

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General

Vision: To be the **Healthiest State** in the Nation

Sent via Electronic Delivery

August 30, 2022

Green Scientific Labs, LLC
d/b/a Green Scientific Labs
4001 SW 47th Ave Suite 208
Davie, FL 333314
kris@greenscientificlabs.com

Re: Notice of Violation

Reference Number: 00009312

Dear Mr. Marsh,

The Florida Department of Health (“Department”) has determined that Green Scientific Labs, LLC (“Green Scientific”), a Certified Marijuana Testing Laboratory (“CMTL”) engaged in an activity that was not in compliance with Emergency Rule 64ER20-3.

On August 12, 2022, the Department received a renewal application from Green Scientific. In its renewal application, Green Scientific submitted the most recent ISO/IEC 17025:2017 Certificate of Accreditation. The Certificate of Accreditation shows that Green Scientific is accredited to test Total Combined Yeast and Mold using a plating procedure, SOP 415, “Microbiology Plating Procedure for Yeasts and Molds.” Additionally, Proficiency Testing (“PT”) results submitted with the renewal application show satisfactory result for Total Combined Yeast and Mold was performed using the plating method in the Edibles and Usable Whole Flower matrices, and Quantitative Polymerase Chain Reaction method (qPCR) in the Usable Whole Flower matrix.

Based on a review of Certificates of Analysis issued by Green Scientific, the Department has determined that Green Scientific is conducting regulatory compliance testing of the Total Combined Yeast and Mold using the polymerase chain reaction (“PCR”) testing method. Green Scientific has not provided ISO/IEC 17025:2017 accreditation for use of the PCR method for the Testing Field of Total Combined Yeast and Mold. Additionally, Green Scientific has not provided evidence of satisfactory PT results for the Testing Field of Total Combined Yeast and Mold utilizing the PCR method in the Edibles and Derivative Product Matrices.

Emergency Rule 64ER20-3(1)(b) requires that analyses of Testing Fields within Matrix Groups must be covered by the Certified Marijuana Testing Laboratory’s ISO/IEC 17025:2017 (revised March 2018) accreditation.

Further, Emergency Rule 64ER20-3(1)(c) requires that analyses of Testing Fields within Matrix Groups must be supported by documentation of two satisfactory analyses of the three most recent PTs administered by an ISO/IEC 17043:2010 accredited body.

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Emergency Rule 64ER22-5(11)(mm) states that using an unapproved Analytical Method may result in a fine ranging from \$500 to \$1,000 per instance.

Based on the forgoing, the Department is fining Green Scientific as follows:

- \$20,000 for using the unapproved Analytical Method—PCR testing—for the analysis of the Total Combined Yeast and Mold Analyte in the Matrix Groups Usable Whole Flower, Derivative Products, and Edibles.

Green Scientific must immediately discontinue Regulatory Compliance Testing using the unapproved PCR method for the analysis of Total Combined Yeast and Mold in all Matrix Groups. Green Scientific is permitted however, to continue testing Total Combined Yeast and Mold utilizing the plating method for which it has provided ISO/IEC 17025 accreditation and satisfactory PT results.

Green Scientific must provide the following before resuming the analysis of Total Combined Yeast and Mold using the PCR method:

- An updated ISO/IEC 17025 accreditation showing approval of the PCR method for Total Combined Yeast and Mold;
- Satisfactory PT results compliant with 64ER20-3(1)(c) for the ISO/IEC 17025 approved PCR method for Total Combined Yeast and Mold in the Edibles and Derivative products Matrix Groups delivered to the Department by the ISO 17043 accredited PT provider; and
- Initial Display of Competency information for all Analysts performing the ISO/IEC 17025 approved Total Combined Yeast and Mold method for all matrices using the PCR method.

Green Scientific must also provide the following:

- Initial display of competency information for all Analysts performing the ISO/IEC 17025 approved Total Combined Yeast and Mold method for all matrices;
- A written corrective action plan to resolve the identified violations, compliant with Emergency Rule 64ER22-5(4); and
- All current SOPs for the analysis of Total Combined Yeast and Mold.

Green Scientific must deliver to the Department a total payment of \$20,000.00, no later than 21 calendar days from the date of this letter. The reference number noted above must be included with payment to ensure it is applied appropriately.

If any responses contain confidential information, Green Scientific must identify the specific public records exemption claimed at the time of submittal and provide an accompanying redacted version of the document(s) with only the confidential portion redacted, by submitting to OMMUlabs@flhealth.gov.

If you have any questions, please contact the Department directly for assistance.

Please mail the check to:
Florida Department of Health
Attn: Office of Medical Marijuana Use
4052 Bald Cypress Way, Bin M-01
Tallahassee, FL 32399

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Sincerely,

Christopher Ferguson

Christopher Ferguson

Director

Office of Medical Marijuana Use

NOTICE OF RIGHTS

This letter is agency action for purposes of section 120.569, Florida Statutes. A party whose substantial interest is affected by this action may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. A petition must be filed in writing and must be received by the Agency Clerk within twenty-one (21) days from receipt of this notice.

The petition may be mailed to the Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN #A-02, Tallahassee, FL 32399- 1703; hand delivered to the Agency Clerk, Department of Health, 2585 Merchants Row Blvd., Prather Building, Suite 110, Tallahassee, FL; or sent by facsimile to (850) 413-8743. Such petition must be filed in conformance with Florida Administrative Code Rules 28-106.201 or 28-106.301, as applicable.

Mediation is not available.

Failure to file a petition within 21 days shall constitute a waiver of the right to a hearing on this agency action.