



Washington State
Liquor and Cannabis Board

Date: February 2, 2022

To: David Postman, Board Chair
 Ollie Garrett, Board Member

From: Jeff Kildahl, Policy and Rules Coordinator

Copy: Rick Garza, Agency Director
 Toni Hood, Deputy Director
 Justin Nordhorn, Director of Policy and External Affairs
 Becky Smith, Director of Licensing and Regulation
 Chandra Brady, Director of Enforcement and Education
 Kathy Hoffman, Policy and Rules Manager

Subject: **Approval to file a pre-proposal statement of inquiry (CR 101) regarding marijuana pesticide action levels.**

The Washington State Liquor and Cannabis Board (WSLCB) is considering amending WAC 314-55-108 to update marijuana pesticide action level information, rule language concerning remediation of marijuana that has failed quality control testing, and to update the term “quality assurance testing” to “quality control testing”.

Process

The Policy and Rules Coordinator requests approval to file the pre-proposal statement of inquiry (CR 101) for the rule making described above. A CR 101 Memorandum was presented at the Board meeting on February 2, 2022 and is attached to this order.

If approved for filing, the **tentative timeline** for the rule making process is outlined below:

February 2, 2022	Board is asked to approve filing pre-proposal statement of inquiry (CR 101). CR 101 filed with the Office of the Code Reviser. LCB webpage updated and notice circulated by GovDelivery distribution list. Informal comment period begins.
February 16, 2022	Notice is published in the Washington State Register under WSR #22-04.
March 18, 2022	The informal comment period ends.
March 30, 2022	Board is asked to approve filing proposed rules (CR 102).



CR 101 Memorandum

Regarding marijuana pesticide action level information, remediation of marijuana, and quality control testing.

Date: February 2, 2022
Presented by: Jeff Kildahl, Policy and Rules Coordinator

Background

Under [RCW 69.50.342\(1\)\(c\)](#), the Washington State Liquor and Cannabis Board may adopt rules regarding approved pesticides and pesticide testing requirements for marijuana. The WSLCB adopted rules in WAC 314-55-084 to permit the use of pesticides registered by the Washington State Department of Agriculture under chapter 15.58 RCW in the production, processing, and handling of marijuana. The WSLCB also adopted rules in WAC 314-55-108 establishing pesticide action levels for pesticides allowed for use with marijuana.

Reasons Why Rules May Be Needed

Rulemaking is needed to update permitted pesticides information in WAC 314-55-108, update rule language regarding remediation of marijuana that has failed quality assurance testing, and update rule language to change the term “quality assurance testing” to “quality control testing”.

Process

The rule making process begins by announcing the Board’s intent to consider changes to existing rules, adding new rule sections, or both by filing a CR 101 form with the Office of the Code Reviser. This allows staff, stakeholders, industry partners, and all members of the authorizing environment to begin discussing proposed rule changes.

At the CR 101 stage of the rulemaking process, no proposed language is offered. Any interested party may comment on the subject of this possible rulemaking during the designated comment period. Notice will be sent to all who have indicated that they want to receive notice of rule activity pertaining to this pre-proposal inquiry. The notice will identify the public comment period and where comments can be sent.



PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

Agency: Washington State Liquor and Cannabis Board

Subject of possible rule making: The Washington State Liquor and Cannabis Board (WSLCB) is considering amending WAC 314-55-108 to update information related to pesticide action levels of marijuana products.

Statutes authorizing the agency to adopt rules on this subject: RCW 69.50.342 and RCW 69.50.345.

Reasons why rules on this subject may be needed and what they might accomplish: Rule updates on this subject are needed to update chemical information about some types of pesticides included in quality control testing. Updates are also needed to amend existing rule language concerning remediation of marijuana products that have failed quality control testing, and to update the term "quality assurance testing" to "quality control testing". This update will help to protect public health and safety by keeping pesticide action level information and remediation guidelines current.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The WSLCB will coordinate with the Washington State Department of Health and the Washington State Department of Agriculture as may be necessary.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

	(If necessary)
Name: Jeff Kildahl, Policy and Rules Coordinator	Name:
Address: PO Box 43080, Olympia WA 98504	Address:
Phone: 360-664-1781	Phone:
Fax: 360-664-9689	Fax:
TTY:	TTY:
Email: rules@lcb.wa.gov	Email:
Web site: www.lcb.wa.gov	Web site:
Other:	Other:

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the WSLCB website at lcb.wa.gov.

Date: February 2, 2022

Name: David Postman

Title: Chair

Signature:

Place signature here