



## CR103 Memorandum

### Regarding WAC 314-55-108 – Pesticide Action Levels.

Date: June 8, 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 specific pesticides 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 registered by the Washington State Department of Agriculture under chapter 15.58 RCW in the production, processing, and handling of cannabis. WAC 314-55-108 establishes pesticide action levels for the pesticides approved for use with cannabis.

These amendments to WAC 314-55-108 ensure 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 update technical chemical isomer information of several pesticides.

#### **Stakeholder Engagement**

The recently adopted cannabis quality control testing rule project involved extensive stakeholder engagement, including Deliberative Dialogue sessions, multiple Listen and Learn sessions, and multiple rule proposals. These amendments to WAC 314-55-108 incorporate for consistency changes 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 four public comments received after the CR 102 was filed. Those comments are included in the Concise Explanatory Statement.

## 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, these amendments update the term “quality assurance testing” to “quality control testing”. Also for consistency, the amendments remove outdated rule language concerning remediation of cannabis products that have failed quality control testing.

Other 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, redundant rule language contained in existing rule subsections WAC 314-55-108(4) and WAC 314-55-108(5) was removed.

## Description of Rule Changes

**Amended Section. WAC 314-55-108** – Updates chemical isomer information for some types of pesticides included in cannabis quality control testing, clarifies the number of significant digits testing laboratories are expected to use for reporting numerical pesticide testing results, removes redundant rule language contained in existing rule subsections WAC 314-55-108(4) and WAC 314-55-108(5), updates the term “quality assurance testing” to “quality control testing”, and removes outdated rule language concerning remediation for consistency with WAC 314-55-102.

## Variance between proposed rule (CR102) and final rule:

The term “marijuana” was replaced throughout WAC 314-55-108 with the term “cannabis” for conformance with Second Substitute House Bill 1210 (Chapter 16, Laws of 2022), Section 168.

## Rule Implementation

### Informing and Educating Persons Impacted by the Rule

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

- Email notice with the adoption materials to the rule making and licensee distribution lists, and the general WSLCB GovDelivery list;
- Post rule adoption materials, including final rule language, final analysis (Concise Explanatory Statement), and any other relevant documents on the rulemaking webpage for public access.
- Provide information and training on request.

## Promoting and Assisting Voluntary Compliance

WSLCB will promote and assist voluntary compliance through technical assistance.

- WSLCB staff are available to respond to phone and email inquiries about the rule.
- Agency leadership and staff have actively participated in rule development, 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 documents will be available on the WSLCB website.
- WSLCB 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 rule.

## Training and Informing WSLCB Staff

Internal guidance documents may be prepared as necessary. The WSLCB 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**

The WSLCB will evaluate the effectiveness of these rules in the following ways, including but not limited to:

- Monitoring questions received after the effective date of these rules, and adjusting training and guidance accordingly.
- Monitoring requests for rule language revisions or changes.
- Monitoring requests for rule interpretation.
- Monitoring licensee feedback including, but not limited to, requests for assistance.