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.