Number	Comment on COA Expiration Petition
1	From: Matt Bernhard < <u>matthew@lazybeegardens.com</u> > Sent: Wednesday, December 6, 2023 10:05 AM To: LCB DL Rules < <u>rules@lcb.wa.gov</u> > Subject: experation date
	External Email
	To whom it may concern,
	My name is Matthew Frigone, I am the owner of Lazy Bee Gardens. We are a tier 3 producer/processor located in Winthrop Wa.
	I was told Postman wanted to hear some comments in regards to the 1 year expiration date on tested product. As a licensed producer I can say the 1 year expiration date has caused a lot of problems for us. Being we are a sungrown farm we do not have consistent crops coming down over the course of of the year like indoor does and it feels like this current rule really only hurts sungrowers the worst.
	I would also like to mention in all the years we have been testing, we have never seen a result change after time. I have a friend's farm that tested a 5 year old flower lot and it had only lost 1% THC in that time. No change in mycotoxins or pesticides. I've never seen something that passed pesticide and mycotoxin testing later end up testing hot. It seems really redundant to have to retest things that do not go bad in that manner.
	This becomes an even bigger problem for concentrates. I just had to spend \$3,500 to retest concentrates that were made last year. With the condition the industry is in and how hard it is to survive these market conditions as is, it is really unfortunate for smaller operators to be punished in this manner. The mega operators have the ability to move things much faster than the smaller outfits and having our results expire is negatively affecting sungrown and smaller operations. As is, the big players have the ability to sell at a cheaper price than smaller operators as well, if the smaller operators also have to spend double on testing due to expiration it further depresses the market for the smaller operators.
	As far as I can find there is no science that supports the arbitrary expiration date of 1 year. If anything concentrates should be allowed a minimum of 2 years. Either way it is frustrating to see something like this adopted with no science to back the play. No study can show that cannabis somehow becomes bad after 12 months. Old products works its way out of the market on its own by going bad in general (looks and taste).
	I think it is also important to note that there is no public safety concern with cannabis that is over 12 months old. If it is not a public health issue, why is it being enforced?
	I would ask the rules committee to consider extending this period to allow for either 18 or 24 months before expiration. This would relieve a lot of stress off of smaller operators who are struggling to float in this market.
	Thank you,
	Matthew Frigone (509) 429-4265

2 From: Jeff Wilhoit < jeff@puffinfarm.com>

Sent: Wednesday, December 6, 2023 12:08 PM

**To:** LCB DL Rules < rules@lcb.wa.gov > **Subject:** Extending COA expiration dates

#### **External Email**

## Dear Rules Manager,

Thank you for bringing an update on the petition to extend cannabis COA expiration dates to the board. I am writing to voice my support for this proposal as it will provide our business with some greatly needed relief.

The current rules have drastically changed the way we test cannabis and extracts and have led to increased costs for testing products that have expired COA. Cannabis extracts in particular can be stored in the freezer and do not change much at all over the course of a year. I would love to see an extension or removal of the expiration date on COA so that we can keep our costs down. The safety of cannabis is now very well examined by the addition of pesticide tests in the current rules and over the course of a year that the COA is valid for there is no increased risk of pesticide contamination and there is very little if any (depending on how the cannabis or extract is stored) degradation of the cannabinoids.

Please keep me informed if you have any opportunities to converse with the LCB so that you may better understand from a producer-processor point of view the costs and benefits of extending or removing COA expiration.

Best Regards,

## Jeff Wilhoit

Director of Extracts Cell: 206-550-1914 Office: 206-285-0949 Jeff@puffinfarm.com

3 From: Chuck O'Brien <mtnmash@gmail.com>

Sent: Monday, December 11, 2023 2:21 PM

To: LCB DL Rules < rules@lcb.wa.gov >

Subject: Please the accept petition to extend the QA expiration period to 18 months.

#### External Email

Hello,

I write you today to ask that you accept the recently submitted petition to extent the QA expiration period from 12 months to 18 months. The current period of 12 months creates an unnecessary burden to growers, particularly to outdoor farmers that harvest annually. The 12 month period creates a situation where farmers may not have harvested their next harvest prior to the last years testing having expired. This potentially leaves farmers without product to sell, crippling their businesses.

We encourage the LCB to accept this petition and adopt the suggested changes in a timely manner. Extending this expiration period to 18 months would provide relief to growers without significantly altering the intent of the rule.

Sincerely, Charles O'Brien Canna-Med LLC 417316 4 From: Stephanie Wilson <pacificnwgrowers@gmail.com> Sent: Monday, December 11, 2023 12:44 PM To: LCB DL Rules <rules@lcb.wa.gov> **Subject**: Please the accept petition to extend the QA expiration period to 18 months. **External Email** Hello. I write you today to ask that you accept the recently submitted petition to extent the QA expiration period from 12 months to 18 months. The current period of 12 months creates an unnecessary burden to growers, particularly to outdoor farmers that harvest annually. The 12 month period creates a situation where farmers may not have harvested their next harvest prior to the last years testing having expired. This potentially leaves farmers without product to sell, crippling their businesses. We encourage the LCB to accept this petition and adopt the suggested changes in a timely manner. Extending this expiration period to 18 months would provide relief to growers without significantly altering the intent of the rule. 5 From: Jessica Straight < ikstraight@gmail.com> Sent: Monday, December 11, 2023 11:02 AM To: LCB DL Rules <rules@lcb.wa.gov> Subject: Please the accept petition to extend the QA expiration period to at least 18 months. **External Email** Hello, I write you today to ask that you accept the recently submitted petition to extent the QA expiration period from 12 months to 18 months. The current period of 12 months creates an unnecessary burden to growers, particularly to outdoor farmers that harvest annually. The 12 month period creates a situation where farmers may not have harvested their next harvest prior to the last years testing having expired. This potentially leaves farmers without product to sell, crippling their businesses. We encourage the LCB to accept this petition and adopt the suggested changes in a timely manner. Extending this expiration period to 18 months would provide relief to growers without significantly altering the intent of the rule. For our farm, Eagle Trees, this is a real issue for us, especially for products like RSO, that if kept cold and dark can last longer than 12 months. Also we keep our flower really cold and dark so often times, it isn't necessary to sell it by that 12 month mark. ALSO: the lab fees are already at least double the cost of what they used to be. I think the expiration should actually be 2 years.

Feel free to reach out to discuss this issue with me. Thanks. Jessica Straight COO/ Owner **Eagle Trees** From: I GROW < igrow412783@outlook.com> 6 Sent: Sunday, December 10, 2023 8:45 PM To: LCB DL Rules <rules@lcb.wa.gov> Subject: Expiration date External Email Hello, I am very against incorporating expirations on products unless they are altered products as in edibles or things that have more than just raw cannabis in them. I know for a fact that anything that can pass our testing should be allowed on the regulated market. So, if you have raw flower, it should be allowed on the market even if it's 10 years old, if it's been tested for microbials and passed any of the other tests within the last 12 months it should be allowed to be sold. I had Rosin that tested perfectly for 7 years straight. It was a science experiment for shelf life of product since the research has never been done. We do not have a cannabis commission to do research like that, so as a regulated cannabis grower in the state of Washington, I took it upon myself to track shelf life of products. Respectfully, Jeff Merryman 7 From: Pat Waters <patwaters55@gmail.com> Sent: Sunday, December 10, 2023 3:41 PM To: LCB DL Rules <rules@lcb.wa.gov> **Subject**: Please the accept petition to extend the QA expiration period to 18 months. External Email Hello, I write you today to ask that you accept the recently submitted petition to extent the QA expiration period from 12 months to 18 months. The current period of 12 months creates an unnecessary burden to growers, particularly to outdoor farmers that harvest annually. The 12 month period creates a situation where farmers may not have harvested their next harvest prior to the last years testing having expired. This potentially leaves farmers without product to sell, crippling their businesses. We encourage the LCB to accept this petition and adopt the suggested changes in a timely manner. Extending this expiration period to 18 months would provide relief to growers without significantly altering the intent of the rule. Sincerely,

	Robert Waters Licensee
8	From: Old McDonald's Farm < <a href="mailto:omfcannabis@gmail.com">omfcannabis@gmail.com</a> > Sent: Sunday, December 10, 2023 12:24 PM To: LCB DL Rules < <a href="mailto:rules@lcb.wa.gov">rules@lcb.wa.gov</a> > Subject: Please accept the petition to extend the QA expiration period to 18 months.
	External Email
	Hello,
	I write to you today to ask that you accept the recently submitted petition to extend the QA expiration period from 12 months to 18 months. The current period of 12 months creates an unnecessary burden to growers, particularly to outdoor farmers that harvest annually. The 12 month period creates a situation where farmers may not have harvested their next harvest prior to the last year's testing having expired. This potentially leaves farmers without product to sell, crippling their businesses.
	Many farmers have already gone bankrupt, please help the remaining farmers.
	Thanks TJ McDonald 360.241.4303 Old McDonald's Farm License #425099
9	From: Floyds Cannabis < <u>fccpullman@gmail.com</u> >
	Sent: Sunday, December 10, 2023 10:25 AM  To: LCB DL Rules < rules@lcb.wa.gov >  Subject: Please the accept petition to extend the QA expiration period to 18 months.
	External Email
	Hello,
	I write to you today to ask that you accept the recently submitted petition to extend the QA expiration period from 12 months to 18 months. The current period of 12 months creates an unnecessary burden to growers, particularly to outdoor farmers that harvest annually. The 12 month period creates a situation where farmers may not have harvested their next harvest prior to the last year's testing having expired. This potentially leaves farmers without product to sell, crippling their businesses.
	We encourage the LCB to accept this petition and adopt the suggested changes in a timely manner. Extending this expiration period to 18 months would provide relief to growers without significantly altering the intent of the rule.
	Annette C. Oddo

Store Purchasing Manager Floyd's Cannabis Co. Pullman 509-872-3080 http://floyds-cannabis.com/ 10 From: ECG 420 <ecgprocessing@gmail.com> **Sent:** Sunday, December 10, 2023 10:17 AM To: LCB DL Rules <rules@lcb.wa.gov> **Subject**: Please the accept petition to extend the QA expiration period to 18 months. **External Email** Hello, I write you today to ask that you accept the recently submitted petition to extent the QA expiration period from 12 months to 18 months. The current period of 12 months creates an unnecessary burden to growers, particularly to outdoor farmers that harvest annually. The 12 month period creates a situation where farmers may not have harvested their next harvest prior to the last years testing having expired. This potentially leaves farmers without product to sell, crippling their businesses. We encourage the LCB to accept this petition and adopt the suggested changes in a timely manner. Extending this expiration period to 24 months would provide relief to growers without significantly altering the intent of the rule. Sincerely Alban Kaca 206 617 0400 11 From: Em Anderson <emily@seattlehashtag.com> Sent: Tuesday, December 12, 2023 2:30 PM To: LCB DL Rules <rules@lcb.wa.gov> Subject: Please the accept petition to extend the QA expiration period to 18 months. **External Email** Hello. I write you today to ask that you accept the recently submitted petition to extend the QA expiration period from 12 months to 18 months. The current period of 12 months creates an unnecessary burden to growers, particularly to outdoor farmers that harvest annually. The 12 month period creates a situation where farmers may not have harvested their next harvest prior to the last year's testing having expired. This potentially leaves farmers without product to sell, crippling their businesses. We encourage the LCB to accept this petition and adopt the suggested changes in a timely manner. Extending this expiration period to 18 months would provide relief to growers without significantly altering the intent of the rule. 12 From: Jim MacRae < jimmacrae 13@gmail.com> Sent: Friday, December 15, 2023 5:26 PM To: LCB DL Rules <rules@lcb.wa.gov> Cc: West, Cassidy (LCB) <cassidy.west@lcb.wa.gov>; Kildahl, Jeff (LCB) <jeff.kildahl@lcb.wa.gov>;

Jacobs, Daniel (LCB) <daniel.jacobs@lcb.wa.gov>; Laflamme, Denise M (LCB) <denise.laflamme@lcb.wa.gov>

Subject: Re: Comment on Rule-making Petition for Extension of COA duration from 12 to 18 months

#### External Email

To clarify, the first paragraph in my comment to the 18-month COA rule-making petition should have ended with the three words "should be rejected".

Here is my comment with the missing text added (and highlighted).

Jim MacRae

\_\_\_\_\_

Good day.

I would like to suggest that the recent petition by Jeremy Moberg, on apparent behalf of the Washington Sun and Craft Growers Association and the Cannabis Alliance to allow test results (and their associated Certificates of Analysis) on unsold cannabis products to lapse after 18 months, instead of the current 12 month period defined in rule **should be rejected.** 

Product unable to sell in 12 months is, first of all, generally of lower and potentially questionable quality. keeping product in inventory for extended periods of time does not, generally, improve the quality of the product. Keeping in product in inventory for extended periods of time is not, generally, even neutral to the quality of the product.

Keeping product in inventory for extended periods of time generally degrades the quality of the product and, at a minimum, would be expected to result in changes in the underlying concentrations and mix of cannabinoids (and, possibly, other meaningful chemical constituents). By way of minimal example, the acid forms of THC naturally decarboxylate over time and various cannabinoids naturally "degrade" into OTHER cannabinoids, given sufficient time.

Quality may also degrade, over time, because time gives more time for microorganisms to grow --- some of which are noxious and some of which are defined, in rule, as deleterious to consumer safety and non-allowed in sale-able product.

The WSCIA lobbied years ago (successfully --- to the shame of the LCB, IMO) to remove the requirement that harvest date/manufacture date be included on retail packaging. Should you unwisely opt to allow this consumer-unfriendly (and dangerous) change in rule, please include the REQUIREMENT that harvest/manufacture date be included once again on all retail packaging.

18-month old cannabis is not the same as the cannabis that was tested 18 months prior. If it is to be put up for sale after 12 months, it should be re-tested.

It would be nice, for once, if the agency gave more weight to the 2,000,000 consumers of cannabis in this state than it did to the 150 licensees that routinely spout self-interested noise your way.

Remember that the pesticide rule-making of 2022 also cut testing volume in this industry to 1/4 of it's previous level. That was a large financial win for all farmers and many producers. It was a loss for consumers. In that context, the argument presented by the petitioner regarding the cost burden of testing to the farmers unable to sell their product in 12 months is largely vacuous.

Please remember that Cannabis is safer than Alcohol and that you have the ability to either reinforce or degrade that truth through the rule-making you do.

All the best over the holidays.

Jim MacRae jimmacrae13@gmail.com

On Fri, Dec 15, 2023 at 4:55 PM Jim MacRae < <a href="macrae13@gmail.com">jimmacrae13@gmail.com</a>> wrote: Good day.

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Please remember that Cannabis is safer than Alcohol and that you have the ability to either reinforce or degrade that truth through the rule-making you do.

All the best over the holidays.

Jim MacRae

jimmacrae13@gmail.com

# 13 -----Original Message-----

From: Kris Labanauskas <methowgrowers@gmail.com>

Sent: Sunday, December 10, 2023 6:01 PM To: LCB DL Rules <rules@lcb.wa.gov>

Subject: Please the accept petition to extend the QA expiration period to 18 months.

**External Email** 

Hello,

I write you today to ask that you accept the recently submitted petition to extent the QA expiration period from 12 months to 18 months. The current period of 12 months creates an unnecessary burden to growers, particularly to outdoor farmers that harvest annually. The 12 month period creates a situation where farmers may not have harvested their next harvest prior to the last years testing having expired. This potentially leaves farmers without product to sell, crippling their businesses.

We encourage the LCB to accept this petition and adopt the suggested changes in a timely manner. Extending this expiration period to 18 months would provide relief to growers without significantly altering the intent of the rule.

Sent from my iPhone

14 From: Aaron Juhl <funkyfarms1@gmail.com>

**Sent:** Sunday, December 10, 2023 6:18 PM **To:** LCB DL Rules <rules@lcb.wa.gov>

**Subject:** Please the accept petition to extend the QA expiration period to 18 months.

	Futamed Fire!
	External Email
	Hello,
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	We encourage the LCB to accept this petition and adopt the suggested changes in a timely manner. Extending this expiration period to 18 months would provide relief to growers without significantly altering the intent of the rule.
15	
	Original Message From: Scott Berka <scott@alohabotanics.com> Sent: Monday, December 11, 2023 9:21 AM To: LCB DL Rules <rules@lcb.wa.gov> Subject: Please the accept petition to extend the QA expiration period to 18 months.</rules@lcb.wa.gov></scott@alohabotanics.com>
	External Email
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	Scott
16	Original Message From: scott@brocoinvest.com <scott@brocoinvest.com> Sent: Monday, December 11, 2023 9:22 AM To: LCB DL Rules <rules@lcb.wa.gov> Subject: Please the accept petition to extend the QA expiration period to 18 months.</rules@lcb.wa.gov></scott@brocoinvest.com>
	External Email

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We encourage the LCB to accept this petition and adopt the suggested changes in a timely manner. Extending this expiration period to 18 months would provide relief to growers without significantly altering the intent of the rule.

Scott

17 **From:** Jake Rosner <a ficionadoconsulting@gmail.com>

Sent: Monday, December 11, 2023 11:11 AM

To: LCB DL Rules <rules@lcb.wa.gov>

Subject: Please the accept petition to extend the QA expiration period to 18 months.

#### External Email

Hello,

I write you today to ask that you accept the recently submitted petition to extent the QA expiration period from 12 months to 18 months. The current period of 12 months creates an unnecessary burden to growers, particularly to outdoor farmers that harvest annually. The 12 month period creates a situation where farmers may not have harvested their next harvest prior to the last years testing having expired. This potentially leaves farmers without product to sell, crippling their businesses.

We encourage the LCB to accept this petition and adopt the suggested changes in a timely manner. Extending this expiration period to 18 months would provide relief to growers without significantly altering the intent of the rule.

18 From: Caitlein Ryan <caitlein.ryan@thecannabisalliance.us>

Sent: Tuesday, December 19, 2023 4:11 PM

To: West, Cassidy (LCB) <cassidy.west@lcb.wa.gov>; LCB DL Rules <rules@lcb.wa.gov>

Subject: In support of rule change for WAC 314-55-102 (9)

**External Email** 

Happy holiday season:). Please see the attached letter containing our feedback.19 December 2023

To Whom It May Concern:

I am writing to offer our strong endorsement for the proposed amendment to Rule WAC 314-55-102 (9), advocating for an extension of the QA test expiration period from 12 months to 18 months. This critical amendment seeks to address a pressing issue faced by outdoor farmers within our industry, whose operational practices are impacted by the current 12-month expiration period.

The crux of the matter lies in recognizing the unique challenges inherent in outdoor farming practices, particularly seasonal planting and harvesting cycles that farmers adhere to. The current 12-month expiration period places an unnecessary burden on these individuals. The current restriction fails to accommodate the variability in harvest and processing times leading to situations where farmers may have to decide between product loss or the expense of a retest to show no change in pesticide results. This not only poses financial strains in an already painfully tight market but can also jeopardize the continuity of their operations.

It's imperative to underscore that this proposed extension to 18 months does not compromise consumer safety in any manner. On the contrary, it strikes a harmonious balance between the need for stringent quality assurance measures and the practical considerations essential for the sustainability of outdoor farming practices. By affording a more accommodating timeframe, this amendment ensures that farmers can operate within reasonable parameters, enabling them to manage the natural variations inherent in agriculture while upholding the integrity of our industry standards.

While outside the scope of this rulemaking set, we would also like to highlight the need for readily available COA's to our consumer base. While the pesticide results will not be impacted by the 6 month extension, consumers and patients in particular should have easy access to test results and a record of the timeline of that testing.

In conclusion, I urge your support for this amendment, understanding its implications for the livelihoods of our outdoor farming community. By endorsing this extension, we affirm our commitment to a fair and equitable regulatory framework that fosters industry growth while safeguarding the interests of all stakeholders involved.

Thank you for your attention to this matter. I am always available for any questions or additional feedback.

Sincerely,

Caitlein Ryan, PhD

Executive Director, The Cannabis Alliance

caitlein.ryan@thecannabisalliance.us

425-314-9004

19

From: John Kingsbury < homegrow 2018@gmail.com >

Sent: Wednesday, December 20, 2023 3:17 AM

To: LCB DL Rules <rules@lcb.wa.gov>; Dickson, Dustin P (LCB) <dustin.dickson@lcb.wa.gov>;

Postman, David (LCB) <david.postman@lcb.wa.gov>

**Subject:** considering COA extensions

## **External Email**

I would like to comment on the rulemaking petition submitted by the Suncrafters. The petition cites WAC-314-55-102 (9) as the subject of rulemaking. I have a very large concern public safety concern about this..

On the face of it, extending the COAs from 12 to 18 months makes sense, especially for "sungrowers", because of the cycle of their harvests. With modifications, I could support this idea.

However, this group of producers seems to produce particularly moldy weed. While pesticide levels should not be expected to increase between 12 and 18 months, mold and mycotoxin levels certainly should. Mycotoxin levels are certainly a larger threat to public health than are pesticides (in most cases). Once a human body is contaminated with mycotoxins, the variety of negative consequences can be severe, and getting rid of them is very difficult.

Among the lab samples I have tested, Moberg weed is consistently some of the moldiest weed I have ever tested - consistently above 70,000 CFUs, one sample testing at 163,000 CFUs. I have submitted at least one complaint against Kibble Junction for mycotoxin violations (which LCB has yet to respond to, by the way), which represents a particularly onerous threat to patients.

Therefore, I recommend, in the strongest possible way, that any petition to open WAC-314-55-102 (9) include WAC-314-55-102 (3)(e) Mycotoxin screening.

Thank you.

John Kingsbury