:

- There are no age limits for CBD products sold in grocery or convenience stores or through supplement suppliers, yet many contain inebriating levels of THC.
- Savvy shoppers are increasingly aware of which CBD products they can catch a buzz from. It's called "cheap THC".
- With the new regulation on hemp derived CBD products available in marijuana stores, there will be price and safety differential consumers will be unaware of.

If you or your child consumed a CBD product and got high, who do you blame? The convenience store, the hemp farmer, or the marijuana industry? That is the reality we live with every day this issue goes unaddressed. Please, if you find hemp plant regulation important enough to advance, please include hemp product regulation to this bill.

Thank you for your time and attention.

FDA's Scientific Data and Information about Products Containing Cannabis or Cannabis-Derived Compounds *Public Hearing*



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About Me

- Clean Label Project Executive Director
- Food & consumer product safety & quality systems engineer
- 15 years with the World Health Organization Collaborating Centre on Food Safety & Water Quality, NSF International
 - ❑ Label Claim Substantiation
 - ❑ FSMA
 - ❑ GFSI benchmarked standards
 - ❑ Certified Organic, Gluten-Free, Non-GMO Project, etc.
 - ❑ Certification compliance and enforcement standards and policies



From top left clockwise: (1) Jackie Bowen (2) Jackie with Dr. Mona Hannah-Attisha- pediatrician who broke the public health drinking water crisis in Flint, MI (3) Jackie with Congresswoman DeLauro (D-Conn.)- Committee on Appropriations for Health & Human Services including Food & Drug Administration (4) Jackie on Washington Post panel with Deputy Undersecretary of Agriculture during Obama Administration under Secretary Vilsack and principal author of the USDA National Organic Program (5) Jackie at the World Health Organization infant and maternal health affiliate, 1000 Days (6) Jackie on the Doctors TV show about Protein Powder



About Clean Label Project

- A national non-profit with the mission to bring truth and transparency to consumer product labeling.
- We believe that sometimes what's NOT on a label is what matters most.
- Food safety attention has largely been focused on short term acute exposure to food-borne pathogens like salmonella, e.coli, and listeria.
- The long term threat of cancers and reproductive disorders linked to industrial and environmental contaminant exposure have largely gone unnoticed, untested, and therefore unregulated in food and consumer products, until now.
- Clean Label Project uses evidence-based statistical modeling to reveal levels of contaminants in America's best selling food and consumer products.
- Together, we are changing the definition of food and consumer product safety in America.

Why did we test the CBD category?

- High growth, premium pricing, previous FDA CBD potency & purity findings, and recent media and academic reports made CBD an interesting category to examine
- Our findings and conclusions are consistent with other studies: systemic quality control issues



¹ Bonn-Miller MO, Loflin MJE, Thomas BF, Marcu JP, Hyke T, Vandrey R. Labeling Accuracy of Cannabidiol Extracts Sold Online. *JAMA*. 2017;318(17):1708–1709. doi:10.1001/jama.2017.11909

² <https://www.nbcnewyork.com/investigations/CBD-Products-Tested-505762921.html>

³ <https://www.businessinsider.com/study-cbd-products-are-mislabeled-and-contain-dangerous-chemicals-2019-4>

⁴ <https://www.nytimes.com/interactive/2019/05/14/magazine/cbd-cannabis-cure.html>

⁵ <https://www.sciencenews.org/article/cbd-product-boom-science-research-hemp-marijuana>

How did we test the category?

- Inspired by the Amazon.com best sellers list & internet search of popular CBD products
- Using consumer chain of custody basket sampling to test 208 best selling CBD products
- Had products tested at two independent accredited analytical chemistry laboratories
- Benchmarked the findings

What did we test for?

- 400+ analytes using ICP-MS, LC-MSMS, & GC-MS
 - Heavy Metals (Total Arsenic, Cadmium, Lead, and Mercury)
 - 300+ Pesticides (including Glyphosate)
 - Plasticizers (Phthalates, BPA, BPS)
 - Potency (actual CBD content)
 - THC
 - Mycotoxins

What products/brands did we test?



and more...

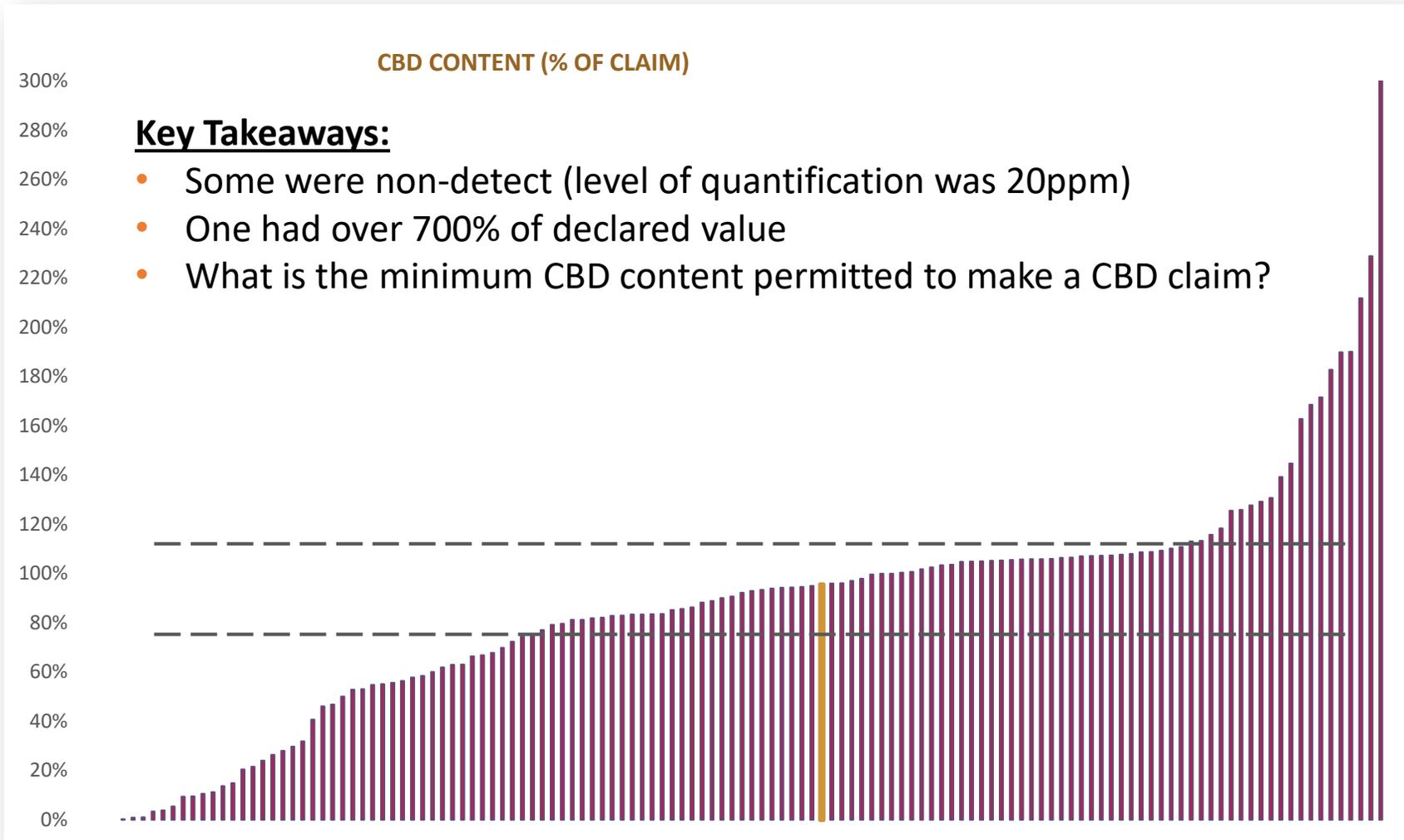


Key Finding #1: Highly Variable Potency & Contamination

PERFORMANCE METRIC	TOP 10 BRANDS AVERAGE	NOTES
Number of contaminants tested	14	This analysis was for over 400 analytes
Inaccurate / Misleading CBD Labeling	>30%	This would be the number of products with +/- 20% of CBD value listed on the label
Average Lead (ppb)	34 ppb	Highest lead average out of all consumer product categories we've tested
Average Pesticides (ppb)	40.9 ppb	Most common pesticide hits: <ul style="list-style-type: none"> • Propiconazole (8% of products) • Pyrimethanil (3% of products) • Azoxystrobin (3% of products)
Average Phthalates (ppb)	1,091 ppb	
% Containing THC	45%	

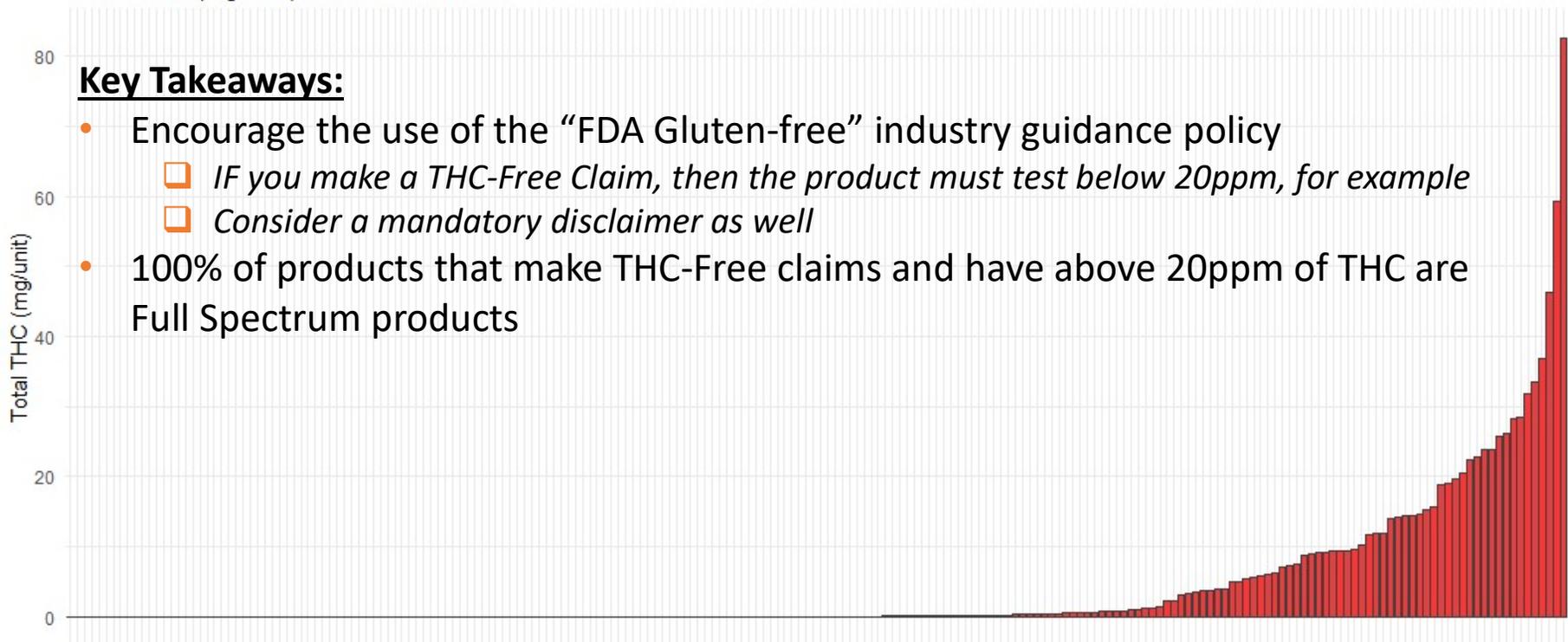
- ❑ Overall, a general disconnect between the brand-reported C of As and products purchased from store shelves
- ❑ Elevated levels of detection result in C of As with non-detects giving unsuspecting brands and consumers a false sense of comfort, security, and compliance

Key Finding #2: CBD Content Varies Widely From Values Listed on the Label



Key Finding #3: THC-Free Does Not Always Mean THC-Free

Total THC (mg/unit) in CBD Products

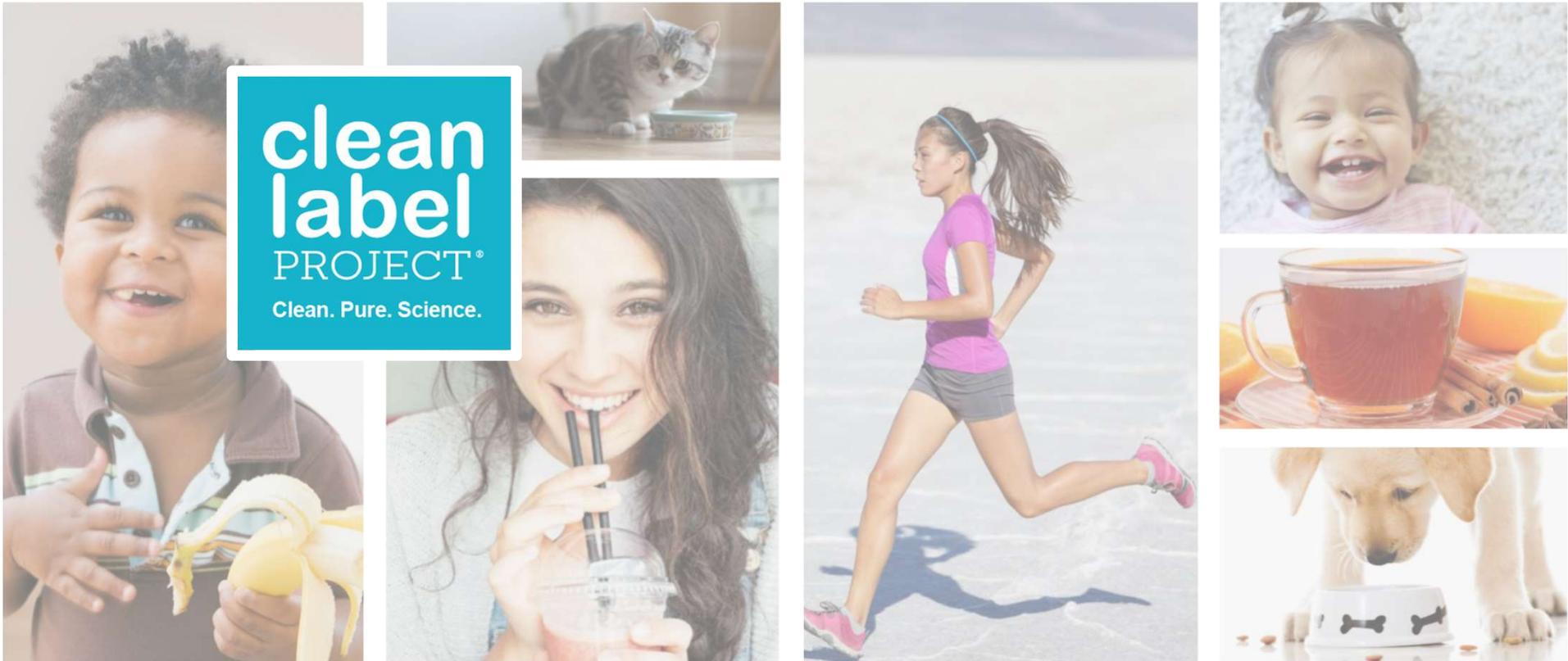


- *Legal limit of 0.3% THC is based on dry weight in hemp and this limit is being applied to manufactured products*
- *Currently, there is no rule or regulation that says how much THC can be present in a concentrate or a manufactured product*

Thank you!

Jaclyn Bowen MPH, MS

Email: JBowen@CleanLabelProject.org





COLORADO
Department of Agriculture

Written Testimony

SB20-197 Aligning State And Federal Law On Hemp

Program Overview:

The hemp program at the Colorado Department of Agriculture (CDA) regulates the cultivation of hemp as written in The Industrial Hemp Act (Title 35, Article 61) and Rules Pertaining to the administration of Act (8 CCR 1203-23). The program:

- Registers land areas used to grow hemp,
- Collects required planting and harvest reports,
- Inspects and samples crop to ensure compliance with rules and that plants are legal hemp,
- Enforces violations,
- Administers and operates a hemp certified seed program
- Works cooperatively with CSU, CDPHE, DPS, DOR, DORA, OEDIT, other agencies and industry experts to establish a strong market for the state's farming communities.

In 2019, the program had 2,002 registrants (cultivators of hemp) and 2,716 farms registered. 87,408 Acres and 16.5 Million Square Feet were registered with 52,275 planted acres and 51,851 harvested acres.

Summary of the Bill:

The bill aligns state statute with the USDA's Interim Final Rule on Hemp (Establishment of a Domestic Hemp Production Program) that was adopted on October 31, 2019, and which Colorado must be in compliance with by October 31, 2020.

Major components of that bill are:

- Allows for the required collection and analysis of samples from 100% of all hemp crops (lots) via third party samplers and laboratories.
- Provides the authority to obtain felony background checks (criminal history reports) for registrants.
- Establishes a three-year record-keeping requirement for producers.
- Enables the state agricultural commission to appoint members of the industrial hemp advisory committee to ensure there are no vacancies. Currently there are vacant positions on the committee which has been the historic trend.
- Transition the certified seed program to be administered by an institution of higher education (CSU) with oversight by CDA.

Amendment L001 - Makes several necessary technical changes and clarifies that penalties and fines are credited to the program's cash fund.

Department Position:

Thank you for the opportunity to provide this written testimony. **This bill is necessary for Colorado to have a federally compliant hemp program beginning on October 31, 2020. Without passage of this bill there will not be a legal hemp program in Colorado later this year.** The Colorado Department of Agriculture asks for your support of Amendment L001 and urges a yes vote on SB20-197.