



Washington
State Department of
Agriculture

Cannabis Production Standards Rulemaking Update

June 2023

About WSDA Organic Program

WSDA Organic Program is the seventh largest certification agency in the United States, serving 1,100 certified organic operations and 350 businesses manufacturing or distributing input materials for use in organic production. Nationally, Washington State ranks sixth for the number of certified farms and second in value of organic crops in the United States.

For almost 40 years WSDA Organic Program's team of experts has served Washington's growing organic industry. The program, funded solely by certification fees, provides access to the organic market and ensures the integrity of the organic label in Washington State and beyond. In 2002, the Organic Program shifted from oversight of a state standard to enforcing the U.S. Department of Agriculture organic regulation (7CFR Part 205).



Cannabis production standards

In May 2017 WSDA was granted authority to implement a voluntary certification service for cannabis producers and processors. The new law, chapter 15.125 RCW, requires the agency to adopt rules establishing standards for cannabis products consistent with 7CFR Part 205. The new law further requires the administration of the program to be consistent with the existing services established under chapter 15.86 RCW.

On October 4, 2017 WSDA filed a CR101, announcing the first step of the rulemaking process. WSDA Organic Program convened an informal committee of stakeholders to advise the program on key issues regarding the development of the new rules. Unfortunately, the project was put on hold due to a lack of resources within the program to take on the additional work of developing a new service. On August 19, 2022, an updated CR101 was filed to restart the rulemaking process with a goal of having rules finalized and effective mid-2023.

Although progress has been made, several administrative and technical challenges regarding the implementation of the new service have impacted our goals. However, WSDA intends to file the CR102 in August 2023 with draft language for the new cannabis production rules. There will be opportunities for stakeholders to comment and provide feedback on the proposal prior to the issuance of a final rule.

Cannabis Production Standards – Rulemaking Update

Prohibited practices

WSDA Organic Program has identified practices common to cannabis production in Washington that are not consistent with 7CFR Part 205 or Chapter 15.125 RCW. Below are examples of practices that conflict with WSDA's existing Organic Program and will therefore be prohibited within the rules for the new service.

Synthetic substances used to prepare planting stock

Synthetic inputs are prohibited for use in organic production unless the substance is explicitly allowed under 7CFR §205.601 or §205.605.

- Synthetic rooting hormone is not currently included in the list of approved synthetics for organic production and will therefore not be allowed to propagate certified cannabis planting stock.

Hydroponic and indoor production

7CFR §205.200 and §205.203 USDA organic regulations require producers to implement practices that maintain or improve the natural resources of the operation, including soil and water. Organic regulations also require producers to implement practices that maintain or improve organic matter content, the physical, chemical, and biological condition of the soil, and minimize soil erosion. WSDA Organic Program does not currently offer certification services for hydroponic production systems or for production systems that solely depend on artificial light.

- Hydroponic systems that produce cannabis in nutrient rich solution or in an inert porous, solid matrix bathed in a nutrient rich solution will not be included in the scope of the new standard.
- Although supplemental lighting may be used in the production of cannabis, production systems that are fully contained indoors, depending on artificial lighting throughout the life of the crop, will not be included in the scope of the new standard.

Certification fees

Chapter 15.125 RCW requires that the new service be supported through a fee structure which recoups the cost of the services provided. Although WSDA has received some stakeholder interest in the new service, restrictions on common cannabis production practices limits the number of potential applicants. As a result, WSDA Organic Program will propose the new service as an add on to the existing organic certification services. Operations interested in certification of cannabis products will first apply for USDA certification for the land and facilities where cannabis will be grown or processed. Non-cannabis crops or agriculture-based products may also be included in this application. An additional annual fee, outlined in the new cannabis production standards, will be required to request an evaluation of cannabis crops or products.

Cannabis Production Standards – Rulemaking Update

Exceptions to the adoption of 7CFR Part 205

Chapter 15.125.020 RCW acknowledges the need for the new service to account for differences in federal organic standards which do not recognize cannabis as an agriculture crop. As discussed previously, the term “organic” cannot be used on cannabis products. Examples of additional exceptions that must be included in proposed rules are:

- A requirement for inputs to first be approved for use on cannabis in Washington State in addition to being approved for use in organic production.
- Cannabis products testing positive for prohibited pesticide materials at or above 10ppb must not be sold or labeled as “Certified Cannabis”; the federal tolerance levels currently outlined for organic products in 7CFR Part 205 are not applicable.
- A requirement for a pesticide residue sample to be taken at each annual inspection of operations that apply or are certified under the new service; 7CFR Part 205 currently only requires 5% of operations to be sampled annually.



Marketing claim

Since 2002, the “organic” claim has been federally defined and limited to crops recognized as agriculture products by USDA; cannabis products are not currently federally recognized as agriculture products. A certification program specific to Washington products must use a different claim on compliant products.

During the first attempt to develop rules, the advisory committee agreed upon the term “Certified Cannabis” to represent products evaluated under the new service. WSDA Organic Program intends to include “Certified Cannabis” as a replacement to the term “Certified Organic” in the proposed rules.

A draft logo, consistent with the logos outlined in WAC Chapter 16-157, has been developed for use by operations certified under the new standard. The logo includes a reference to WSDA Organic Program per the requirements of 7CFR Part 205 to identify the name of the certification agency on all certified packaged products.

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