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To: Current and Prospective Marijuana Testing Facility Licensees  
From: Director Erik Gundersen, Office of Marijuana Policy  
Date: Tuesday, March 9, 2021  
Subject: Guidance for *E.coli* Testing Requirements

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### Background

The Office of Marijuana Policy (OMP) has received comments and concerns from Marijuana Testing Facilities and the Maine Center for Disease Control and Prevention in regard to the current requirement for the testing of adult use marijuana for *Escherichia coli* (*E. coli*). Current Adult Use Marijuana Program (AUMP) regulations require that marijuana samples must contain no *E. coli* organisms of any type down to a detection limit of 1 colony forming unit per gram (cfu/g) to pass testing. There are substantial technological limitations which do not allow for detection of generic *E. coli* down to the level of 1 cfu/g, with the exception of a single United States Pharmacopeia (USP) method which requires significant microbiological systems support to produce the required testing media. These technological limitations were not apparent at the time 18-691 C.M.R., ch. 5, Rules for the Certification of Marijuana Testing Facilities, was established, and an adjustment to account for the technological challenges discussed above is necessary at this time to allow for the testing program to proceed.

*E. coli* testing, along with other microbiological contaminants, gives an indication of the cleanliness and quality of the product being tested. While being able to detect all potentially harmful organisms down to the lowest level possible can be desirable, in some instances it may be unnecessary or unfeasible. In these cases, targeting the most harmful organisms can achieve appropriate protection of human health. In general, most *E. coli* do not cause health issues in humans, however, some *E. coli* are pathogenic, with the Shiga toxin-producing *E. coli* (STEC) group being the most commonly associated with foodborne illness outbreaks.<sup>1</sup>

In an effort to alleviate the problems associated with the technological difficulties related to the requirements of Section 6.10 of 18-691 C.M.R., ch. 5, OMP is providing the following guidance to clarify *E. coli* testing requirements for mandatory testing of adult use marijuana plants, marijuana, and marijuana products.

### Guidance

For the testing of *E. coli* organisms in the Adult Use Marijuana Program, a passing limit for *E. coli* is considered to be <1 cfu/g of Shiga toxin-producing *E. coli* (STEC). While testing that

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<sup>1</sup> Federal Centers for Disease Control and Prevention, <https://www.cdc.gov/ecoli/general/index.html>

measures total *E. coli* presence of <1 cfu/g remains acceptable, it is not required that the entire group of *E. coli* be included.

### Conclusion

The public's health, safety, and well-being are always OMP's top priority as a regulator. Additionally, the mandatory testing regime is one of the hallmarks of the AUMP. In consideration of both the technological challenges facing the marijuana testing facilities as well as the importance of protecting public health and safety, limiting *E. coli* testing to the STEC group will enable the AUMP to move forward in a way that meets the needs of all the stakeholders.

OMP worked closely with the Maine Center for Disease Control and Prevention in developing the requirements of 18-691 C.M.R. ch. 1, Adult Use Marijuana Program Rule, and 18-691 C.M.R. ch. 5. Appropriate microbiological testing requirements, as outlined in these administrative rules and OMP guidance are critical to protect the health of adult use marijuana consumers.