



Oregon

Environmental Laboratory Accreditation Program



Department of Agriculture, Laboratory Division
Department of Environmental Quality, Laboratory Division
Oregon Health Authority, Public Health Division

Oregon State Public Health Laboratory
7202 NE Evergreen Parkway, Suite 100
Hillsboro, OR 97124
PH (503) 693-4122
FAX (503) 693-5602
TTY (503) 731-4031

Notification on *Aspergillus* testing

Effective today August 25, 2023, a stay has been placed on Oregon Administrative Rule (OAR) 333-007-0390 concerning microbiological testing of the four pathogenic *Aspergillus* species by the Oregon Court of Appeals. Guidance for ORELAP accredited laboratories performing compliance testing of marijuana items is as follows.

- 1) Effective August 25, 2023, until further notice, testing for *Aspergillus* is not required for compliance testing.
- 2) The stay applies only to *Aspergillus* and does not impact the requirements to test for Shiga-toxin producing *E. coli* (STEC) or *Salmonella* species.
- 3) Any testing for *Aspergillus* already performed and not yet entered into Metrc should NOT be entered until further notice.
- 4) Certificates of Analysis (COAs) generated as of this point forward should NOT include results of *Aspergillus* testing but must include results of the other required analyses. If *Aspergillus* testing is requested by a client, results should be documented separately.
- 5) Previously entered *Aspergillus* testing results and COAs already uploaded into Metrc may not be changed unless permitted by Oregon Health Authority or Oregon Liquor and Cannabis Commission. Either ORELAP, OHA, or OLCC will communicate with laboratories if changes are permitted.
- 6) All data generated for *Aspergillus* testing previously and in the future must be maintained even if the results are not being entered into Metrc.
- 7) If your laboratory method for microbiology is a multiplex test which analyzes for all the microbial contaminants listed in OAR 333-007-0390 simultaneously, the laboratory should continue to perform the test as described in the manufacturer instructions and laboratory SOP.
- 8) If your laboratory method uses separate analyses for *Aspergillus* and the other microbes, the laboratory is only required to do the STEC and *Salmonella* species portion of the testing.

The state is reviewing its options related to the Court of Appeals ruling and will keep laboratories informed.

If you have any questions about the content of this letter, please email ORELAP.info@oha.oregon.gov.