



CR-102 Memorandum

Regarding WAC 314-55-108 – Pesticide action levels

Date: March 30, 2022
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Background

On March 2, 2022, the Washington State Liquor and Cannabis Board adopted rule amendments to cannabis quality control testing rules in WAC 314-55-101, WAC 314-55-102, and WAC 314-55-1025. Among the changes to those rules, WAC 314-55-102 was amended to require pesticide testing of all cannabis products produced and sold in Washington.

The WSLCB has authority under RCW 69.50.342(1)(c) to approve the specific pesticides approved for use with cannabis, and to establish pesticide testing requirements for cannabis products. WAC 314-55-084 allows the WSLCB to permit the use of pesticides in the production, processing, and handling of cannabis that have been registered by the Washington State Department of Agriculture under chapter 15.58 RCW. WAC 314-55-108 establishes pesticide action levels for pesticides approved for use with cannabis.

Amendments are needed to WAC 314-55-108 to assure consistency with the recently-adopted cannabis quality control testing rules in WAC 314-55-101, WAC 314-55-102, and WAC 314-55-1025, and to update technical chemical isomer information of several pesticides.

WSLCB Stakeholder Engagement

The recently adopted cannabis quality control testing rule project involved extensive stakeholder engagement, including deliberative dialogue sessions and multiple rule proposals. These proposed amendments to WAC 314-55-108 incorporate for consistency amendments that were adopted in rule through the cannabis quality control testing rule project.

Additionally, because these revisions are technical in nature, and do not change the form or substance of these rules, a Listen and Learn forum was not hosted. There were five comments received after the CR 101 was filed. Those comments are included as Attachment A.

Rule Necessity

Amendments are needed to WAC 314-55-108 to ensure consistency with the recently-adopted cannabis quality control testing rules. Consistent with the cannabis quality control testing rules, the proposed amendments update the term “quality assurance testing” to “quality control testing”. Also for consistency, the proposed rule amendments remove outdated rule language concerning remediation of cannabis products that have failed quality control testing.

Other needed changes to the rule include updating technical chemical isomer information for some types of pesticides included in cannabis quality control testing, and clarifying the number of significant digits testing laboratories are expected to use for reporting numerical pesticide testing results. Also needed is removal of redundant rule language contained in existing rule subsections WAC 314-55-108(4) and WAC 314-55-108(5).

Description of Rule Changes

Amended Section. WAC 314-55-108 – The proposed rule makes the following changes to WAC 314-55-108:

- Updates the term “quality assurance testing” to “quality control testing”.
- Incorporates additional chemical isomer information and Chemical Abstract Services (CAS) Registry Numbers for several pesticides.
- Provides explanatory language that the pesticide action limits are written to the number of significant digits expected in reporting to the Board and on certificates of analysis.
- Removes redundant language contained in existing rule subsections (4) and (5).
- Removes previous rule language concerning remediation of cannabis products that failed quality control testing consisted with the marijuana quality control testing rules in WAC 314-55-102.