

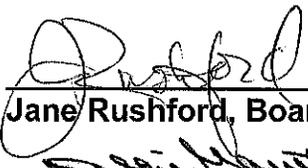


Liquor and Cannabis Board Interim Policy BIP-11-2019

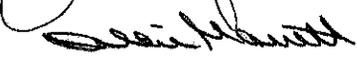
Subject: WAC 314-55-0995 - Laboratory certification and accreditation requirements.

Effective Date: February 20, 2019

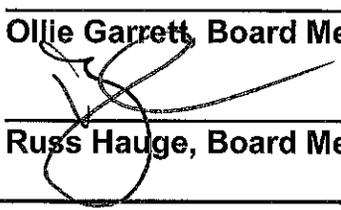
Ending Date: Upon the effective date of rules to implement this policy.

Approved: 

Jane Rushford, Board Chair



Ollie Garrett, Board Member



Russ Hauge, Board Member

Background:

The Washington State Liquor and Cannabis Board (WSLCB) certifies third-party labs to do quality assurance testing on marijuana and marijuana products in Washington state. Certified third-party labs must maintain specific requirements to remain certified. Among these is the requirement to be certified for a suite, or specific collection of required compliance tests. Certified labs have the option of certification for two optional testing areas, including pesticides, heavy metals, and terpenes.

Currently, Washington Administrative Code (WAC) 314-55-0995(3)(c) provides that 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, and the certified lab must pay all vendor fees for validation and ongoing monitoring directly to the WSLCB's vendor.

Columbia Basin College and the WSLCB entered into an interagency agreement on December 24, 2013 for performance of third party validation of certified labs. However, that work has been performed by the RJ Lee Group as a subcontractor to Columbia Basin College since then. During year-end contract negotiations, Columbia Basin College opted to no longer operate as the intermediary between the RJ Lee Group and the WSLCB. As a result, the interagency agreement between Columbia Basin College and the WSLCB terminated on December 31, 2018.

Since that time, the WSLCB has been pursuing a sole source contract with the RJ Lee Group. The RJ Lee Group is willing to continue laboratory certification review and validation, but is unable to accept payments directly from the certified third-party testing labs based on internal and organizational policies, in addition to receiving federal funding that may preclude payment from marijuana-related activity.

WSLCB staff have explored available options, and find that a sole source contract with the RJ Lee Group offers operational continuity with the least amount of business disruption. The ability for WSLCB to bill certified third-party testing labs has been vetted and affirmed through the WSLCB Finance Director. Billing can be accommodated through the WSLCB finance department.

Purpose:

The purpose of this interim policy is to allow WSLCB to complete its contract with the RJ Lee Group to perform required laboratory certification review to assure operational and business continuity.

Policy Statement:

Until superceded by rule, the Board adopts the following language regarding payment of vendor fees by certified labs, and described in WAC 314-55-0995(3)(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 or its vendor.