Washington State
Liquor and Cannabis Board

Date: April 23, 2025

To: Jim Vollendroff, Board Chair
Ollie Garrett, Board Member
Pete Holmes, Board Member

From: Denise Laflamme, Policy and Rules Coordinator

Copy: Will Lukela, Agency Director
Toni Hood, Agency Deputy Director
Lawerence Grant, Director of Enforcement and Education
Becky Smith, Director of Licensing
Kevin Walder, Rules & Policy Manager

Subject: **Board approval to adopt final rules to implement 2SHB 2151 for the transfer of cannabis laboratory accreditation**

The Policy and Rules Coordinator requests Board approval to file a CR-103 adopting final rules to amend and repeal sections in chapter 314-55 WAC related to the transfer of cannabis laboratory quality standards and laboratory accreditation from the Liquor and Cannabis Board (LCB) to the Washington State Department of Agriculture. These amended rules will be effective May 24, 2025.

The Board has been briefed on the rule development background and public comments received on this rulemaking. The CR-103 memorandum, CR-103 form, concise explanatory statement, and final rules for adoption are attached.

If final rules are approved for filing, the concise explanatory statement will be sent to any person upon request and stakeholder who submitted written comment or provided oral testimony on the rule proposal.

_____ Approve _____ Disapprove _____ _____
Jim Vollendroff, Board Chair Date

_____ Approve _____ Disapprove _____ _____
Ollie Garrett, Board Member Date

_____ Approve _____ Disapprove _____ _____
Pete Holmes, Board Member Date

Washington State
Liquor and Cannabis Board

CR 103 Memorandum

Implementing HB 1859 and 2SHB 2151 – Transferring authority for laboratory quality standards and accreditation of private cannabis testing laboratories.

Date: April 23, 2025
Presented by: Denise Laflamme, Policy and Rules Coordinator

Background

The Liquor and Cannabis Board (LCB) is responsible for certifying private cannabis testing labs in Washington who meet accreditation criteria. Initially, LCB was responsible for the regulation and oversight of cannabis testing laboratories, and established standards and accreditation processes to ensure the safety and quality of cannabis products. In 2019, the Legislature passed House Bill 2052 (chapter 277, Laws of 2019), shifting the responsibility for accreditation from LCB to the Department of Ecology (Ecology). LCB would continue to certify labs to operate. The date of the switch in authority for accreditation was July 1, 2024. HB 2052 also established the Cannabis Science Task Force (Task Force) comprised of LCB, the Department of Agriculture (WSDA), the Department of Health (DOH), and Ecology, as well as other members selected by the agencies, to collaborate on the development of appropriate lab quality standards for cannabis product testing laboratories.

In 2022, House Bill 1859 (chapter 135, Laws of 2022), jointly requested by both the LCB and WSDA, amended RCW 69.50.348 to create an Interagency Coordination Team (ICT), consisting of LCB, WSDA, and DOH, to advise and coordinate around cannabis testing lab quality standards. The law re-assigned the responsibility for developing cannabis testing lab quality standards from LCB to WSDA, taking into account the recommendations of the ICT. Testing labs must adhere to lab quality standards adopted by the WSDA and the legislation clarifies that cannabis testing labs must obtain and maintain accreditation. On April 17, 2024, WSDA adopted rules implementing HB 1859 and established the Cannabis Laboratory Accreditation Standards Program in chapter 16-309 WAC.

Second Substitute House Bill (2SHB) 2151 (chapter 69, Laws of 2024), passed in 2024, amended RCW 69.50.348 to reassign the transfer of authority over lab accreditation from Ecology to WSDA. WSDA's proposed rules for accreditation of cannabis laboratories (chapter 16-310 WAC) were filed on April 17, 2024 under expeditated rulemaking, per 2SHB 2151, and became effective July 1, 2024. Full implementation of WSDA's new accreditation requirements was delayed until January 1, 2025, to accommodate a transition period for laboratories. LCB will continue to certify laboratories and enforce compliance with quality assurance, product standards, and other requirements.

The CR 102 with proposed rules was approved on February 26, 2025 (WSR 25-06-033).

Rule Necessity

This rulemaking is needed to implement HB1859 (chapter 135, Laws of 2022) and 2SHB 2151 (chapter 69, Laws of 2024) related to the transfer of authority for cannabis testing laboratory quality standards and laboratory accreditation from the LCB to WSDA.

Public Engagement

The agency held two stakeholder feedback sessions in February 2025. Information and materials related to these stakeholder sessions can be on LCB's Outreach and Public Engagement webpage. Comments received related to the stakeholder sessions are included with the CR 102 Memo.

The CR 102 with proposed rule language was approved on February 26, 2025 (WSR 25-06-033). We received twelve written comments during the public comment period from February 26 through April 9, 2025. We also received three verbal comments during the public hearing on April 9, 2025. All comments received during the public comment period, along with LCB responses, are included in the Concise Explanatory Statement.

Description of Rule Changes

Permanent rules included with the CR 103 amend four WAC sections (WAC 314-55-0995, WAC 314-55-102, WAC 314-55-1035, and WAC 314-55-109) and repeal two WAC sections (WAC 314-55-1025 and WAC 314-55-103).

Changes were made to rule language to reflect the transfer of laboratory quality standards and accreditation to WSDA. These changes consist of:

- Repealing two WAC sections:
    - WAC 314-55-1025 Proficiency Testing, which is part of laboratory accreditation that has been moved to WSDA oversight under chapter 16-310 WAC.
    - WAC 314-55-103 Good Laboratory Practice Checklist, which includes laboratory performance and standards that have been moved to WSDA oversight under chapter 16-309 WAC.
- Amending four WAC sections: 314-55-0995, 314-55-102, 314-55-1035, and 314-55-109 that consist of:
    - Removing references to LCB accreditation and accreditation activities.
    - Adding references to WSDA rules for cannabis testing laboratory quality standards (chapter 16-309 WAC) and laboratory accreditation (chapter 16-310 WAC) where applicable.
    - Aligning terminology and other language with WSDA rules.

- Removing references to repealed sections WAC 314-55-1025 and WAC 314-55-103.

Additional changes were made to consolidate and clarify LCB laboratory certification requirements including:

- Requiring laboratories to submit documentation to LCB when applying and re-applying for certification.
- Detailing LCB approval process for certification and criteria for denial of certification.
- Clarifying that certification is valid for 1 year and when laboratories are expected to re-apply.
- Requiring laboratories to notify LCB within 48 hours of any change in accreditation status with WSDA.
- Clarifying violations related to certification and penalties.
- Retaining portions of WAC 314-55-103, including requirement that laboratories must report required test results into the LCB traceability system.
- Aligning format for reporting results to LCB with current reporting requirements.

Other changes were made for consistency or to align with other rulemaking, including:

- Replacing WSLCB with LCB, to align with recent rulemaking WSR #24-11-037.
- Removing duplicative tables in WAC 314-55-109 that contain testing limits for heavy metals, residual solvents, microbiological, and mycotoxins, and insert reference to WAC 314-55-102 that contain tables with the same limits.
- Replacing “lab” with “laboratory” throughout for consistency.

All specific changes are listed in the Table presented in the CR 102 Memo.

Difference between the proposed rules (CR 102) and final rules (CR 103):

The word “required” was added to the first sentence of WAC 314-55-0995(3)(h) for clarification:

(h) Certified laboratories must report all required test results directly into LCB's traceability system within 24 hours of completion.

No other changes were made.

Rule Implementation (RCW 34.05.328(3)(a))

Informing and Educating Persons Impacted by the Rule (RCW 34.05.328(3)(b))

To help inform and educate persons impacted by the rule, the LCB will:

- Email notice with the adoption materials to persons who commented on the rules, the rule making and licensee distribution lists, and the general LCB GovDelivery list.

- Post rule adoption materials, including final rule language, response to comments, final analysis (Concise Explanatory Statement), and any other relevant documents on the rulemaking webpage for public access.

Promoting and Assisting Voluntary Compliance (RCW 34.05.328(3)(c))

LCB will promote and assist voluntary compliance through technical assistance.

- LCB staff are available to respond to phone and email inquiries about the rules.
- Agency leadership and staff have actively participated in rule development and revisions and are familiar with the final product. Internal and external education efforts to share knowledge and assure consistent application of rule will be supported.
- Rule and guidance documents will be available on the LCB website.
- LCB will use available and customary resources to disseminate materials and information to all persons impacted by the rules.

These actions are designed to inform and educate all persons impacted by the rules to support and promote voluntary compliance.

Training and Informing LCB Staff

Several LCB staff responsible for implementing these adopted rules work directly with impacted parties and are already familiar with the nuances of the rule changes. Additional internal guidance documents may be prepared as necessary. The LCB will also consider:

- Provision of internal and external training and education, as needed. potentially including webinars, training, and videos if appropriate.
- Coordinating and centrally locating decisions to assure consistency between agency, staff, and industry.

Rule Effectiveness Evaluation (RCW 34.05.328(3)(d))

After the rule becomes effective, the LCB will evaluate the effectiveness of this rule in the following ways, including but not limited to:

- Monitoring questions received after the effective date of this rule, and adjusting training and guidance accordingly.
- Monitoring the number of enforcement actions, including type, resolution, and the outcome.
- Monitoring the number of requests for rule language revisions or changes.
- Monitoring the number of requests for rule interpretation.
- Monitoring licensee feedback including, but not limited to, the number of requests for assistance.

CODE REVISER USE ONLY

RULE-MAKING ORDER
PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

Agency: Washington State Liquor and Cannabis Board

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ **(If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)**

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: The Washington State Liquor and Cannabis Board (LCB) has amended or repealed six sections of chapter 314-55 WAC to implement Second Substitute House Bill (2SHB 2151) (chapter 69, Laws of 2024) and House Bill (HB) 1859 (chapter 135, Laws of 2022) related to the transfer of laboratory quality standards and laboratory accreditation from the LCB to the Washington State Department of Agriculture.

Citation of rules affected by this order:

New:

Repealed: WAC 314-55-1025; WAC 314-55-103

Amended: WAC 314-55-0995; WAC 314-55-102; WAC 314-55-1035; WAC 314-55-109

Suspended:

Statutory authority for adoption: RCW 69.50.342; RCW 69.50.345; RCW 69.50.348

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-06-033 on February 26, 2025 (date).

Describe any changes other than editing from proposed to adopted version: Added word “required” to the first sentence of WAC 314-55-0995(3)(h) for clarification.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Denise Laflamme, Rules & Policy Coordinator

Address: 1025 Union Avenue SE, Olympia WA 95501

Phone: 360-819-0452

Fax: 360-664-3208

TTY:

Email: rules@lcb.wa.gov

Web site: www.lcb.wa.gov

Other:

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New		Amended		Repealed	
Federal rules or standards:	New		Amended		Repealed	
Recently enacted state statutes:	New		Amended	4	Repealed	2

The number of sections adopted at the request of a nongovernmental entity:

	New		Amended		Repealed	

The number of sections adopted on the agency's own initiative:

	New		Amended		Repealed	

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New		Amended		Repealed	

The number of sections adopted using:

Negotiated rule making:	New		Amended		Repealed	
Pilot rule making:	New		Amended		Repealed	
Other alternative rule making:	New		Amended	4	Repealed	2

Date Adopted: April 23, 2025	**Signature:** Place signature here
Name: Jim Vollendroff	
Title: Board Chair	

Washington State
Liquor and Cannabis Board

Notice of Permanent Rules – Transfer of cannabis testing laboratory quality standards (HB 1859) and laboratory accreditation (2SHB 2151)

Concise Explanatory Statement

This concise explanatory statement concerns the Washington State Liquor and Cannabis Board's (LCB) adoption of rule amendments that includes amendments to four sections of chapter 314-55 WAC (WAC 314-55-0995, WAC 314-55-102, WAC 314-55-1035, and WAC 314-55-109) and the repeal of two sections of chapter 314-55 WAC (WAC 314-55-1025 and WAC 314-55-103).

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. The concise explanatory statement must be provided to any person upon request, or from whom the LCB received comment.

The LCB appreciates and encourages your involvement in the rule making process. If you have questions, please e-mail rules@lcb.wa.gov.

Background and reasons for adopting these rules:

These rules are adopted in order to implement three pieces of legislation. In 2019, the Legislature passed House Bill 2052 (chapter 277, Laws of 2019), shifting the responsibility for accreditation of cannabis testing laboratories from LCB to the Washington State Department of Ecology (Ecology). In 2022, the Legislature passed House Bill 1859 (chapter 135, Laws of 2022), transferring the responsibility for oversight of cannabis testing laboratory quality standards from LCB to the Washington State Department of Agriculture (WSDA). In 2024, the Legislature passed Second Substitute House Bill 2151 (chapter 69, Laws of 2024), re-assigning the transfer of authority over cannabis testing laboratory accreditation from Ecology to WSDA. The transfer of cannabis testing laboratory quality standards and laboratory accreditation to WSDA took effect on July 1, 2024. WSDA adopted rules for their oversight of cannabis laboratory quality standards and accreditation under chapters 16-309 WAC and 16-310 WAC, respectively, in 2024.

The project team consisted of representation from the Attorney General's Office, and the Enforcement & Education division. LCB held virtual stakeholder sessions on February 3 and February 6, 2025, which included a PowerPoint linked here.

Detailed explanation of what changes the final rule makes can be found with the CR-102 materials posted on the LCB's webpage.

Rulemaking history for this adopted rule:

CR 101 – filed July 17, 2024, as WSR 24-15-067
CR 102 – filed February 26, 2025, as WSR 25-06-033
Public hearing held April 9, 2025

The effective date of this amended rule is May 24, 2025.

Twelve public comments were submitted on the rule proposal in the time leading up to, and including the day of, the public hearing:

1. Brian Stone, Trail Blazin' via email on March 7, 2025:

A Step Backward for Public Health
Discouraging R&D testing is a step in the wrong direction for public safety. More testing, not less, leads to better products and a safer marketplace. The Board should be encouraging proactive quality control, not punishing it.

I call on the Board to proceed with a supplemental CR102 on the lab rulemaking project and affirm, without hesitation, that R&D testing is lawful and does not require traceability reporting.

Thank you so much for addressing this issue.
Sincerely, Brian Stone

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has not incorporated this suggestion into the final rule language for the following reasons: R&D testing is outside of the scope of this rulemaking.

Was the comment reflected in the adopted rule? No.

2. Cecilia Sivertson, via email on March 9, 2025:

I'm writing to you as a long time resident of Washington, an epilepsy patient, and a previous cannabis license holder. I feel it is critical that cannabis testing continue and even expand, because as a person who relies on cannabis as a medicine I MUST be able to trust Washington cannabis products. My life literally depends on clean medicine for my condition.
My concern is that there seems to be much more concern with profit loss than quality loss.
Limiting R&D testing will not only effect my confidence in the products but the safety of the products for health compromised citizens like me. It is expected by consumers that businesses conduct strict quality control. If Washington cannabis businesses stop testing product quality, reliability will suffer, putting patients (and every consumer) at risk.

I implore you and your colleagues to consider me, and others like me, when you consider any changes to the testing requirements.

The importance of testing consumable cannabis products riguously for safety cannot be underestimated, consumer confidence and the safety of patients is at risk.

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has not incorporated this suggestion into the final rule language for the following reasons: R&D testing is outside of the scope of this rulemaking.

Was the comment reflected in the adopted rule? No.

3. Steven Field, via email on March 10, 2025:

I use cannabis to help manage my Multiple Sclerosis and Epilepsy.

It's crucial for cannabis products to be consistent for consumer trust. R&D testing helps producers improve their formulations, ensuring each batch meets quality standards. Discouraging this practice increases variability and reduces consumer confidence.

I urge the Board to proceed with a supplemental CR102 on lab rulemaking and confirm that R&D testing is allowed and exempt from traceability reporting. Thank you for considering my comments and for your continued efforts to ensure the safety and quality of cannabis products. Your attention to this matter is greatly appreciated.
Thank you,
Steven Field

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has not incorporated this suggestion into the final rule language for the following reasons: R&D testing is outside of the scope of this rulemaking.

Was the comment reflected in the adopted rule? No.

4. Lara Kaminsky, Confidence Analytics, via email on March 13, 2025:

I wanted to follow up on my understanding of the language in the rules (current and proposed) regarding "all tests."

You mentioned that this language currently exists in WAC 314-55-103(8) and is simply being moved to -0995. While that appears to be the case, I remain concerned that this relocation fundamentally changes the meaning and scope of the term.

WAC 314-55-103 begins by stating:
*"A third-party testing lab must be certified by the WSLCB or its vendor as meeting the WSLCB's accreditation and other requirements prior to conducting **required** quality assurance tests."*

As currently written, the reference to "all test results" in section 103 pertains specifically to required tests. However, by moving this language to -0995, the term could be interpreted more broadly, extending beyond mandatory testing requirements. This shift has the potential to create significant regulatory changes that may not have been fully considered.

Ultimately, the question of whether non-mandatory test results should be reported deserves a dedicated rulemaking effort. Moving this language to -0995 may seem like a minor adjustment but, at best, it risks creating even more confusion and, at worst, it enacts a substantial policy change without proper stakeholder engagement.

I appreciate you always taking the time to listen to my concerns. Please let me know if you have additional thoughts or questions.

Best,
Lara Kaminsky, Program Director, Confidence Analytics

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has incorporated this suggestion into the final rule language: Proposed rule language in WAC 314-55-0995(3)(h) has been revised in final rules to insert the word “required” for clarification.

Was the comment reflected in the adopted rule? Yes.

5. Tanner Spires, A2LA, via email on March 19, 2025:

Please find our attached comment for the proposed rule WSR 25-06-033. Don’t hesitate to reach out with any questions or feedback concerning our comment. We look forward to seeing how the rulemaking phase progresses.
Thank you,
Tanner Spires
A2LA | Government Relations Associate

Attachment:
Thank you for the opportunity to provide feedback on the proposed rules to transfer authority for accreditation of cannabis testing laboratories in Washington state. We appreciate that you see the benefit of laboratory accreditation in the cannabis industry.

By way of background, A2LA is a non-profit, third-party accreditation body with over 4000 actively accredited certificates representing all 50 states including over 100 organizations accredited for cannabis testing. This includes the Washington State Department of Agriculture Chemical and Hop Laboratory. We have been granting accreditation to testing laboratories in various industries since 1979. The criteria forming the basis for our laboratory accreditation program is ISO/IEC 17025 General requirements for the competence of testing and calibration laboratories. We ourselves,

as an accreditation body, have been evaluated against rigorous standards in providing this accreditation service and are recognized globally as an International Laboratory Accreditation Cooperation (ILAC)-recognized accreditation body.

In establishing, implementing, and further refining a cannabis program, laboratory testing and the ensuing test results, are critical to the program. Regular laboratory assessments leading to accreditation will provide the users of the test reports with confidence that the data is backed by a quality management system, technically competent testing, qualified personnel, and the use of the appropriate facilities and testing equipment.

Another important aspect to consider is what may happen if/when cannabis becomes federally legalized. A likely scenario would be that states must meet a set of minimum requirements set by a federal regulator in order to harmonize the industry to facilitate interstate commerce. Multiple states have already begun to align testing and accreditation requirements in order to prepare for harmonization. Requiring that laboratories are accredited to industry consensus standards such as ISO/IEC 17025, by an internationally recognized accreditation body may help assure that laboratory test reports can be accepted across government jurisdictions, which may prove beneficial when cannabis gains legalization at the federal level.

Using ISO/IEC 17025 as a baseline still allows state agencies to tailor their programs by including additional requirements as needed. By relying on an independent accreditation body to carry out the assessments, it frees the state agency to dedicate their resources elsewhere such as providing oversight of the program and enforcement actions.

We respectfully offer the following comments to the proposed rule.

- We recommend providing an option in the rule to include language that allows third party testing facilities to operate a formal quality management system under the International Organization for Standardization (ISO) and obtain and maintain ISO/IEC 17025 accreditation through an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA) or subsequent organization.

By requiring internationally recognized accreditation bodies, this will help ensure qualified accreditation bodies are providing the service and that the laboratory approvals are harmonized amongst the different accreditation bodies participating in the program. By leaving the accreditation part to the independent accreditation bodies, you are helping to harmonize the industry, supporting private businesses, and ensuring that the state has more resources to focus on oversite of its programs, and not using valuable state resources when there is already a well-established private industry dedicated to quality accreditation programs.

It should be noted that ILAC has officially merged with another organization and is in the process of implementing the new organization. Over the next few years ILAC will cease

to exist by name and will be replaced by the new organization, the Global Accreditation Cooperation Incorporated.

We would be pleased to provide more background and elaborate on our comments at your convenience. If interested, please contact me at rquerry@A2LA.org.

Sincerely,
Randall Querry, Director of Government Relations, A2LA

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has not incorporated this suggestion into the final rule language for the following reasons: The comments relate to laboratory accreditation, the authority for which has been transferred to the Washington State Department of Agriculture (WSDA). These comments have been shared with WSDA.

Was the comment reflected in the adopted rule? No.

6. Matthew Friedlander, Owner Operator Skagit Organics, via email on March 25, 2025:

I am writing to encourage the Liquor & Cannabis Board to advance a supplemental CR102 on lab rulemaking regarding R&D testing. The current understanding in the industry, based on guidance from a variety of companies and agencies, is that cannabis licensees are allowed to send in R&D tests without those results being input into traceability or reported to the WSLCB. I am not necessarily opposed to this change in the rules but I strongly believe any change to this policy should go through the normal process of public rulemaking. Thank you for your consideration.

Matthew Friedlander, Owner Operator Skagit Organics

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has not incorporated this suggestion into the final rule language for the following reasons: R&D testing is outside of the scope of this rulemaking.

Was the comment reflected in the adopted rule? No.

7. Brian Stone, Trail Blazin, via email on April 1, 2025:

I am writing to provide public comment on the proposed rulemaking filed as WSR 25-06-033.
If the LCB believes that non-mandatory test results should be reported, that issue should be subject to a dedicated rulemaking process. Shifting the term 'all test results' from a section that is being repealed (314-55-103) to -0995 is not a simple relocation—it changes the scope of reporting obligations in a significant way that lacks transparency.

I request that the final rules clarify this issue and ensure any such changes go through proper public review.

Sincerely, Brian Stone

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has incorporated this suggestion into the final rule language: Proposed rule language in WAC 314-55-0995(3)(h) has been revised in final rules to insert the word "required" for clarification.

Was the comment reflected in the adopted rule? Yes.

8. Nick Mosely, Confidence Analytics, via email on April 6, 2025:

Re: CR 102 FEEDBACK FOR WSR 25-06-033

Thank you for this opportunity to provide feedback regarding the CR 102 for WSR 25-06-033 as it relates to the implementation of House Bill 2151 in the 2024 Legislative session. Please find our comments below, wherein we provide suggested language in green text, followed by comments in green highlight.

WAC 314-55-0995 Laboratory certification ((~~**and accreditation**~~)) **requirements**…

(3) The following provisions are conditions of certification for third-party testing ((~~labs~~)) laboratories. Failure to adhere to the below requirements may result in the suspension or revocation of certification…

(d) A laboratory must provide the following documentation to the LCB when applying for certification:
~~(i) Their most recent audit report issued to them by the WSDA;~~

Comment:
The LCB doesn't need access to the audit report outside of their involvement with CLASP. There is nothing contemplated in these rules that would cause LCB to take an administrative action on the basis of the contents of the audit report. Proposed subsection 0995 (3)(d)(i) is only requiring that labs provide the audit report, not that the audit report must contain or not contain any information that would qualify or disqualify the lab. So this ***redundancy*** of work only has the effect of creating additional and unnecessary exposure for labs. Please remove 0995 (3)(d)(i) and instead rely on "The scope of accreditation listing the accredited parameters" and "Proof of current accreditation with the WSDA" from the next two roman numerals.

…(h) Certified laboratories must report all quality control test results directly into LCB's traceability system within 24 hours of completion. Laboratories must also record in the traceability system an acknowledgment of the receipt of samples from producers or processors and verify if any unused portion of the samples provided to them for testing was destroyed in compliance with WAC 314-55-097 Cannabis waste disposal or returned to the customer.

Comment:
Proposed language in 0995 (3)(h) should be amended to be in alignment with 102 (2)(b) that ***quality control*** test results must be entered in traceability. Amending this section to require "all test results" as opposed to "all quality control test results" as is reflected elsewhere in this chapter is to deviate from the original

meaning of the text and is not in keeping with the intent of the Legislature via HB 2151. Recognizing that the term "all test results" was previously included in section 103 of this chapter, that section is introduced as relating to "required quality assurance tests." By moving this language to 0995 without formulating it within the scope of "quality assurance" or "quality control" is to alter its meaning, which is outside the scope of this rulemaking.

WAC 314-55-102 Quality assurance and quality control…

(8) Certified laboratories are not limited in the amount of useable cannabis and cannabis products they may have on their premises at any given time, but a certified laboratory must have records proving all cannabis and cannabis-infused products in the certified ((~~lab's~~)) laboratory's possession are held only for laboratory~~the~~ testing purposes ~~described in this chapter~~.

Comment:
"R&D", "non-mandatroy", and "voluntary" testing is allowed and labs may transport and be in possession of cannabis or cannabis infused products for laboratory testing purposes. Voluntary testing is good; it helps licensees make clean and compliant products. The current language in this subsection can be interpreted to mean that voluntary testing is not allowed.

While the third comment above may be out of scope for this rulemaking, the first two comments above are essential for enacting the intent of the legislature. The legislature has signaled that elimination of redundancy between WSDA and LCB is a priority. This rulemaking should not be co-opted as a means to increase LCB authority over non-mandatory test results. Moving a sentence from one section to another can change the scope of that sentence and should be avoided or appropriately formulated to reflect current and past application of language.

Thank you again for the opportunity to provide feedback.
Respectfully.
Nick Mosely, M.S., Chief Executive Officer, Confidence Analytics

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has not incorporated two of these suggestions into the final rule language for the following reasons: 1. Audit reports provide LCB information that the lab has completed an audit, as well as other information including any deficiencies and corrections made. 2. R&D testing is outside of the scope of this rulemaking.

The agency has incorporated one suggestion into the final rule language: 3. Proposed rule language in WAC 314-55-0995(3)(h) has been revised in final rules to insert the word "required" for clarification.

Was the comment reflected in the adopted rule? Partially.

9. Caitlein Ryan, The Cannabis Alliance, via email on April 8, 2025

Please find attached public comment from The Cannabis Alliance regarding the proposed amendments under CR-102 (WSR 25-06-033) related to laboratory certification and the transfer of authority to WSDA.
We appreciate the opportunity to provide feedback and urge the Board to revise the proposed rule to ensure alignment with legislative intent and proper scope of rulemaking authority.
If you have any questions or need additional clarification, please don't hesitate to reach out.

Attachment:
CR 102 FEEDBACK FOR WSR 25-06-033

The stated intent of this rulemaking is to specify LCB certification requirements for laboratories and repeal outdated sections following the transfer of authority to WSDA. This CR-102 exceeds that limited purpose. By adding new language to WAC 314-55-0995, the proposed rule introduces substantive changes that fall outside the LCB's rulemaking authority. What should be a straightforward update now includes provisions that expand LCB oversight—particularly over laboratory reporting—in ways not contemplated by 2SHB 2151 or related statutes.

As currently written, the new language could be interpreted to grant the LCB authority over all lab test results, including those that are not required by rule. This represents a significant expansion of regulatory oversight that has not been explicitly authorized by statute. WAC 314-55-102 not only outlines required test types, but also establishes a testing schedule. The rule doesn't just say what needs to be tested—it also says when it needs to happen. It does not contemplate the reporting or regulation of optional, intermediary, or internal tests conducted outside of that framework. Expanding LCB's authority to include such testing exceeds the bounds of its rulemaking authority and undermines the legislative intent behind the statutory changes.

Further, the terms "mandatory" and "non-mandatory" are not defined in RCW or WAC. These distinctions appear only in informal guidance—primarily from traceability vendors—used to differentiate between test results that must be reported and those that are not. The existence of this guidance suggests internal recognition that not all test results are subject to LCB reporting requirements. If the agency intends to regulate beyond required testing, it must do so through a separate rulemaking process that clearly defines these terms and allows for public input.
The proposed amendments to WAC 314-55-0995—specifically subsection (3)(h)—should be revised to align with WAC 314-55-102(2)(b) by clarifying that only quality control test results are required to be reported in the traceability system. As currently written, the language risks creating confusion, expanding regulatory oversight beyond what has been authorized, and undermining transparency in the rulemaking process. If

the LCB wishes to pursue broader authority over lab testing and reporting—including non-required or internal business tests—it must do so through a separate, clearly defined rulemaking process that includes public engagement and a proper legal basis. I respectfully urge the Board to revise the proposed rule to remain within scope and to uphold the principles of clear, limited, and accountable regulation.

Thank you for considering these comments.
Sincerely, Caitlein Ryan, PhD, Executive Director, The Cannabis Alliance

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has incorporated this suggestion into the final rule language: Proposed rule language in WAC 314-55-0995(3)(h) has been revised in final rules to insert the word “required” for clarification.

Was the comment reflected in the adopted rule? Yes.

10. Nick Mosely, Confidence Analytics, via email on April 9, 2025:

I've already provided public comments for this CR 102 (WSR 25-06-033). However, I would like to provide one more comment for consideration. I have ccd Kari Trumbull, as she may be able to help.

The proposed rules state in WAC 314-55-0995:

(3) (f) LCB certification of a laboratory is valid for one year. Laboratories must apply for certification renewal each year to maintain their certification. Laboratories applying for a renewal of certification must submit required certification documentation to the LCB at least 30 days, but no more than 60 days, prior to their certification expiration date.

and

(3) (d) A laboratory must provide the following documentation to the LCB when applying for certification:
(i) Their most recent audit report issued to them by the WSDA;
(ii) The scope of accreditation listing the accredited parameters;
(iii) Proof of current accreditation with the WSDA;

Generally, I like the idea of a 30 day window to apply for recertification. However, the current timeline for implementation at WSDA means we are unlikely to have our audit report completed and final accreditation granted 30 days prior to our current certification expiration date. This is no fault of our own. The WSDA team has been working hard on reviewing method validations for all labs, and, despite the fact that our methods at Confidence have all been approved, WSDA may not be able to schedule our audit until mid May or early June. Our current certification expires June 30th, and audit reports can take up to several weeks to complete. So there's a very strong chance ours will not be

complete in time to meet the timeline envisioned by the proposed rules. Again, at no fault of ours.

I submitted this same comment in the 101 public comment period for this rulemaking. I am going on record again here in the 102 comment period. If this becomes an actual problem for us, it is an issue I vocalized early and often, and it is purely administrative. Likely, it will only be an issue in the first year during this transition, and only for the two labs who have certification expirations in June (the other being Medicine Creek).

Kari,
I ccd you because you can fix this. In the past, when RJLee has had scheduling conflicts that could have disrupted our service in this way, the LCB has granted us temporary, one month extensions of our current certification to give RJLee enough time to get an audit schedule that worked for them. If you did so in this case, it would eliminate the concern. I would like to see that extension before these rules are adopted.

Thank you for your consideration,
Nick Mosely, M.S., Chief Executive Officer, Confidence Analytics

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has not incorporated this suggestion into the final rule language for the following reasons: LCB is working with labs to provide extensions, pending approvals, related to the 30-day requirement for submitting audit reports during this year's transition period.

Was the comment reflected in the adopted rule? No.

11. Amber Wise, Medicine Creek Analytics, via email on April 9, 2025:

I am writing to comment on the language changes under WSR 25-06-033 related to the implementation of SHB 2151. I gave oral comments at the Board meeting this morning and wanted to ensure you had the specifics for review.

I am proposing a small change in Section 314-55 -0995 3h to ensure the language aligns with other existing WAC sections. I am requesting the insertion of the words 'required' or 'quality control' to describe the test results that should be reported to the LCB's CCRS platform. The sentence should read "Certified laboratories must report all quality control test results directly into LCB's traceability system within 24 hours of completion." This is the same language that can be found in WAC 314-55-102 2b. The WSLCB has recently announced changes in reporting requirements for non-mandatory tests and these decisions should be addressed transparently with public comment and stakeholder feedback. Requiring "all test results" to be reported is outside the scope of the lab accreditation transfer bill 2151 that we are discussing today.

I respectfully request that the final rules reflect the current requirement, i.e. that mandated required test results only are to be reported into the CCRS system, to avoid an expansion of reporting requirements without proper due process.

Thanks for your time and I'm happy to answer any questions you may have regarding my comments.

Sincerely, Amber Wise, Science Director, Medicine Creek Analytics

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has incorporated this suggestion into the final rule language: Proposed rule language in WAC 314-55-0995(3)(h) has been revised in final rules to insert the word "required" for clarification.

Was the comment reflected in the adopted rule? Yes.

12. John Kingsbury, via email on April 9, 2025:

Hi, my name is John Kingsbury. I'm a medical cannabis patient.

I'd like to comment on the proposed language in WAC 314-55-0995(3)(h)—specifically the part that says: "Certified laboratories must report ALL test results directly into LCB's traceability system." I want to focus on that word: "all."

As you know, sometimes I have things tested. I think it's a good thing when patients test—whether it's from their own gardens or just to have confidence in something they might buy at the store. But from this language, it sounds like any test result—even those ordered by patients—would now need to go into the traceability system. I'm not really sure how that would work, or if that was even the intention.

I've also heard concerns from processors that this "all" requirement could impact things like solvent refinement, or just basic research and development.

And honestly, I worry that patients might stop testing if they are afraid of being identified. That would be a step in the wrong direction.

More testing generally helps public health and safety—we should be doing more of it, not less. And we should not create rules that might discourage it.

Let's be clear: requiring all test results to go into traceability would be a major shift from how things have worked for the last ten years. That kind of change could bring a lot of unintended consequences.

I understand Enforcement has concerns—like making sure under-reporting doesn't allow for things like unregulated remediation. But focusing only on that issue, without considering the broader impact, could lead to real problems.

The wrong response to those valid concerns would be to simply wash the LCB website of past policy and guidance that only mandatory testing be reported, adopt this overly broad phrase, and pretend that this has been the policy all along.
The right response would be to have discussion about Enforcement or other agency concerns, about any potential collateral consequences, about patient privacy and responsibilities, and for a more thoughtful policy in that way.

So here's my suggestion: instead of saying "all test results," the rule could say "all required test results." That small change would let this rulemaking move forward, while giving everyone time to have a more thoughtful conversation about what should actually be reported.

Thanks for your time.
John Kingsbury

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has incorporated this suggestion into the final rule language: Proposed rule language in WAC 314-55-0995(3)(h) has been revised in final rules to insert the word "required" for clarification.

Was the comment reflected in the adopted rule? Yes.

1. During the public hearing held April 9, 2025, Caitlein Ryan provided the following testimony:

Good morning, member Garrett, member Holmes. My name is Caitlin Ryan. I'm the executive director of the Canvas Alliance. And I want to thank you for the opportunity to offer comment today. I am here to voice some concerns that the proposed changes to WAC 314, 5050995 may go further than what was contemplated by the statute. Specifically, the new language in subsection 3H could be read to extend LCB's oversight to all laboratory testing results, not just those tied to required quality assurance, quality control testing. This may not be the agency's intent, but the effect would be an expansion of regulatory authority without clearly stating so. Because of that, this change appears to go beyond the scope of this rulemaking, which was introduced to address the transfer of authority, not redefine the boundaries of reporting obligations. This concern is heightened by the context in which these changes are occurring. Recently, LCB has engaged in a shift in enforcement priorities and we've seen new measures introduced that reflect a broader posture towards compliance that is a functional change in policy. When rule changes and enforcement activity evolve simultaneously, it can create confusion in the regulated community, especially when those changes are not explicitly outlined or discussed in the rulemaking process. In the administrative procedure act, it lays out a full process for substantive rule changes from initial notice, et cetera, you all know that. But if the agency doesn't intend to expand reporting requirements beyond required quality control testing, that discussion does deserve its own rulemaking process, one that's clearly scoped, open to public comment and grounded in shared understanding. Also, we'd like to note that terms like mandatory

and non-mandatory testing are not defined anywhere in statute or rule. Their use has cropped up in informal guidance, especially by traceability vendors, suggests that internally there has been recognition that not all lab tests are subject to reporting. If that framework is shifting, it's important that stakeholders have the chance to weigh in through a clear and inclusive process. We respectfully encourage the Board to revise the proposed language to remain aligned with statutory intent and to consider a separate rulemaking process if broader oversight is being considered. We value the partnership between industry and regulators and we look forward to continued dialogue as these systems evolve. Thank you.

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has incorporated this suggestion into the final rule language: Proposed rule language in WAC 314-55-0995(3)(h) has been revised in final rules to insert the word “required” for clarification.

Was the comment reflected in the adopted rule? Yes.

2. During the public hearing held April 9, 2025, Lara Kaminsky provided the following testimony:

Apologies. It took me a while to find the right buttons. Thank you for the opportunity to speak today for the record. My name is Lara Kaminsky. And I want to be clear that I'm speaking solely on my own behalf as a concerned citizen who feels compelled to go on the record regarding this rulemaking. This rule set is largely straightforward, intended to align with House Bill 2151 and transfer lab accreditation from the LCB to WSDA. And for the most part, I take no issue with the draft rule in CR102. However, as mentioned, one section 09953H raises serious concern. The phrase all tests in that section, it appears simple, but in context, it could have significant regulatory consequences. It represents, in my view, a deliberate and concerning attempt to broaden authority without proper rulemaking or public input. To illustrate this, consider the section that's being repealed, 103, which previously stated that a third-party testing lab must be certified by the LCB prior to conducting and it states required quality assurance tests. That section limited certification reporting to required tests. 102 further defines what those tests are and when they may occur. They must occur, sorry. Together, they create a clear framework for the scope and timing of testing and reporting. But by removing that phrase all tests 0995, without that context, the agency opens the door to a much broader interpretation. I'm deeply concerned that this effectively allows the agency to mandate the reporting of non-mandatory tests without going through proper public rulemaking. This is a major policy change and should be open to stakeholder input and public discussion. It's not acceptable to implement a policy change of this magnitude under the guise of alignment or technical update. In fact, broadening the scope of reporting in this way is out of scope. The state of purpose of this rulemaking is to align with WSDA's laboratory accreditation standards, not to redefine what labs must report. If the agency wants to report additional results, it must initiate a separate transparent rulemaking process. Let stakeholders weigh in on the implications. Let's have that conversation openly. If

expanded reporting is the outcome, so be it, but let's not pretend that this is not a change because it is. Laura, you have 30 seconds. Thank you.
I respectfully ask the agency to remove or revise the language in 0995, referencing all tests and commit to a transparent public rulemaking process before imposing any new reporting mandates.
Thank you for your time and consideration.

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has incorporated this suggestion into the final rule language: Proposed rule language in WAC 314-55-0995(3)(h) has been revised in final rules to insert the word "required" for clarification.

Was the comment reflected in the adopted rule? Yes.

3. During the public hearing held April 9, 2025, Amber Wise provided the following testimony:

Hi, good morning. I am the science director at Medicine Creek Analytics and I appreciate the opportunity to give comments this morning. We're obviously an accredited testing lab here in Washington state and I'm here to comment on the language changes here related to the implementation of SHB 2151.
I'm proposing a small change related to what previous commenters have addressed in section 3145509953H to ensure that this language aligns with other existing WAC sections. I'm requesting the insertion of the words required or quality control to describe the test results that should be reported to the LCB CCRS platform.
The sentence should read, certified laboratories must report all quality control test results or must report all required test results directly into LCB's traceability system within 24 hours of completion. This is the same language that can be found currently in WAC31455102 (2)(b). The LCB has recently announced changes in reporting requirements for non-mandatory tests and these decisions should be addressed transparently with public comment and stakeholder feedback. Requiring all test results to be reported is outside the scope of this lab accreditation transfer bill that we are discussing today. I respectfully request that final rules reflect the current requirement. For example, that mandated required test results only are to be reported into the CCRS system to avoid an expansion of reporting requirements without proper due process. I appreciate your time and I'm happy to answer any questions you might have regarding these comments. Thank you.

LCB response: The LCB appreciates and acknowledges all stakeholder feedback. The agency has incorporated this suggestion into the final rule language: Proposed rule language in WAC 314-55-0995(3)(h) has been revised in final rules to insert the word "required" for clarification.

Was the comment reflected in the adopted rule? Yes.

Were any changes made between the proposed and final adopted rules? Yes.

The word “required” was added to the first sentence of WAC 314-55-0995(3)(h) for clarification:

(h) Certified laboratories must report all required test results directly into LCB's traceability system within 24 hours of completion.

No other changes were made.

AMENDATORY SECTION (Amending WSR 22-14-111, filed 7/6/22, effective 8/6/22)

WAC 314-55-0995 Laboratory certification ((~~and accreditation~~)) requirements. The following requirements apply to third-party ((~~labs~~)) laboratories seeking certification by the ((~~WSLCB or its designee to do~~)) LCB to conduct quality assurance testing on cannabis and cannabis products in Washington state, and for certified third-party laboratories (certified ((~~labs~~)) laboratories) to remain certified by the ((~~WSLCB~~)) LCB. The requirements provided in this section are continuing requirements, and must be adhered to and maintained for a third-party ((~~lab~~)) laboratory to remain certified. ((~~The WSLCB may summarily suspend a lab's certification if a certified lab is found out of compliance with the requirements of this chapter.~~))

(1) A third-party laboratory must be certified by the ((~~WSLCB or their vendor as meeting the WSLCB's~~)) LCB and meet WSDA accreditation ((~~and other~~)) requirements under chapter 16-310 WAC prior to conducting quality assurance tests required under this chapter. Certified ((~~labs~~)) laboratories must conspicuously display the certification letter received by the ((~~WSLCB~~)) LCB upon certification at the ((~~lab's~~)) laboratory's premises in a conspicuous location where a customer may observe it unobstructed in plain sight.

(2) Licensed producers or processors may not have a financial interest in a certified laboratory. A person with financial interest in a certified ((~~lab~~)) laboratory may not have direct or indirect financial interest in a licensed cannabis producer or processor for whom they are conducting required quality assurance tests. A person with direct or indirect financial interest in a certified ((~~lab~~)) laboratory must disclose to the ((~~WSLCB~~)) LCB by affidavit any direct or indirect financial interest in a licensed cannabis producer or processor.

(3) The following provisions are conditions of certification for third-party testing ((~~labs~~)) laboratories. Failure to adhere to the below requirements may result in the suspension or revocation of certification.

(a) Each ((~~lab~~)) laboratory must employ a scientific director responsible to ensure the achievement and maintenance of quality standards of practice. The scientific director must possess the ((~~following~~)) minimum qualifications((~~:~~

~~(i) A doctorate in the chemical or microbiological sciences from a college or university accredited by a national or regional certifying authority with a minimum of two years' post-degree laboratory experience;~~

~~(ii) A master's degree in the chemical or microbiological sciences from a college or university accredited by a national or regional certifying authority with a minimum of four years' of post-degree laboratory experience; or~~

~~(iii) A bachelor's degree in the chemical or microbiological sciences from a college or university accredited by a national or regional certifying authority with a minimum of six years of post-education laboratory experience~~)) as described in chapter 16-309 WAC.

(b) Certified ((~~labs~~)) laboratories must follow the analytical requirements ((~~most current version of the *Cannabis Inflorescence and Leaf Monograph* published by the *American Herbal Pharmacopoeia* or notify the WSLCB or its designee what alternative scientifically valid testing methodology the lab is following for each quality assurance test. Third-party validation by the WSLCB or its designee is required~~

~~for any monograph or analytical method followed by a certified lab to ensure the methodology produces scientifically accurate results prior to use of alternative testing methods to conduct required quality assurance tests.~~

~~(c) The WSLCB may require third-party validation and ongoing monitoring of a certified lab's basic proficiency to correctly execute the analytical methodologies employed by the certified lab. The WSLCB may contract with a vendor to conduct the validation and ongoing monitoring described in this subsection. The certified lab must pay all vendor fees for validation and ongoing monitoring directly to the WSLCB's vendor.~~

~~(4) Certified labs~~)) under chapter 16-309 WAC.

(c) Certified laboratories must be accredited by WSDA for each type of test conducted under chapter 16-310 WAC.

(d) A laboratory must provide the following documentation to the LCB when applying for certification:

(i) Their most recent audit report issued to them by the WSDA;

(ii) The scope of accreditation listing the accredited parameters;

(iii) Proof of current accreditation with the WSDA;

(iv) Their contact information including: Email, phone number, and physical and mailing addresses.

(e) LCB will provide a certification letter to laboratories applying for certification to indicate whether certification is approved or denied.

(i) Certification approval will include approved fields of testing, requirements for maintaining certification, and the date of expiration for certification.

(ii) Incomplete, inaccurate, or falsified documents submitted for an initial certification or renewal of certification is grounds for denial of certification.

(f) LCB certification of a laboratory is valid for one year. Laboratories must apply for certification renewal each year to maintain their certification. Laboratories applying for a renewal of certification must submit required certification documentation to the LCB at least 30 days, but no more than 60 days, prior to their certification expiration date.

(g) Certified laboratories must allow the ((~~WSLCB or the WSLCB's vendor~~)) LCB to conduct physical visits and inspect related laboratory equipment, testing and other related records during normal business hours without advance notice.

((~~(5) As a condition of certification, labs must adopt and follow minimum good lab practices (GLPs) as provided in WAC 314-55-103, and maintain internal standard operating procedures (SOPs), and a quality control/quality assurance (QC/QA) program as specified by the WSLCB. The WSLCB or authorized third-party organization (WSLCB's designee) may conduct audits of a lab's GLPs, SOPs, QC/QA, and inspect all other related records.~~

~~(6) The WSLCB or its designee will take immediate disciplinary action against any certified lab that fails to comply with the provisions of this chapter or falsifies records related to this section including, without limitation, revoking the certification of the certified lab.~~)) (h) Certified laboratories must report all required test results directly into LCB's traceability system within 24 hours of completion. Laboratories must also record in the traceability system an acknowledgment of the receipt of samples from producers or processors and verify if any unused portion of the samples provided to them

for testing was destroyed in compliance with cannabis waste disposal requirements pursuant to WAC 314-55-097 and RCW 69.50.3255, or returned to the customer.

(i) A certified laboratory must notify the LCB of any changes in their WSDA accreditation status within 48 hours of the change, including newly accredited testing parameters, discontinuing previously accredited testing parameters, or revocation of accreditation per WAC 16-310-180.

AMENDATORY SECTION (Amending WSR 24-21-051, filed 10/9/24, effective 1/7/25)

WAC 314-55-102 Quality assurance and quality control. (1) **Certified laboratory quality control testing.** To become certified, a third-party ((~~lab~~)) laboratory must meet the board's certification ((~~and accreditation~~)) requirements as described in WAC 314-55-0995 and this chapter before conducting quality control tests required under this section. Cannabis licensees must use a laboratory certified by the board ((~~(certified laboratory)~~)) to conduct quality control testing required under this chapter. Prior to becoming certified, laboratories must be accredited by the WSDA as specified in chapter ((~~16-309~~)) 16-310 WAC.

(a) Licensees must use LCB certified laboratories to conduct testing on cannabis and cannabis products in the following required fields of testing:

(i) Water activity;

(ii) Cannabinoid concentration analysis;

(iii) Foreign matter inspection;

(iv) Microbiological ((~~screening~~)) testing;

(v) Mycotoxin ((~~screening~~)) testing;

(vi) Pesticide ((~~screening~~)) testing; and

(vii) Residual solvent ((~~screening~~)) testing.

(b) Certified ((~~labs~~)) laboratories may be certified for heavy metal testing and terpene analysis. Certified ((~~labs~~)) laboratories must comply with the guidelines for ((~~each~~)) quality control fields of testing described in this chapter and chapter 16-309 WAC if they offer ((~~that~~)) testing services to other certified laboratories.

(c) Certified ((~~labs~~)) laboratories may reference samples for ((~~mycotoxin, heavy metal, or pesticide~~)) testing by subcontracting for ((~~those~~)) fields of testing to other laboratories certified by the LCB.

(2) **General product quality control testing requirements for certified labs.**

(a) Certified ((~~labs~~)) laboratories must record an acknowledgment of the receipt of samples from producers or processors. Certified labs must also verify if any unused portion of the sample is destroyed after the completion of required testing.

(b) Certified ((~~labs~~)) laboratories must report quality control test results directly to the board in the required format.

(c) Product must not be converted, transferred, or sold by the licensee until the required tests are reported to the board and the licensee.

(d) Certified ((~~labs~~)) laboratories must fail a sample if the results for any limit test are above allowable levels regardless of

whether the limit test is required in the testing tables in this chapter.

(e) Certified ((~~labs~~)) laboratories must test samples on an "as is" or "as received" basis.

(f) For the purposes of this section, ((~~limits have been written to the number of significant digits that~~)) certified laboratories are expected to use ((~~when reporting~~)) two significant figures for all test parameters except foreign matter when reporting test results to the board and on associated certificates of analysis.

(3) **Quality control analysis and ((~~screening~~)) testing.** The following analysis and ((~~screening~~)) testing are only required for samples that have not been previously tested, or that have been authorized by the LCB to retest following failed quality control testing.

(a) **Cannabinoid concentration analysis.**

(i) A cannabinoid concentration analysis is required to determine the concentration of cannabinoid compounds present in cannabis and cannabis products. The results of the cannabinoid concentration analysis must be reported to the board in the state's traceability system in the required format. The cannabinoid concentration analysis must include testing for at least the following cannabinoids:

(A)

Cannabinoid	Lower Limit of Quantitation (mg/g)	CAS #
CBD	1.0	13956-29-1
CBDA	1.0	1244-58-2
Δ^9-THC	1.0	1972-08-3
Δ^9-THCA	1.0	23978-85-0

(B) Any THC compound that is labeled, advertised, or marketed as part of the product;

(C) Total delta-9 THC;

(D) Total THC for tetrahydrocannabinol compounds other than delta-9 THC;

(E) Total CBD.

(ii) Calculating total THC and total CBD.

(A) Total delta-9 THC must be calculated as follows, where M is the mass or mass fraction of delta-9 THC or delta-9 THCA: M total delta-9 THC = M delta-9 THC + (0.877 × M delta-9 THCA).

(B) Total THC for tetrahydrocannabinol compounds other than delta-9 that are present in an amount greater than 0.2 mg/g must be calculated as follows, where M is the mass or mass fraction of the neutral (THC) or acidic form (THCA) of the tetrahydrocannabinol compound: M total THC = M THC + [(molar mass of THC/molar mass of THCA) × M THCA].

(C) Total CBD must be calculated as follows, where M is the mass or mass fraction of CBD and CBDA: M total CBD = M CBD + (0.877 × M CBDA).

(iii) Regardless of analytical equipment or methodology, certified ((~~labs~~)) laboratories must accurately measure and report the acidic (THCA and CBDA) and neutral (THC and CBD) forms of the cannabinoids.

(b) **Water activity testing.** The sample fails quality control testing for water activity if the results exceed the following limits:

(i) Water activity rate of more than 0.65 a_w for useable cannabis;

(ii) Water activity rate of more than 0.85 a_w for solid edible products.

(c) **Foreign matter ((~~screening~~)) inspection.** The sample fails quality control testing for foreign matter ((~~screening~~)) inspection if the results exceed the following limits:

(i) Five percent of stems 3 mm or more in diameter; or

(ii) Two percent of seeds or other foreign matter; or

(iii) One insect fragment, one hair, or one mammalian excreta in sample.

(d) **Microbiological ((~~screening~~)) testing.** The sample and the related population fails quality control testing for microbiological ((~~screening~~)) testing if the results exceed the following limits:

Unprocessed Plant Material	Colony Forming Unit per Gram (CFU/g)
Bile Tolerant Gram Negative bacteria (BTGN)	((~~$1.0 * 10^4$~~)) 10,000
Shiga toxin-producing Escherichia coli (STEC)	<1
Salmonella spp.	<1

Processed Plant Material	Colony Forming Unit per Gram (CFU/g)
Bile Tolerant Gram Negative bacteria (BTGN)	((~~$1.0 * 10^3$~~)) 1,000
Shiga toxin-producing Escherichia coli (STEC)	<1
Salmonella spp.	<1

(e) **Mycotoxin ((~~screening~~)) testing.** The sample and the related population fails quality control testing if the results exceed the following limits:

Mycotoxin	µg/kg	CAS #
Aflatoxins (Sum of Isomers)	20.	
• Aflatoxin B1		1162-65-8
• Aflatoxin B2		7220-81-7
• Aflatoxin G1		1165-39-5
• Aflatoxin G2		7241-98-7
Ochratoxin A	20.	303-47-9

(f) **Residual solvent ((~~screening~~)) testing.** Except as otherwise provided in this subsection, a sample and the related population fails quality control testing for residual solvents if the results exceed the limits provided in the table below. Residual solvent results of more than 5,000 ppm for class three solvents, 50 ppm for class two solvents, and 2 ppm for any class one solvents as defined in *United States Pharmacopoeia USP 30 Chemical Tests / <467> - Residual Solvents (USP <467>)* not listed in the table below fail quality control testing. When residual solvent ((~~screening~~)) testing is required, certified ((~~labs~~)) laboratories must test for the solvents listed in the table below at a minimum.

Solvent	((~~µg/g~~))	µg/g ((~~ppm (simplified)~~))	CAS #
Acetone	((~~$5.0 * 10^3$~~))	5000	67-64-1

Solvent	((µg/g))	µg/g ((ppm (simplified)))	CAS #
Benzene	((2.0))	((2)) 2.0	71-43-2
Butanes (Sum of Isomers)	((5.0 * 10^3))	5000	
• n-butane			106-97-8
• 2-methylpropane (isobutane)			75-28-5
Cyclohexane	((3.9 * 10^3))	3880	110-82-7
Chloroform	((2.0))	((2)) 2.0	67-66-3
Dichloromethane	((6.0 * 10^2))	600	75-09-2
Ethanol	((5.0 * 10^3))	5000	64-17-5
Ethyl acetate	((5.0 * 10^3))	5000	141-78-6
Heptanes (Single Isomer)	((5.0 * 10^3))	5000	
• n-heptane			142-82-5
Hexanes (Sum of Isomers)	((2.9 * 10^2))	290	
• n-hexane			110-54-3
• 2-methylpentane			107-83-5
• 3-methylpentane			96-14-0
• 2,2-dimethylbutane			75-83-2
• 2,3-dimethylbutane			79-29-8
Isopropanol (2-propanol)	((5.0 * 10^3))	5000	67-63-0
Methanol	((3.0 * 10^3))	3000	67-56-1
Pentanes (Sum of Isomers)	((5.0 * 10^3))	5000	
• n-pentane			109-66-0
• methylbutane (isopentane)			78-78-4
• dimethylpropane (neopentane)			463-82-1
Propane	((5.0 * 10^3))	5000	74-98-6
Toluene	((8.9 * 10^2))	890	108-88-3
Xylenes (Sum of Isomers)	((2.2 * 10^3))	2170	
• 1,2-dimethylbenzene (ortho-)			95-47-6
• 1,3-dimethylbenzene (meta-)			108-38-3
• 1,4-dimethylbenzene (para-)			106-42-3

(g) **Heavy metal ((screening)) testing.** Heavy metal ((screening)) testing is required for all DOH compliant product as described in chapter 246-70 WAC. Heavy metal ((screening)) testing is optional for non-DOH compliant product; however, heavy metal limits provided below apply to all products. Any product exceeding the provided limits is subject to recall and destruction. The board may conduct random or investigation driven heavy metal ((screening)) testing for compliance. A sample and related quantity of product fail quality control testing for heavy metals if the results exceed the limits provided in the table below.

Metal	µg/g
Arsenic	2.0
Cadmium	0.82
Lead	1.2
Mercury	0.40

(h) **Pesticide ((~~screening~~)) testing.** For purposes of pesticide ((~~screening~~)) testing, a sample and the related quantity of cannabis is considered to have passed if it meets the standards described in WAC 314-55-108 and applicable department of agriculture rules.

(4) **Required quality control tests.** The following quality control tests are required for each of the cannabis products described below. Licensees and certified ((~~labs~~)) laboratories may opt to perform ((~~additional~~)) optional quality control tests on the same sample.

(a) **Cannabis flower.** Cannabis flower requires the following quality control tests:

Product	Test(s) Required
Cannabis flower	1. Water activity testing 2. Cannabinoid concentration analysis 3. Foreign matter inspection 4. Microbiological ((~~screening~~)) testing 5. Mycotoxin ((~~screening~~)) testing 6. Pesticide ((~~screening~~)) testing

(b) If cannabis flower will be sold as useable flower, no further testing is required.

(c) **Intermediate products.** Intermediate products must meet the following requirements related to quality control testing:

(i) All intermediate products must be homogenized prior to quality assurance testing;

(ii) For the purposes of this section, a batch is defined as a single run through the extraction or infusion process;

(iii) Cannabis mix must be chopped or ground so no particles are greater than 3 mm; and

(iv) Intermediate products require the following quality assurance tests:

Intermediate Product Type	Tests Required
Cannabis mix	1. Water activity testing 2. Cannabinoid concentration analysis 3. Foreign matter inspection 4. Microbiological ((~~screening~~)) testing 5. Mycotoxin ((~~screening~~)) testing 6. Pesticide ((~~screening~~)) testing
Concentrate or extract made with hydrocarbons (solvent based made using n-butane, isobutane, propane, heptane, or other solvents or gases approved by the board of at least 99% purity)	1. Cannabinoid concentration analysis 2. Mycotoxin ((~~screening~~)) testing 3. Residual solvent ((~~test~~)) testing 4. Pesticide ((~~screening~~)) testing

Intermediate Product Type	Tests Required
Concentrate or extract made with a CO_2 extractor like hash oil	1. Cannabinoid concentration analysis 2. Mycotoxin ((~~screening~~)) testing 3. Residual solvent ((~~test~~)) testing 4. Pesticide ((~~screening~~)) testing
Concentrate or extract made with ethanol	1. Cannabinoid concentration analysis 2. Mycotoxin ((~~screening~~)) testing 3. Residual solvent ((~~test~~)) testing 4. Pesticide ((~~screening~~)) testing
Concentrate or extract made with approved food grade solvent	1. Cannabinoid concentration analysis 2. Microbiological ((~~screening~~)) testing 3. Mycotoxin ((~~screening~~)) testing 4. Residual solvent ((~~test~~)) testing 5. Pesticide ((~~screening~~)) testing
Concentrate or extract (nonsolvent) such as kief, hash, rosin, or bubble hash	1. Cannabinoid concentration analysis 2. Microbiological ((~~screening~~)) testing 3. Mycotoxin ((~~screening~~)) testing 4. Pesticide ((~~screening~~)) testing
Infused cooking oil or fat in solid form	1. Cannabinoid concentration analysis 2. Microbiological ((~~screening~~)) testing 3. Mycotoxin ((~~screening~~)) testing 4. Pesticide ((~~screening~~)) testing

(d) **End products.** All cannabis, cannabis-infused products, cannabis concentrates, cannabis mix packaged, and cannabis mix infused sold from a processor to a retailer require the following quality assurance tests:

End Product Type	Tests Required
Infused solid edible	1. Cannabinoid concentration analysis 2. Water activity testing
Infused liquid (like a soda or tonic)	1. Cannabinoid concentration analysis
Infused topical	1. Cannabinoid concentration analysis
Cannabis mix packaged (loose or rolled)	1. Cannabinoid concentration analysis
Cannabis mix infused (loose or rolled)	1. Cannabinoid concentration analysis

End Product Type	Tests Required
Concentrate or cannabis-infused product for inhalation	1. Cannabinoid concentration analysis

(e) End products consisting of only one intermediate product that has not been changed in any way are not subject to cannabinoid concentration analysis.

(5) Useable flower, a batch of cannabis concentrate, or a batch of cannabis-infused product may not be sold until the completion and successful passage of required quality control testing, except:

(a) Licensees may wholesale and transfer batches or quantities of cannabis flower and other material that will be extracted, and cannabis mix and nonsolvent extracts, for the purposes of further extraction prior to completing required quality control testing.

(b) Business entities with multiple locations licensed under the same UBI number may transfer cannabis products between the licensed locations under the same UBI number prior to quality control testing.

(c) Licensees may wholesale and transfer failed batches or quantities of cannabis flower to be extracted pursuant to subsection (6) of this section, unless failed for tests that require immediate destruction.

(6) **Failed test samples.**

(a) Upon approval by the board, failed quantities of cannabis or batches may be used to create extracts. After processing, the extract must pass all quality control tests required in this section before it may be sold, unless failed for heavy metal or pesticide tests that require immediate destruction.

(b) Retesting. A producer or processor must request retesting. The board may authorize the retest to validate a failed test result on a case-by-case basis. The producer or the processor requesting the retest must pay for the cost of all retesting.

(c) Remediation. Remediation is a process or technique applied to quantities of cannabis flower, lots, or batches. Remediation may occur after the first failure, depending on the failure, or if a retest process results in a second failure. Pesticide failures may not be remediated.

(i) Producers and processors may remediate failed cannabis flower, lots, or batches so long as the remediation method does not impart any toxic or harmful substance to the useable cannabis, cannabis concentrates, or cannabis-infused product. Remediation solvents or methods used on the cannabis product must be disclosed to:

(A) A licensed processor;

(B) The producer or producer/processor who transfers the cannabis products;

(C) A licensed retailer carrying cannabis products derived from the remediated cannabis flower, lot, or batch; or

(D) The consumer upon request.

(ii) The entire quantity of cannabis from which the failed sample(s) were deducted must be remediated.

(iii) No remediated quantity of cannabis may be sold or transported until quality control testing consistent with the requirements of this section is completed.

(iv) If a failed quantity of remediated cannabis is not remediated or reprocessed in any way after a first failure, it cannot be retested. Any subsequent certificates of analysis produced without reme-

diation or reprocessing of the failed quantity of cannabis will not supersede the original compliance testing certificate of analysis.

(7) **Referencing.** Certified laboratories may reference samples for ((~~mycotoxins, heavy metals, and pesticides~~)) testing to other certified ((~~labs~~)) laboratories by subcontracting for ((~~those~~)) fields of testing. Laboratories may not reference samples for conducting retesting of samples for fields of testing they have already analyzed.

(a) Laboratories must record all referencing to other ((~~labs~~)) laboratories on a chain-of-custody manifest that includes, but is not limited to, the following information: ((~~Lab~~)) Laboratory name, certification number, transfer date, address, contact information, delivery personnel, sample ID numbers, field of testing, and receiving personnel.

(b) All test results (fields of testing) that were subcontracted to other certified laboratories must be clearly indicated on the certificate of analysis including the name, address, and certification number of the laboratory that tested the sample.

(8) Certified laboratories are not limited in the amount of useable cannabis and cannabis products they may have on their premises at any given time, but a certified laboratory must have records proving all cannabis and cannabis-infused products in the certified ((~~lab's~~)) laboratory's possession are held only for the testing purposes described in this chapter.

(9) A certificate of analysis issued by a certified laboratory for any cannabis product subject to the requirements of this chapter and chapter 246-70 WAC that has not already been transferred to a retail location expires 12 calendar months after issuance.

(10) The board, or its designee, may request that a licensee or a certified ((~~lab~~)) laboratory provide an employee of the board or their designee samples of cannabis or cannabis products, or samples of the growing medium, soil amendments, fertilizers, crop production aids, pesticides, or water for random or investigatory compliance checks. Samples may be randomly screened and used for other quality control tests deemed necessary by the board.

(11) All cannabis products produced, processed, distributed, or sold after the effective date of these rules, must comply with these rules and this chapter((~~; however, postharvest products in the possession of or being processed by a licensee that do not comply with these rules as of their effective date may be sold, distributed, or both within a reasonable period of time, determined by the board~~)).

AMENDATORY SECTION (Amending WSR 22-14-111, filed 7/6/22, effective 8/6/22)

WAC 314-55-1035 Laboratory certification—Suspension and revocation. (1) The board may ((~~summarily~~)) suspend or revoke the certification of any ((~~lab~~)) laboratory certified under WAC 314-55-0995 for violations of any of the following ((~~reasons~~)):

(a) The laboratory owner or science director violates any of the requirements of chapter 314-55 WAC relating to the operations of the laboratory.

(b) The laboratory owner or science director aids, abets, or permits the violation of any provision of chapters 314-55 WAC, 69.50 RCW,

69.51A RCW, or Title 9 or 9A RCW related to the operations of the laboratory, or the laboratory owner or science director permits laboratory staff to do so.

(c) Evidence the certificate holder or owner made false statements in any material ((~~regard~~)) including, but not limited to:

(i) On the application for certification;

(ii) In submissions to the board relating to receiving or maintaining certification; or

(iii) Regarding any testing performed or results provided to ((~~WSLCB~~)) LCB or the cannabis licensee by the certificate holder or owner pursuant to WAC 314-55-102.

(d) The laboratory owner or science director is convicted of any crime substantially related to the qualifications or duties of that owner and related to the functions of the laboratory, including a conviction for falsifying any report of or that relates to a laboratory analysis. For purposes of this subsection, a "conviction" means a plea or finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended.

(e) The laboratory submits proficiency test sample results generated by another laboratory as its own.

(f) The laboratory conducts testing under this chapter outside of their approved scope of WSDA accreditation under chapter 16-310 WAC.

(g) The laboratory conducts testing for which the accredited testing parameter has been suspended by the WSDA under chapter 16-310 WAC.

(h) The laboratory fails to properly submit laboratory results to the board into the traceability system.

(i) The laboratory fails to maintain laboratory records required under this chapter.

(j) The laboratory has any financial interest in a licensed producer or processor.

(k) The laboratory fails to correct any identified noncompliance with this chapter.

(l) The laboratory omits testing result information found during testing.

(m) The laboratory fails to notify LCB of any change in accreditation status with the WSDA as required under WAC 314-55-0995.

(n) The laboratory staff denies entry to any employee of the ((~~WSLCB or WSLCB's vendor~~)) LCB during normal business hours for an on-site assessment or inspection, as required by ((~~WAC 314-55-0995, 314-55-102, 314-55-1025, or 314-55-103~~)) chapter 314-55 WAC.

(2)((~~(a) The following violations are subject to the penalties as provided in (b) of this subsection:~~

~~(i) The laboratory fails to submit an acceptable corrective action report in response to a deficiency report, and failure to implement corrective action related to any deficiencies found during a laboratory assessment.~~

~~(ii) The laboratory fails to report proficiency testing results pursuant to WAC 314-55-1025.~~

~~(iii) The laboratory fails to remit certification fees within the time limit established by a certifying authority.~~

~~(iv) The laboratory fails to meet recordkeeping requirements as required by chapter 314-55 WAC unless the failure to maintain records is substantial enough to warrant a suspension or revocation under subsection (1) of this section.~~

~~(b)~~)) The LCB may summarily suspend a laboratory's certification if a certified laboratory is found to have falsified test results, re-

cords, or engages in activities upon a determination that immediate cessation of the licensed activities is necessary for the protection or preservation of the public health, safety, or welfare.

(3) The penalties for ((~~the~~)) violations in ((~~(a)~~)) subsection (1) of this ((~~subsection~~)) section are as follows:

((~~(i)~~)) (a) First violation: Ten-day suspension of the ((~~lab's~~)) laboratory's certification or until the ((~~lab~~)) laboratory corrects the violation leading to the suspension, whichever is longer.

((~~(ii)~~)) (b) Second violation within a three-year period: Thirty-day suspension of laboratory certification or until the laboratory corrects the violation leading to the suspension, whichever is longer.

((~~(iii)~~)) (c) Third violation within a three-year period: Revocation of the ((~~lab's~~)) laboratory's certification.

((~~(3) A certified lab may also be subject to a suspension of certification related to proficiency testing requirements under WAC 314-55-1025.~~))

(4) A laboratory that has its certification suspended or revoked under this section may request an administrative hearing to contest the suspension or revocation as provided in chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 24-21-051, filed 10/9/24, effective 1/7/25)

WAC 314-55-109 Cannabinoid additives—Requirements, restrictions, and quality assurance testing. (1) As provided in RCW 69.50.326 Licensed cannabis producers and licensed cannabis processors may use a cannabidiol (CBD) product obtained from a source not licensed under this chapter, provided the CBD product:

(a) Is not cannabis or a cannabis product, as defined in chapter 69.50 RCW; and

(b) Has been tested for contaminants and toxins by a testing laboratory ((~~accredited~~)) certified under this chapter and in accordance with testing standards established in this section.

(2) Licensed cannabis producers and licensed cannabis processors may use a CBD product obtained from a source not licensed under this chapter and chapter 69.50 RCW as an additive for the purpose of enhancing the CBD concentration of any product authorized for production, processing, and sale under this chapter. However, useable cannabis, except cannabis that is an intermediate product that will be converted into a cannabis-infused product or a cannabis concentrate, may not be treated or otherwise adulterated in any way including the addition of a CBD product consistent with the rules of this chapter. Except as allowed under this section, CBD product additives must be lawfully produced by, or purchased from, a producer or processor licensed under this chapter. The testing requirements for CBD products derived from cannabis produced by cannabis licensees are provided in WAC 314-55-102. The testing requirements in this section are required in addition to quality assurance testing otherwise required under this chapter for cannabis products.

(3) **Traceability requirements.** A licensee must enter CBD products obtained from a source not licensed under this chapter into the state traceability system and keep the information in the traceability system completely up to date, consistent with cannabis and cannabis prod-

uct recordkeeping and traceability requirements in WAC 314-55-083. A licensee must keep CBD products obtained from a source not licensed under this chapter labeled and quarantined in an area separate from cannabis and cannabis products under video surveillance consistent with the requirements for controlled areas in WAC 314-55-083(3) until the CBD products successfully pass quality assurance testing or are destroyed due to failure of tests as provided in this section. At no time during the quarantine period can the product be handled or moved under any circumstances, except for purposes of deducting samples as required under this section, and is subject to auditing by the LCB or its designee(s). CBD products obtained from a source not licensed under this chapter that fail quality assurance testing as provided in this section must not be added to any cannabis product and must be disposed of consistent with WAC 314-55-097 and the disposal logged into the traceability system consistent with WAC 314-55-083.

(4) **Testing requirements.** The following sample deduction and testing requirements apply to CBD products obtained from a source not licensed under this chapter. Such products must successfully pass quality assurance testing prior to being added to any cannabis product. Samples that fail quality assurance testing and the corresponding products that the samples were deducted from must be disposed of consistent with WAC 314-55-097.

(a) **Sample size and deduction requirements.** Licensed producers, licensed processors, certified ((~~labs~~)) laboratories, and their employees must adhere to the minimum sampling protocols as provided in this section. Samples must be deducted in a way that is most representative of the product the sample is deducted from. The minimum sample size for the testing requirements under this section for CBD products is one percent of the product as packaged by the manufacturer of the CBD product but in no case shall the sample be less than two grams. Licensees, certified ((~~labs~~)) laboratories, and their employees may not adulterate or change in any way the representative sample before the sample is tested.

(i) All samples must be collected/deducted in a sanitary environment using sanitary practices and ensure facilities are constructed, kept, and maintained in a clean and sanitary condition in accordance with rules and as prescribed by the Washington state department of agriculture under chapters 16-165 and 16-167 WAC.

(ii) Persons collecting samples must wash their hands prior to collecting a sample, wear appropriate gloves, and must use sanitary utensils and storage devices when collecting samples.

(iii) Samples must be placed in a sanitary plastic or glass container and stored in a location that prevents the propagation of pathogens and other contaminants, such as a secure, low-light, cool and dry location.

(iv) The licensee must maintain the CBD products from which the sample was deducted in a secure, low-light, cool, and dry location to prevent the products from becoming contaminated or degraded prior to the CBD products being added or incorporated into cannabis products after successful passage of testing requirements.

(v) Each quality assurance sample must be clearly marked "quality assurance sample" and be labeled with the following information:

(A) The unique identifier for the product generated by the state traceability system;

(B) The name of the certified ((~~lab~~)) laboratory receiving the sample;

(C) The license number and business or trade name of the licensee sending the sample;

(D) The date the sample was collected; and

(E) The weight of the sample.

(vi) Certified ((~~labs~~)) laboratories may retrieve samples from a cannabis licensee's licensed premises and transport the sample(s) directly to the ((~~lab~~)) laboratory. Certified ((~~labs~~)) laboratories may also return any unused portion of the sample(s).

(b) **Required fields of testing.**

(i) **Cannabinoid concentration analysis.** Cannabinoid concentration analysis is required to confirm the product is not cannabis or a cannabis product, as defined in chapter 69.50 RCW, contains detectable levels of CBD, and to measure the levels of THC, THC-A, CBD, and CBD-A in the product, as provided in WAC 314-55-102. Synthetic cannabinoids as defined in RCW 69.50.204 are prohibited under RCW 69.50.401 and any test result that suggests the presence of a synthetic cannabinoid must be immediately reported to the board in the required format. The cannabinoid concentration analysis must be conducted consistent with the requirements under WAC 314-55-102. The following cannabinoid concentration analysis results fail quality control and assurance testing for the purposes of this section and the sample and corresponding product from which the sample was deducted must be disposed of consistent with this section and WAC 314-55-097:

(A) The CBD product is cannabis or a cannabis product, as defined in chapter 69.50 RCW;

(B) The CBD product does not contain any detectable levels of CBD or CBD-A; and

(C) The sample test results indicate that a substance is present that is not THC, CBD, or inert substance which the THC or CBD is dissolved into.

(ii) **Pesticide ((~~screening~~)) testing.**

(A) Licensees must use a certified laboratory to ((~~screen~~)) test for any pesticides that are not allowed and are designated as having the potential for misuse on a list created, maintained, and periodically updated by the department of health in consultation with the Washington state department of agriculture and the LCB.

(B) If the LCB, WSDA, other designee of the LCB, or certified ((~~lab~~)) laboratory identifies a pesticide that is not allowed for use or application on cannabis under this chapter and is above the action levels provided in WAC 314-55-108, that sample and corresponding product from which the sample was deducted has failed quality assurance testing. A sample that tests at or above the action levels for pesticides consistent with WAC 314-55-108 fails pesticide testing requirements for the purposes of this section. A sample and corresponding product from which the sample was deducted that fails quality assurance testing under this section must be destroyed consistent with WAC 314-55-097.

(C) Cannabis licensees must also use certified laboratories to screen for pyrethrins and piperonyl butoxide (PBO) in samples of CBD products obtained from a source not licensed under this chapter. Certified laboratories may also screen for additional pesticides not specifically required under this section and per the DOH list, however, any sample that tests at or above the action level for any pesticide(s) as established in WAC 314-55-108 fails the testing requirements under this section and must be disposed of consistent with WAC 314-55-097.

(iii) **Heavy metal ((~~screening~~)) testing.** For the purposes of heavy metal ((~~screening~~)) testing, a sample fails quality assurance testing and must be disposed of consistent with WAC 314-55-097 if it meets or exceeds the ((~~following~~)) limits((~~:~~)) provided in WAC 314-55-102.

((~~Metal~~	~~Limit, µg/daily dose (5 grams)~~
~~Inorganic arsenic . . . . . .~~	~~10.0~~
~~Cadmium . . . . . .~~	~~4.1~~
~~Lead . . . . . .~~	~~6.0~~
~~Mercury . . . . . .~~	~~2.0~~))

(iv) **Residual solvents ((~~screening~~)) testing.** Cannabis licensees must use a certified laboratory to test for the solvents listed in the table below at a minimum. Except as otherwise provided in this subsection, a sample and corresponding product from which the sample was deducted fail quality assurance testing for residual solvents and must be disposed of consistent with WAC 314-55-097 if the results meet or exceed the limits provided in ((~~the table below~~)) WAC 314-55-102. Residual solvent results of more than 5,000 ppm for class three solvents, 50 ppm for class two solvents, and 2 ppm for class one solvents as defined in *United States Pharmacopoeia, USP 30 Chemical Tests / <467> - Residual Solvents (USP <467>)* not listed in the table below fail quality assurance testing.

((~~Solvent~~	~~ppm~~
~~Acetone~~	~~5,000~~
~~Benzene~~	~~2~~
~~Butanes~~	~~5,000~~
~~Cyclohexane~~	~~3,880~~
~~Chloroform~~	~~2~~
~~Dichloromethane~~	~~600~~
~~Ethyl acetate~~	~~5,000~~
~~Heptanes~~	~~5,000~~
~~Hexanes~~	~~290~~
~~Isopropanol (2-propanol)~~	~~5,000~~
~~Methanol~~	~~3,000~~
~~Pentanes~~	~~5,000~~
~~Propane~~	~~5,000~~
~~Toluene~~	~~890~~
~~Xylene*~~	~~2,170~~

~~* Usually 60% *m*-xylene, 14% *p*-xylene, 9% *o*-xylene with 17% ethyl benzene.~~))

(v) **Microbiological ((~~screening~~)) testing.** The sample and corresponding product from which the sample was deducted fail quality assurance testing for microbiological screening and must be disposed of consistent with WAC 314-55-097 if the results exceed the ((~~following~~)) limits((~~:~~)) provided in WAC 314-55-102.

	((~~Enterobacteria (bile-tolerant gram-negative bacteria)~~	~~*E. coli* (pathogenic strains) and *Salmonella spp.*~~
~~Unprocessed Plant Material~~	~~10^4~~	~~Not detected in 1g~~
~~Extracted or Processed Botanical Product~~	~~10^3~~	~~Not detected in 1g~~))

(vi) **Mycotoxin ((~~screening~~)) testing**. The sample and corresponding product from which the sample was deducted fail quality assurance testing for mycotoxin ((~~screening~~)) testing and must be disposed of consistent with WAC 314-55-097 if the results exceed the ((~~following~~)) limits((~~:~~

~~(A) Total of Aflatoxin B1, B2, G1, G2: 20 µg/kg of substance; and~~

~~(B) Ochratoxin A: 20 µg/kg of substance~~)) provided in WAC 314-55-102.

(5) **Test results reporting requirements.** Cannabis licensees must use ((~~a~~)) an LCB certified laboratory to report all test results as required by this section into the state traceability system within 24 hours of completion of the tests.

(6) **Retesting.** At the request of the producer or processor, the LCB may authorize a retest to validate a failed test result on a case-by-case basis. All costs of the retest will be borne by the producer or the processor requesting the retest. Retesting cannabinoid concentrations will not generally be authorized.

(7) **Remediation.** Producers and processors may remediate failed products so long as the remediation method does not impart any toxic or deleterious substance to the CBD products obtained from a source outside the regulated system. Remediation solvents or methods used on the product must be disclosed to a licensed processor the producer or producer/processor transfers the products to; a licensed retailer carrying cannabis products derived from the remediated product; or consumer upon request. The product(s) the failed sample(s) were deducted from must be remediated using the same remediation technique. No remediated CBD products obtained from a source outside the regulated system may be sold, transported, or used in the processing of cannabis products until the completion and successful passage of quality assurance testing as required in this section.

(8) A licensee or certified ((~~lab~~)) laboratory that violates any of the provisions of this section is subject to disciplinary action, including possible summary suspension or revocation of the producer license, processor license, producer/processor license, or ((~~lab~~)) laboratory certification.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 314-55-1025	Proficiency testing.
WAC 314-55-103	Good laboratory practice checklist.