

Stopping Cannabis Lab Fraud: Industry Must Step Up

Scientist David Vaillencourt Has Dedicated His Career to Standardizing Cannabis Industry Practices

Scientist David Vaillencourt has spent most of his cannabis industry career working on standardizing the rules, measurements, and recommended procedures that guide licensed marijuana businesses.

Vaillencourt certainly has the credentials to back his mission. He serves as the vice chair of Pennsylvania-headquartered ASTM International's Committee D37 on Cannabis Standards. Additionally, he is the board chair and co-founder of the S3 Collective, a cannabis industry nonprofit in Colorado advocating for industry standardization. He is also the CEO of the GMP Collective, his Colorado-based consulting firm.

The Cannabis Testing Lab Industry Faces Scandals and Lawsuits Across Multiple States

His work has often intersected with the marijuana industry's testing lab niche, which in recent months has been rocked by scandals and lawsuits in major markets such as California, Colorado, Massachusetts, and New York.

Why Are We Seeing an Increase in Testing Lab Scandals at This Point in the Industry's Evolution?

Lab testing fraud has been an issue since third-party cannabis testing began. The problem has been discussed widely, but now it is gaining more traction. One reason is that several labs are going above and beyond their job, collecting and summarizing data that highlight inconsistencies in testing results.

Industry professionals such as Yasha Kahn of MCR Labs in Massachusetts are bringing these discrepancies to light. These revelations show that lab shopping—a practice where businesses choose labs that provide more favorable results—is a significant issue.

Vaillencourt challenges the industry, asking, "What are you doing to be part of the solution?" Businesses knowingly choosing labs that inflate potency results are committing fraud and misleading consumers. The responsibility is on the industry to ensure ethical practices are followed.

The Role of Standardization in Reducing Cannabis Testing Lab Fraud

Standardization is essential, but it presents a challenge. Should every lab use the exact same high-performance liquid chromatography (HPLC) run time and specific methodologies? If so, the market could become monopolized by a single government lab, stifling competition and innovation.

Instead, Vaillencourt suggests a framework that establishes minimum performance standards. He argues that accuracy, precision, and sample selection criteria must be improved. If businesses cherry-pick cannabis buds

for testing, THC levels will appear higher, skewing results. Standardized sampling protocols would ensure more reliable and transparent outcomes.

Progress in Standardizing Cannabis Testing Labs and Industry Regulations

There are now over 60 ASTM standards that have gone through the consensus process. These include guidelines for collecting and preparing representative samples, standardized analytical test methods, packaging and labeling specifications, and sustainability standards.

As of mid-2024, 13 states have adopted some of these standards. While this marks progress, the industry remains fragmented, and much work is still needed to establish uniform regulations.

The Debate Over Lawsuits and Their Role in Holding Fraudulent Labs Accountable

Some labs have taken legal action against competitors accused of fraudulent testing practices. While some view these lawsuits as a positive step toward accountability, others argue they are merely efforts to tarnish competitors' reputations.

Vaillencourt sees lab shopping as a severe problem and applauds labs that are fighting back. He emphasizes that the responsibility does not lie solely with regulators but with all industry stakeholders. Although lawsuits alone will not solve the problem, they bring greater visibility to the issue and may drive positive change.

Should There Be More Spot Inspections to Deter Cannabis Testing Fraud?

Spot inspections are a crucial part of the solution, as they provide real-time data and help uncover fraudulent practices. The threat of being caught encourages compliance. Increased oversight through unannounced inspections would significantly improve testing integrity.

Reference Labs: A Potential Solution for Ensuring Testing Accuracy and Transparency

Reference labs have been proposed as a solution. A government-run, independent reference lab without financial incentives could serve as an objective authority. When discrepancies arise, these labs could determine accurate results, helping to establish trust and integrity in the industry.

The Challenge of Hemp-Derived THC Products and Ensuring Consumer Safety

Hemp-derived THC products present another challenge for testing labs. Studies indicate that these products often fail to meet their label claims, leading to inconsistencies and safety concerns. Additionally, some products claiming to be marijuana-derived THC distillates are actually hemp-derived with converted THC additives.

Michigan is among the states facing this issue. Industry-wide standardization and improved testing protocols could mitigate these risks and protect consumers.

Can Cannabis Testing Fraud Ever Be Completely Eliminated?

Vaillencourt believes that cannabis testing fraud will never be entirely eradicated. Just as illicit markets exist in other industries, cannabis fraud will persist as long as demand exists.

However, the industry must strive to build integrity and consumer trust. He warns that complacency and the widespread acceptance of lab shopping hinder progress. Until businesses commit to ethical practices, testing fraud will remain a persistent problem.

The Future of Cannabis Testing: Will the Industry Step Up to Solve These Issues?

In the coming years, increased scrutiny, regulatory improvements, and industry-driven solutions will be crucial in curbing cannabis testing fraud. The question remains: Will businesses step up to be part of the solution?

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