



2025-03-19

PETITION FOR AMENDMENT OF WAC 314.01, 314.55.083, 314.55.102, 314.55.109 et al

Confidence Analytics, Inc. (Confidence), a certified Washington state scientific cannabis testing laboratory, respectfully submits this Petition in accordance with RCW 34.05.330, to seek an amendment(s) to the above-listed rules.

Confidence is seeking appropriate amendments, such that the rule(s) provide clear and succinct terminology with a corrected definition as to the meaning of the below-listed terms.

- WAC 314.01 Definitions. This subsection is devoid of any terminology which could provide guidance for the following rules.
- WAC 314.55.083(4)(k) references “quality assurance test results”
- WAC 314.55.102(2)(b) references “quality control test results”
- WAC 314.55.102(6)(c) references “compliance testing”
- WAC 314.55.109(5) references “test results as required”

Confidence seeks a definition to provide that “Mandatory State Compliance Testing,” or an equivalent term, be specifically identified and consistently used and that such testing results be required to be logged into the seed-to-sale tracking system (Tracking System).

Confidence seeks to differentiate non-mandatory (a.k.a. research and development or “R&D”) testing from Mandatory State Compliance Testing and such non-mandatory test results shall not be subject to being logged into the Tracking System.

We assert that a thorough review of the pertinent WAC provides no definitions of the above-referenced terms and no requirement regarding results of non-mandatory testing is addressed.

As such, with a variety of terms used in the WAC, Confidence Analytics asserts that the long standing interpretation of the above-referenced terms, as well as historical LCB behavior including past communications via BioTrack, Leaf and LCB website, have supported these terms collectively mean Mandatory State Compliance Testing.

Due to recent LCB enforcement and educational communications which are contradictory to the past LCB behavior, and in opposition to industry interpretation, a specific definition of such terms is now imperative in providing labs, licensees, and other stakeholders, clear direction and to support the agency rule of law and legal authority for such directive.

Below, following the published “Petition” form layout, please find our justification as well as proposed language.

Thank you in advance for your consideration.



Agency responsible for administering the rule:

Washington State Liquor and Cannabis Board (LCB)

We are requesting the agency to change an existing rule:

Rules: WAC 314.0, 314.55.083, 314.55.102, WAC 314.55.102, et al be amended to reflect clear, concise, and singular terminology to reference Mandatory State Compliance Testing. And further provide that such testing results are required to be reported into the seed-to-sale tracking system.

Secondly, that such rules reflect clear, concise and singular terminology for all other testing, specifically research and development, and that such Non-Mandatory Testing results shall be exempt from being logged into seed-to-sale tracking system.

We are requesting the following change:

“Quality assurance test results,” “quality control test results,” and “compliance testing” shall herein be referred to as “Mandatory State Compliance Testing” and test results from such testing shall be logged into the CCRS.

Furthermore, non-mandatory testing results shall be exempt from logging into the CCRS.

This change is needed because:

Historically, since industry inception, independent third party laboratories have been directed through LCB behavior (including website communications) and LCB supported vendors (Biotrack and Leaf) that “quality assurance and product standard” was synonymous with compliance samples. AND, that non-mandatory testing, or other NOT REQUIRED or *voluntary* testing, was outside of the requirement for results reporting.

New LCB enforcement behavior, including educational communications, suggest, forcefully, that third-party testing laboratories are to amend their data input on what, previously, has been considered a mid-level analytic review, to be included into the Tracking.

There is confusion and uncertainty in the rules.

There is no definitive definition of what testing is required to be logged into the Tracking System.

Laboratories, licensees as well as other industry stakeholders, do not want to operate with uncertainty.

The effect of this rule change will be:

Laboratories, licensees and other industry stakeholders will have a clear understanding of expectations and requirements.

The rule(s) are not clearly or simply stated:

As referenced above, the LCB behavior in directing that non-mandatory test results be uploaded in the Tracking system is a major deviation of LCB procedural requirements.

The rules are vague and ambiguous and must be clarified.