

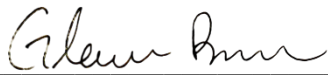


STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

Date: April 17, 2024

To: Office of the Code Reviser

From: 
Gloriann Robinson, Agency Rules Coordinator

Subject: Policy Statement AES-24-0001– Delayed Enforcement of the Cannabis Laboratory Accreditation Standards in Chapter 16-309 WAC.

On April 16, 2024, a policy statement was issued regarding the delay of the enforcement of the newly adopted cannabis laboratory accreditation standard to provide time for laboratories to come into compliance, while simultaneously providing time for the department to implement a new accreditation process.

All laboratories engaged in compliance testing of cannabis through this interim period will be subject to the compliance requirements in chapter 314-55 WAC.

A copy of the interpretive statement may be obtained by accessing the Washington State Department of Agriculture website (www.agr.wa.gov) or by contacting:

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POLICY STATEMENT
Number: AES-24-0001

Subject: Delayed Enforcement of the Cannabis Laboratory Accreditation Standards in Chapter 16-309 WAC.

Supersedes: Not applicable

Contact: Trecia Ehrlich, Cannabis Program Manager
Email: tehrlich@agr.wa.gov Phone: (360) 584-3711

Approved By:

Derek I. Sandison, Director

Date Approved: April 16, 2024

Description: In order to provide Washington state cannabis laboratories with time to implement the requirements in the recently adopted Cannabis Laboratory Accreditation Standards Program in chapter 16-309 WAC, the department will delay enforcement of this rule through December 31, 2024. Cannabis laboratories must, at a minimum, continue to meet the requirements set forth in chapter 314-55 WAC, Cannabis Licenses, Application Process, Requirements and Reporting, until December 31, 2024.

Background: Cannabis products sold in Washington State are required to be tested for harmful substances and for cannabinoid concentration. The science required to develop adequate testing protocols has been slow to meet industry needs. In 2019, the Washington State Legislature (Legislature) enacted House Bill (HB) 2052, which established and directed the Cannabis Science Taskforce (CSTF) to recommend laboratory standards to be used in support of accrediting cannabis testing laboratories in Washington State. In June 2020, the Department of Ecology (ECY) published a report of laboratory quality standards for testing cannabis plants and products created by CSTF; this report recommended the creation of an inter-agency cooperative team led by the Washington State Department of Agriculture (department) in coordination and consultation with the Washington State Liquor and Cannabis Board (WSLCB) and the Department of Health (DOH).

In response, the Legislature passed HB 1859, which required the department to establish and maintain cannabis testing laboratory quality standards by rule. The cannabis testing laboratory quality standards include but are not limited to: approved methods for testing cannabis for compliance with product standards established by rule by the WSLCB or the DOH; method validation protocols; personnel and documentation requirements, and performance measures and criteria applied to the testing of cannabis products.

As standards rise, so does the cost of compliance. Cannabis testing laboratories will need to spend more time completing quality control and quality assurance steps to ensure the quality of the data being produced. This will be paired with an increased usage of solvents and standards from chemical manufacturers.

Probable compliance costs for businesses may be accrued from changing personnel to meet new personnel requirements; purchasing of reagents and consumables from laboratory suppliers to meet new and changing testing requirements; increased hours of operation and purchasing of new instrumentation to meet new and changing method performance requirements, method validation requirements, standardized methods requirements, and proficiency testing requirements.

The requirements that may lead some laboratories to need to hire new scientists, and validate new methods, as well as going through the method approval process with the department, may take a substantial amount of time as hiring and method validation can be lengthy processes. Delaying the enforcement of the newly adopted standard provides time for laboratories to come into compliance, while simultaneously providing time for the department to implement a new accreditation process.

All laboratories engaged in compliance testing of cannabis through this interim period will be subject to the compliance requirements in chapter 314-55 WAC.