

## EXHIBIT A

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## WSLCB QC Rule Making Update

WSIA is supportive of testing for illegal and disallowed pesticides, however we believe it should be completed at the farm level using third parties rather than self-selected samples from arbitrarily lot sizes.

The WSLCB released a Supplemental CR 102 '**Proposed Rules for Quality Control Testing and Product Requirements**' on 9/29/20 which can be viewed here:

[https://lcb.wa.gov/sites/default/files/publications/rules/2020%20Proposed%20Rules/WSR\\_20-20-040.pdf](https://lcb.wa.gov/sites/default/files/publications/rules/2020%20Proposed%20Rules/WSR_20-20-040.pdf)

Highlights include:

- -Increase in flower lot size from 5 lb to 10 lbs.
- -Required pesticide and heavy metal testing of every lot using a phased in approach.
- -Pesticide testing would be required on August 1, 2021
- -Heavy metal testing would be required January 31, 2022
- -Sample size for testing would be 16 grams minimum, regardless of lot size.
- -Disallows remediation for pesticide failures.
- -Required testing of all ingredients in marijuana products.

The WSLCB also released a Small Business Economic Impact Statement which can be viewed here:

[https://lcb.wa.gov/sites/default/files/publications/rules/2020%20Proposed%20Rules/SBEIS\\_WSR\\_20-20-040.pdf](https://lcb.wa.gov/sites/default/files/publications/rules/2020%20Proposed%20Rules/SBEIS_WSR_20-20-040.pdf)

Highlights include:

- -Estimates the annual cost of compliance for the average producer & processor will be \$41,400 based on an assumed cost of testing at \$225 per lot and 184 tests being completed each year.
- -Based on interviews with testing labs assuming a 5 lb lot (as was proposed in the first CR 102) testing might cost \$165, \$225, or \$400 per sample.
- -Asserts that consumers will likely bear the cost of these additional tests and that a processors viability would center around their ability to pass increased costs on to the retailer.
- -Statement that whether or not these rules will have a disparate impact on small businesses is unknown.
- -Statement that if increased testing costs lead some smaller entities to cease production, other entities may produce larger volumes thus, the proposed rule is unlikely to affect the overall number of employees of producer/processors.

## Cannabis Producer & Processor Call to Action

**What should an impacted producer processor do to engage in this rulemaking?**

**1. Join WSIA at: <http://www.washingtonsungrowers.org/membership.html>**

- We work harder than any other organization to ensure marijuana farmers voices are heard. In recent months we were successful in getting the WSLCB to allow licensee children and grandchildren on premises and getting transportation time limits extended to 7 days due to COVID impacts.
- We currently represent 54 businesses holding more than 100 WSLCB licenses. The more members we have, the more seriously we are taken by the WSLCB when we make comments and requests.

**2. Look at how your business will be impacted. What would it look like if testing costs were \$225 or \$350 for each lot?** Don't forget to consider the impact COVID19 on the cost of your other ingredients and supplies. How is your business likely to adjust to this increase? (Will you cultivate fewer strains, will you reduce production of low THC strains, will you cease production of low potency concentrates like rosin, hash, & kief, will you shift from a retail model to a wholesale model, will your wholesale model need to shift sale of wet harvest weight and fresh frozen rather than lots?

**3. Send written comment to the WSLCB ASAP.**

To: [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov); [casey.schaufler@lcb.wa.gov](mailto:casey.schaufler@lcb.wa.gov); [audrey.vasek@lcb.wa.gov](mailto:audrey.vasek@lcb.wa.gov); [katherine.hoffman@lcb.wa.gov](mailto:katherine.hoffman@lcb.wa.gov);

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Subject: Comments Supplemental CR 102 QC Quality Control Testing and Product Requirements

Body:

1. Introduce yourself and your farm.
2. Talk about how this rule proposal will impact your business and how you will adjust your business model to remain viable.
3. Some additional talking points you might include are:
  - -I support testing for illegal and disallowed pesticides, however believe it should be completed as a regular farm-based test with a third party.
  - -Pesticide and heavy metal testing should be decoupled from cannabinoid testing. While cannabinoid concentration may vary throughout the plant or lot, the presence or absence of pesticides and heavy metals does not.
  - -Combining pesticide testing with the same rules currently in place for cannabinoid concentration is a critically flawed approach.
  - -These rules unnecessarily burden small independent craft producers who contribute to the diversity in the industry.

- -The proposed rules fail to significantly increase consumer and employee safety. A system that relies on an honor based self-selected samples presents significant opportunity for abuse.
- -The Small Business Economic Impact Statement (SBEIS) acknowledges the possibility that increased testing cost may “lead some smaller entities to cease production” but fails to mention that these “smaller entities” that “cease production” will be a diverse array of owner-operated craft producers.
- -The SBEIS fails to accurately represent the significant impact these rules will have on small businesses.
- -The WSLCB’s proposed mitigation strategy using a phased in approach does not actually reduce the costs imposed by the rule on small businesses in accordance with RCW 19.85.030.
- -The WSLCB’s proposed rules fail to efficiently accomplish their stated goal, instead they propose testing for pesticides and heavy metals in the most expensive way possible.
- -The WSLCB has not fully explored how the overall market will react to lot level pesticide testing and what “adjustment of business models” will mean to the diversity of products in the market and the unintended consequences this may have on public health.
- -The WSLCB should delay adoption of these rules at this time to dig deeper into the conversation and evaluate the unintended consequences of adopting such complex regulatory change without evaluating them through the lens of equity, effectiveness, and efficiency.

**4. Attend the digital public hearing on Wednesday November 18th 2020 at 10:00 am and sign up to provide testimony.**

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"We have neglected the truth that a good farmer is a craftsman of the highest order, a kind of artist" -Wendell  
Berry

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*Cannabis photography by Kristen Angelo/ A Pot Farmer's Daughter*

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## EXHIBIT B

**Public Comment—Marijuana QC Testing**  
**Exhibit B**

Written Comment Received Regarding Supplemental CR 102 filed as WSR 20-20-040 Hearing Held on November 18, 2020

	Source	Commenter	Date Received	Comment	Theme
1	Email	Crystal Oliver, WSIA	10/20/2020	<p>In our review &amp; comparison of this rule proposal against the original CR 102 we came across this newly inserted section:  <i>"Quality control tests meeting all requirements of this chapter must be conducted for any additive, solvent, ingredient, or compound used in the production and processing of marijuana products, including marijuana vapor products prohibited by the board under RCW 69.50.342 and this chapter."</i></p> <p>We have a number of concerns about this new verbiage:</p> <ol style="list-style-type: none"> <li>1. WAC 314-55-010(10) states that <i>"End product" means a marijuana product that requires no further processing prior to retail sale.</i>" which seems to indicate that "marijuana products" is a term that is inclusive of marijuana flower, concentrates, vapor products, topicals, and marijuana infused edibles. <ul style="list-style-type: none"> <li>• We have consulted with some of our members who manufacture marijuana infused edibles and they have indicated that they use 500 different ingredients to create their various products. We did a rough estimate; multiplying \$350 by 500 based on the current cost of the full 502 panel plus pesticides and heavy metals offered by Confidence Analytics which came to \$175,000 in upfront costs for their business to come into compliance.</li> <li>• This extraordinary upfront cost is not addressed nor considered in the WSLCB's Small Business Economic Impact Statement (SBEIS).</li> <li>• Nor does the SBEIS explore what the impact might be for a processor that is presently using conventional ingredients in their marijuana infused edibles who may be forced to switch to all organic in order to pass the testing standards because many of the pesticides with action levels in WAC 314-55-108 are approved for use on food crops.</li> <li>• Nor does the SBEIS explore the potential impact to a processor if an ingredient can no longer be used due to being held to a pesticide action level standard that doesn't acknowledge that pyrethrin and piperonyl butoxide are exempt from federal tolerances when used on growing crops.</li> </ul> </li> <li>2. We have also consulted with a few labs and do not believe any lab is able to test all ingredients and solvents currently used in the production and processing of marijuana products making it challenging to implement this section. Nor does the SBEIS explore what the costs would be for labs to tool up in order to take on testing of additional ingredients and solvents.</li> <li>3. This piece also seems problematic <i>"including marijuana vapor products prohibited by the board under RCW 69.50.342 and this chapter."</i> We can't imagine why someone would be testing products that are prohibited.</li> </ol>	<p>Educational gaps/ opportunities on RFA and SBEIS</p> <p>Does not agree with proposal</p> <p>Wants third-party sampling</p> <p>Asserts negative economic impact</p> <p>Proposal will "enrich" labs"</p>

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2	Email	Crystal Oliver, WSIA	10/20/2020	<p>The Washington Sungrowers Industry Association (WSIA) currently represents 54 businesses who hold more than 100 WSLCB producer and processor licenses. The WSIA has attempted to engage in this process through attendance and comment at each listen and learn session, submission of written comments, as well as a lengthy whitepaper offering a critique of the current testing regime alongside numerous recommendations for improvement. We are supportive of efforts to test cannabis for disallowed and illegal pesticides however, it should be done using a reasonable, effective, and meaningful approach.</p> <p>The WSLCB has not deviated far from the draft conceptual rules and we regret that the WSIA was not included in the conversations that took place during their drafting. Subsequent rule making projects that have been led by you from start to finish have used diverse and inclusive workgroups who met regularly to inform the content included in the draft conceptual rules and have resulted in more equitable proposals.</p> <p>This proposal as currently written continues to build upon a broken foundation of deeply flawed QC rules and a troubled traceability system, rather than take the opportunity to reimagine a more effective and elegant solution to incorporating required pesticide testing it introduces additional complexity and significant costs. It unnecessarily burdens small independent craft producers who contribute to the diversity in the industry.</p> <p>The Small Business Economic Impact Statement (SBEIS) acknowledges the possibility that increased testing cost may “lead some smaller entities to cease production” but fails to mention that these “smaller entities” that “cease production” will be a diverse array of owner-operated craft producers. Many of Washington’s craft producers identify as being owned by women, minorities, economically disadvantaged individuals or those with prior marijuana convictions. The SBEIS does not consider the immeasurable cost associated with decreased diversity and decreased opportunity for historically disadvantaged groups in the Washington cannabis industry. Those businesses that are privileged enough to have access to the opportunity to scale will survive the significant cost increases proposed, while those craft producers and processors who have sought to differentiate themselves based on quality, variety, and small batches will meet their demise.</p> <p>The proposed rules fail to significantly increase consumer and employee safety. A system that relies on an honor based self-selected samples presents significant opportunity for abuse. No credible state program for pesticide testing can be based upon self-selection which is why neither Oregon nor California allow for self-selection for pesticide testing. These proposed rules also fail to incorporate heavy metal testing of vape hardware which is the most likely point of heavy metal contamination in concentrates. Further, the proposed rules will disincentivize the production of small batch, low potency, non-adulterated concentrates while incentivizing increased production of low priced, high potency distillate which is more likely to be sold with additives and non-native terpenes. The expense associated with lot-based pesticide and heavy metal testing will accelerate trends in the market away from flower toward high THC products.</p> <p>The WSLCB’s proposed rules fail to efficiently accomplish their stated goal, instead they propose testing for pesticides and heavy metals in the most expensive way possible. Combining pesticide testing with the same rules currently in place for cannabinoid concentration is a critically flawed approach. By forcing pesticide testing into the current cannabinoid testing regime, the LCB has ignored sensible farm level testing which would decrease cost while allowing for 3rd party sample collection. Such an approach would better protect consumers and employees and preserve the diversity of craft farmers. The current proposed rules will enrich Washington’s testing labs without increasing safety. We fear that without significant modification in the approach taken by the WSLCB to implement pesticide testing at the farm or harvest lot level we will see increased consolidation, the extinction of craft cannabis, and decreased diversity. We ask that the LCB seriously consider a pesticide testing regime that is not incorporated into the current cannabinoid testing rules.</p> <p>We will submit additional comments related to some of the more technical critiques of both the proposed rule language and the small business economic impact report as well. We remain hopeful that the WSLCB will take this time to dig deeper into the conversation and evaluate the unintended consequences of adopting such complex regulatory change without evaluating them through the lens of equity, effectiveness, and efficiency.</p>	
3	Email	Edward Lafferty, Green Revolution	10/20/2020	<p>I was reviewing the WSLCB's newest supplemental CR 102 on Quality Control Testing and Products Requirements and came across newly inserted verbiage in WAC 314-55-1022 (11) that is highly concerning to me which reads:</p> <p>"Quality control tests meeting all requirements of this chapter must be conducted for any additive, solvent, <b>ingredient</b>, or compound used in the production and processing of <b>marijuana products</b>, including marijuana vapor products prohibited by the board under RCW 69.50.342 and this chapter."</p> <p>My business presently uses over 500 ingredients to produce our marijuana infused edible products. As far as I know the labs are not set up to test all of the ingredients we use, nor would they have the capacity to test all ingredients currently in use by all processors in addition to testing finished products. The SBEIS, while updated for the new supplemental CR 102 doesn't seem to factor in this significant upfront cost for businesses such as mine that implementation of this new language would require either. This seems to be concerning vapor or combustible products but because the language is general, it may lump in our products with this category.</p>	Offers clarifying revision to WAC 314-55-1022 (11)

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4	Email	Galadriel Walser, Buddy Boy Farms	10/28/2020	<p>We would like to comment on how CR102S1 will affect our business and directly our employees. We have been committed to growing pesticide free since day one, this new rule on testing would directly affect the amount we are able to pay our employees. This is the first year in 6 that we were able to offer medical benefits to our employees, if this rule goes into effect, we will no longer be able to afford that benefit, as that money will then have to go to testing. Without medical benefits to offer this will also impact they type of employee we are able to attract. Please Please withdraw this proposal as it does nothing but hurt the farmers who have struggled for to long in this industry.</p>	<p>Withdraw proposal</p> <p>Asserts negative economic impact</p>
5	Email	Crystal Oliver, WSIA	10/28/2020	<p>The Washington Sungrowers Industry Association (WSIA) currently represents 54 businesses who hold more than 100 WSLCB producer and processor licenses.</p> <p>We are supportive of efforts to test cannabis for disallowed and illegal pesticides however, we believe it is best done at the farm level using third parties.</p> <p>We have spent the last few weeks interviewing and consulting with members who operate different business models to understand how their business would be impacted by the lot level pesticide and heavy metal testing proposed.</p> <p>The current structure of the market and distribution of power make it impossible for craft producers and processors to pass increased costs on to processors, retailers, or consumers. The vast majority of producers and processors we spoke to indicated that they would as suggested in the WSLCB's Significant Rule Analysis have to "adjust business models" in order to remain viable.</p> <p>After talking through these business model changes, we have grown very concerned about the unintended consequences and downstream impacts these proposed rules will have on our diverse marketplace.</p> <p><b>These proposed rules will result in:</b></p> <ol style="list-style-type: none"> <li>1. Further reduction in the production and sale of low THC flower.</li> <li>2. Increased production and sale of high THC flower.</li> <li>3. Decreased production and sale of small batch, low potency concentrates such as kief, rosin, and hash.</li> <li>4. Increased fresh frozen, whole plant and harvest lot wholesale transactions.</li> <li>5. Significant increase in the production of high potency distillate including distillate sold with additives and non-native terpenes at very low prices.</li> <li>6. Significant decrease in the price paid by consumers for high potency distillate due to a crashing wholesale distillate market.</li> <li>7. Decreased production and sale of small batch, low potency, non-adulterated alcohol, CO2, and butane concentrates.</li> <li>8. Decreased tax revenues.</li> <li>9. Increased diversion of legally produced product to the illicit &amp; unregulated marketplace as well as inversion of product into other state's regulated markets.</li> <li>10. Decreased number of craft producers and processors.</li> </ol>	<p>Refers to "small craft producer"</p> <p>Asserts that addition of "lot level pesticide and heavy metal testing will destabilize the market..."</p> <p>"The separation between farmer and consumer has led the market to be primarily influenced by that which is best for the retailer's bottom line, buying low and selling high. The consumer's preference and interest are secondary."</p> <p>Leafly offered to support assertions</p>
6	Email	Crystal Oliver, WSIA (Attached to email above, dated 10/28/2021)	10/26/2020	<p>The Washington Sungrowers Industry Association (WSIA) currently represents 54 businesses who hold more than 100 WSLCB producer and processor licenses.</p> <p>We are supportive of efforts to test cannabis for disallowed and illegal pesticides however, we believe it is best done at the farm level using third parties</p> <p>In our review of the Small Business Economic Impact Statement (SBEIS) which was released on September 30, 2020 we have encountered several aspects that concern us.</p> <p>The SBEIS fails to accurately represent the significant impact these rules will have on small businesses for a variety of reasons including calculation errors, its reliance on the Office for Regulatory Innovation and Assistance (ORIA) Minor Cost Threshold Calculator rather than operationalizing data from the traceability system. Further, the proposed mitigation strategy using a phased in approach and increased lot size does not actually reduce the costs imposed by the rule on small businesses in accordance with RCW 19.85.030.</p>	<p>Educational gaps/ opportunities on RFA and SBEIS; requests that Governor's Office of Regulatory Innovation and Reform Minor Cost Threshold Calculator "does a poor job of calculating minor cost thresholds for small businesses."</p> <p>Suggests that WSLCB ignore RFA requirements.</p> <p>Offers various business models based on "craft" p/p and others</p>

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				<p>We request that the WSLCB utilize cannabis business specific data and base minor cost thresholds on median gross business income rather than averages in their next analysis.</p>	<p>Does not agree with proposal.</p> <p>Supportive of pesticide testing.</p> <p>“Farm-level testing” undefined</p> <p>Third party sampling</p>
7	Email	Devin Rohl, AWSM Gardens	10/28/2020	<p>CR-102 is yet another step in the wrong direction for Washington's cannabis industry. Increasing costs for any growers, especially small growers would be another huge mistake. CR-102 would be implementing yet another rule that gives false comfort to consumers, and lawmakers that the products they are purchasing are safer than without this proposed testing. In reality, self submitted test samples will always be subject to manipulation by those who are willing to do so.</p> <p>There are a number of reasons I do not agree with CR-102, but for the sake of saving time during a critical point of the year I am going to refer to something already written up by Shawn Denae. I support every point she makes in this message.</p> <p>"Personally, this rule as written will cost our small family business an additional \$30,000 in mandatory testing but will do very little to ensure safer product in WA State. We have an opportunity to either alter this rule or even better, withdraw this rule making. Logical rules based on scientific methods that do not cost small business disproportionately are within reach if we halt this process now. Let's just keep with status quo for now while we await standard testing methods from WSDE. (Dept of Ecology)</p> <p>I ask you to join me and other flower growers to add your voice to the process as LCB has heard very little from us busy cannabis growers; the labs however, have been loudly vocal and we must over-ride their input our we will literally pay for it dearly.</p> <p>Here are points to consider and apply to your business:</p> <ul style="list-style-type: none"><li>• COSTS: Proposed rule requires QA &amp; P&amp;HM (pesticide &amp; heavy metal) be done on EVERY 10LB OR LESS OF EACH STRAIN FROM EACH HARVEST.</li><li>o This forces the same costs on a 2lb lot as for a 10lb lot putting smaller growers at a cost disadvantage. The rule is anti-small business, IMO.</li><li>(We currently pay Medicine Creek \$195 for each P&amp;HM test.)</li><li>o Harvest or farm level testing is not allowed for recreational cannabis as it is for medically compliant cannabis, making recreational testing more stringent and more costly than testing already established for medically compliant cannabis.</li><li>o Proposed rule demands 16 - 1g buds from each 10lb or less of flower. Taking the best buds we can sell at premium when labs only need a fraction of that weight to test is costly. (This would cost our business an added \$576 every month in lost sales!)</li><li>o Those that grow for extraction will not be affected as the bulk material does not need tested before transfer. Processors can process unlimited bulk matter into unlimited batches of oil and cover it with one test; putting them at an advantage over useable marijuana flower growers.</li><li>o There are only 2 labs that do both P&amp;HM testing. The turnaround time to get tests back is expected to be lengthy. Time is money and test delays will cost us all.</li></ul> <ul style="list-style-type: none"><li>• Self-selected samples: Any tests are suspect with self-selection</li><li>o Using established agriculturally sound sample collection methods will take away suspicions of efficacy. Cheaters will cheat so let's base our testing on approved 3rd party</li></ul>	<p>Wait for ECY lab accreditation to complete in 2024</p> <p>Lab Concerns: “Labs have been loudly vocal.” Lack of testing standardization. Rules will create a bottleneck since only 2 labs can do proposed testing.</p> <p>Cheaters will cheat so let's base our testing on approved 3rd party selection methods established by WSDA.</p> <p>We need rules that allow THC (cannabinoid) ranges on strains.</p> <p>State should be responsible for testing</p> <p>Treat cannabis farming the same as WSDA organic farming</p> <p>No lot level testing</p>

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				<p>selection methods established by WSDA.</p> <p>o Regular QA done on self-selection has always had suspicions and led to high THC as the holy grail. We all know no 1 bud from any size lot or harvest tests exactly the same so to have a QA test that gives cannabinoid percentage to the hundredth percent is deceptive to the buyers. We need rules that allow THC (cannabinoid) ranges on strains.</p> <p>o Organic food farms are tested 1x per year; there is no reason for cannabis farmers to test every 10lb or less of flower on each harvest to prove we grow clean. That is government overreach and not based in science.</p> <ul style="list-style-type: none"><li>• WSDA has new lab equipment paid for by cannabis taxes and a current agreement with WSLCB to random test farms and finished products collected by a 3 rd party (currently WSLCB agents)</li><li>o This program needs further encouragement and keep the burden of P&amp;H testing on the state vs transferring it to the small family farms that focus on flower production.</li><li>o Independent labs will still get P&amp;H business as licensees will do R&amp;D testing to ensure they test within limits.</li><li>o Those of us that have learned how to grow clean should not be penalized with costly lot level testing for contaminants when there are agriculturally sound methods of testing already established that do not harm small business bottom lines.</li></ul> <ul style="list-style-type: none"><li>• Standards need established and Action Limits need refined</li><li>o Currently no labs have standards for cannabis testing and they all have unique lists that they can test for; this created massive confusion in the market.</li><li>o WSDE (Dept. of Ecology) is tasked by law to develop testing standards specifically for cannabis; setting up rules prior setting testing standards is backwards.</li><li>o Producers need one standard list with action limits that address both authorized and unauthorized pesticides.</li><li>o End consumer vape hardware needs heavy metal testing. Poor quality cartridges leach heavy metals into the oil and are the most likely source of heavy metals in end products on the market. This proposed rule does not address disallowing faulty hardware.</li><li>• This rule has been in process since 2018 and the LCB has admitted it's had little producer input.</li><li>o It is based upon lots because that is what LCB, at the time, thought they could track! We all know the traceability system has major flaws and tracking is just not a reality.</li><li>o Producers have provided little input while labs have pushed for lot testing for P&amp;H. WSLCB needs to hear from FLOWER GROWERS; those of us that will be most impacted.</li><li>o This rule needs withdrawn, and begun again once WSDE takes over this topic.</li><li>• What if the added license fee we are charged to pay for LEAF was instead used to pay for a scientifically based testing program run by WSDA? (They say I'm a dreamer but I'm not the only one!)</li><li>o Moving to a self-reporting and auditable traceability program would solve a lot of headache for us all! Let's push to use those funds to solve a problem, not support a one."</li></ul>	
8	Email	Randy Newell, Mink Farms	10/28/2020	<p>I request that the LCB withdraw the CR102S1 on QA Testing. We just do not need <b><i>another expensive, ineffective, over-reaching rule</i></b> to govern how we do our business.</p>	Withdraw rules.

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9	Email	Anthony Rosso	10/28/2020	<p>I am writing to request that you please withdraw CR102S1 on QA testing.</p> <p>As a Tier 2 producer/processor, we have been working hard to keep operations going for several years. We keep putting personal savings into paying employees, taxes, licensing fees, testing, etc. Since the beginning, this marketplace has been very difficult for producers. Market prices have been low. Expenses and regulations have been high. I am aware of several producers that have either gone out of business or quit growing. In order to be successful, producers need less expense and regulations. The State of Washington benefits from substantial tax revenue generated by the marijuana that we produce.</p> <p>It is my understanding that Washington State Department of Ecology is developing a "Standards for Cananbis Testing". It would be helpful to our business, if you could withdraw CR102S1. Wait for the Standards from Department of Ecology. Then, develop a testing protocol that insures user safety, but is also feasible for producers.</p>	<p>Withdraw rules</p> <p>Wait for lab accreditation to move to ECY in 2024.</p>
10	Email	Alex Prindle, Fire Bros	10/28/2020	<p>I'm writing on behalf of my company Fire Bros. (license # 416025) in regards to the proposed testing requirements in CR102S1. With already very slim profit margins, I am seriously concerned with how these additional fees will impact our bottom line and our ability to survive the industry. We are a craft producer/processor, self funded and owner operated. We have a team of guys and girls that have been with us since our inception. While none of us are paid enough to live comfortably, we still hold out hope for our break through. This proposal would dramatically increase our costs which would ultimately be harmful to our company finances and consequently our team. Meanwhile, I'm not convinced this would actually increase product safety for the consumer.</p> <p>My understanding is that the WSDA has lab equipment paid for by cannabis taxes, and the WSLCB is conducting annual site visits to all licensed farms to collect samples for analysis. This is what I was told by the officers that visited my farm. Will this not suffice? Perhaps even simpler and more effective would be for the WSLCB to randomly pull products off retailer shelves to test.</p> <p>I want to be clear that I am very supportive of pesticide and heavy metal analysis. I am a strong proponent of consumer safety. However, I think it needs to be done in a way that isn't so costly and will allow the craft producer/processers to survive.</p>	<p>Supports pesticide and HM testing</p> <p>Use WSDA for random sampling and testing</p>
11	Email	James Dusek, Downtown Cannabis Company	10/29/2020	<p>My name is James Dusek. I own and operate Downtown Cannabis Company. We have been licensed since March 6<sup>th</sup> 2014 and have operated continuously since then. Every year, year after year the WSLCB has made rule changes that further burden small Tier 2 producers such as my company. Meanwhile allowing large corporate producers to absolutely overtake the market selling millions per month. This CR 102 would be a huge burden on us small craft producers and is total overkill. I'm sure the testing labs are all for it but this will Potentially push us out of business! 41,400 dollars a year and that doesn't count the 16 gram sample size cost of 17,664.00! Total of 59,064.00 The producers are in a race to the bottom just like the wineries before they were allowed direct sales. Do you really expect the retailers to allow a price adjustment to cover? Even if they did prices haven't even reached your BOTE analysis regarding the cost to produce indoor cannabis from 2013 levels! You have watched many tier 2 producers continually go out of business over the years and have don't nothing to remedy the situation at all. You have never taken any advice from your tier 2 licensees and I don't expect you to start now. But if you did I have comments below.</p> <ol style="list-style-type: none"> <li>1. Hold off on this decision and <b>Start a Craft Producer advisory committee</b> Consisting of Tier 1 and 2 producers. We've had no voice in 7 years! The Cannabis Alliance, Washington Canna Business Association, Craft Cannabis Coalition <b>do not</b>. I repeat <b>do not</b> represent small producers and <b>do not</b> have our best interest in mind.</li> <li>2. As the original Law stated the WSLCB or Dept of Agriculture should select samples at the retail level and test them. Raise the cost of licenses relating to market share or yearly sales to pay for this. Or the testing can be random and the producer can be alerted via email that they need to submit a sample within a period of time (Like drug tests for jobs). Testing every 10lb lot is crazy and doesn't guarantee anything! It could also be random tests then if a failure occurs we could require more testing until a pattern of compliance is achieved.</li> <li>3. The fact that a company with three tier 3 licenses pays the same as me for my little Tier 2 license is ridiculous. Same for large processors and retailers. Selling 6 million a month and only paying just over 1 thousand dollars a year for the license is a steal of a deal for them and they know it! This is a small example of how the current system is geared to help large producers which in turn hurts small producers. Just like the BOTE findings reported. This CR 102 is overkill, ridiculous and will add to the turnover problem with your small tier licensees!</li> <li>4. Tier 2 licensees need a Craft Cannabis Retail outlet to be a viable business. Aren't you tired of Tier 2 producers going out of business? We all know and you are keenly aware that wineries were in our same situation before they were allowed direct sales. Now they are a vibrant part of the community. How long are you going to make us suffer before you make this change. How long do I have to work 7 days a week? I've done it for almost 7 years just to survive. How many more years 2, 5, 10? Our states cannabis</li> </ol>	<p>LCB should start a Craft Producer Advisory Committee for Tier 1 and 2 p/p only</p> <p>Asserts that LCB/AG are required by statute to test at retail level</p> <p>Raise the cost of licenses relating to market share or yearly sales to pay for this.</p> <p>Testing every 10lb lot is crazy</p> <p>This CR 102 is overkill, ridiculous, etc.</p> <p>Tier 2 licensees need a Craft Cannabis Retail outlet to be a viable business</p> <p>Get rid of seed to sale</p> <p>"The Tax is too high and it's the producers that are having to eat it"</p> <p>"Maybe one day you will listen to a small craft producer. I doubt it."</p>

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				<p>regulations are in absolute gridlock and are the most draconian in the country. Do you want us to go to a different state? This could all be fixed by simply allowing tier 2 producers to have direct sales. Just like wineries, breweries and distilleries.</p> <p>5. Get rid of seed to sale. This also hurts small producers by clogging us up with unnecessary tasks.</p> <p>6. The Tax is too high and it's the producers that are having to eat it. This hurts Tier 2 producers as we are not large enough and are limited by licensing sqft restrictions to reach economies of scale of larger producers. The city and state gets their portion (47%), the retailers take what they need and the producer gets what's left over but the retailers refuse to sell the product at a price that properly compensates the producers for all the work and skill it takes to produce the product. The retailers don't have a clue what it costs to produce craft marijuana and don't care to tell you the truth. Their 3 or 4 times mark up style of pricing plus the 47% tax punishes the high quality craft producers pushing prices higher quickly. The Tax should be a per lb rate. Every one of our ounces if sold at 440.00 generates @140.00 of tax. That is 2240.00 per pound in tax. That is crazy and a large part of the problem! The retailers operate largely on "sale" days that reoccur ever week. 20 – 30 percent off is too cheap and this also hurts small producers who are expected to sell their products at the same price as large producers. It also lessens tax revenue collected all the while can you guess. Hurting the small producers that are supposed to accommodate these sales with low prices.</p> <p>In closing we craft producers want to provide our high quality products and generate enough to also live a life. We also want to be able to provide insurance for our employees. I would hope the WSLCB and State government would want the same. This system has been broken since its inception. Maybe one day you will listen to a small craft producer. I doubt it.</p>	
12	Email	Jessica Straight	11/02/2020	<p>I'm writing to you today regarding the potential rule CR102S1. I understand that the LCB would like to protect Washingtonians from harmful pesticides and heavy metals but this is NOT the correct way to do it.</p> <p>I am the co- owner of Eagle Trees (22greens llc), a tier 2 producer processor in Deming, WA (30 minutes from Bellingham). Together with my brother we are the owner/operators of our business. We grow our cannabis with sunshine, clean water, healthy soil and home-made compost. We have <b>one</b> harvest a year. We are Dragonfly Earth Medicine Certified which is a difficult certification to get because, unlike other certifications, can NOT be bought. Instead it is earned through the use of Regenerative Farming practices such as utilizing closed loops and never ever using pesticides or fungicides. In fact we don't use any chemical fertilizers or pesticides what so ever. Basically we are the model cannabis farm. Not only are our products completely clean but we also do not contribute to climate change through use of grow lights and huge Hvac systems. We create health and wellness on our land and in our community. We create <b>no</b> hazardous waste.</p> <p>This new proposed law would cost our business dearly. At this point the state makes a lot more money off of us than we gross per year. I find this very difficult to accept. The reason we are still in the business (we just had our 5th harvest) is because, along with our employees, we <b>do not</b> make a living/family wage. None of us have ever made over 40k a year.</p> <p>This law would create an even more difficult business scenario than the difficult one we are currently in. Wholesale flower prices are already so low due to WA state taking such a large percentage of the retail price as tax. Because of the way stores control the market, they also control prices. At almost every turn, the LCB does not seem to care about the difficult place they have put small craft cannabis growers, the heart of the industry and the ones who <b>really care</b> about the health of our customers. We do it for the love and for those who appreciate the clean product we provide. Personally, this rule as written will <b>cost our small family business an additional \$25,000</b> in mandatory testing but will do nothing to ensure safer product in WA State; one reason is <b>self-selected sampling will always be suspect</b>. Department of Ecology has been task by law to oversee testing on cannabis and the LCB should not continue with this rule making until <b>WSDE sets standards of testing</b> and develops <b>scientifically based testing</b> rules. We have an opportunity to <b>withdraw this rule making now and wait for WSDE</b>. Logical rules based on scientific methods that do not cost small business disproportionately are needed. This CR102S1 does not accomplish that and we need to halt this WSLCB rule making process now.</p> <p>I support random sample testing from the LCB with penalties for those than break the rules. I'm so tired of being a rule follower just to compete against other companies who DO NOT follow the rules. So many rules, so little enforcement.</p>	<p>Supports pesticide and HM testing</p> <p>Does not like proposal</p> <p>Basically we are the model cannabis farm.</p> <p>This new proposed law would cost our business dearly</p> <p>Self-sampling is problematic</p> <p>Department of Ecology has been task by law to oversee testing on cannabis and the LCB should not continue with this rule making until <b>WSDE sets standards of testing</b> and develops <b>scientifically based testing</b> rules.</p> <p>I support random sample testing from the LCB</p>
13	Email	Benjamin Schuster, Cascade Gnome	10/29/2020	<p>I am the owner/operator of Cascade Gnome. Licensed since 2015 and a Tier 3 P/P, I have struggled since the very inception of the industry to actually make a profit. Any cost savings I am able to engineer is immediately siphoned off by a new state or local tax, cost, or regulation. Every single burden is placed upon the growers and processors. Every single benefit accords to the retailers, the only entities with guaranteed profit. I understand that they spend much more money on lobbying and are obviously more effective at it, but I would ask that fairness be considered at some point when viewing the industry as a whole.</p>	<p>Licensee's should NOT be trusted to be honest about testing</p>

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				<p>The proposed QC rules, at least as they relate to lot size, testing, and amount required to test, will do <b>nothing</b> to ensure the health and safety of consumers. Allowing a producer or processor to determine what is tested will never provide the factual results. An independent, neutral 3rd party must conduct testing to assure it's honesty. I DO NOT trust the other licensees in the cannabis industry to act in good faith. I have a hard time believing that the Board or the Rules Committee can actually accept that such conduct will be done in good faith, knowing that the biggest and most profitable companies in WA have disregarded the rules and regulations and browbeaten those in charge to change for them. The Multi-state operators, whether legally approved and permissible or not, have clearly started driving policy.</p> <p>It's been clear that the actual Washington based small businesses are less important to the industry than the deep pocketed out-of-state actors pushing for changes. I understand that such behavior is the nature of the free market, but the Washington Cannabis Industry is not a free market, it's a highly regulated market which does not function to "clean out" the failing businesses in the same manner. Every time a licensee fails and sells a license to a new person who seeks to gain a foothold, the market is disrupted, typically on price. When that business cannot be sustained because of their failures or pricing, a new one takes its place by acquiring the license and does the same market disrupting activity.</p> <p>For those of us seeking a stable market because our margins are small and we aren't backed by big money, this is harmful.</p> <p>The <b>Financial Impact Statement</b> released in conjunction with the proposed Rules assumes added costs will be passed along to retail stores and then to the consumer. I assume that there is actually <u>no evidence</u> that this behavior has taken place in the past and thus no way to actually predict it for the future. If I am wrong, PLEASE show me the data.</p> <p>If my price goes up to account for the added cost of testing, stores will buy someone else's product at a lower price, not simply follow me and sell my product for more. There are ALWAYS companies operating at a loss to try to "get over the hump." They rarely do and ultimately fail, but almost always interfere with everyone else's business on the way. Again, if this were the free market, it is what it is. But this is NOT the free market and the various mechanisms built into the regulations promote unnatural business behavior.</p> <p>To speak specifically to the testing proposals:</p> <ol style="list-style-type: none"><li>1. Licensee's should NOT be trusted to be honest about testing. They will act in their own best interests virtually all the time.</li><li>2. The testing is currently barely even science. These labs don't recalibrate their instruments nearly as frequently as science would demand, yet we are subject to the whims of their testing. This may prove especially problematic when no re-tests or remedial activities are permitted for pesticides.</li><li>3. To be clear I'm in favor of broad pesticide and heavy metals testing. We are 100% organic and rarely use any kind of pesticide, so the actual results don't concern me, simply the costs.</li><li>4. The testing needs to be independent to be trustworthy. I'm stating it again because it's so important. What is the purpose of the REGULATING AUTHORITY, if not to assure product safety in the industry in an unbiased and independent manner? Anything less is an outright abdication of responsibility to the LEAST trustworthy of groups.</li></ol> <p>Please feel free to contact me by phone (206-818-0564) or email <a href="mailto:ben@cascadegnome.com">ben@cascadegnome.com</a> at any time about this or anything else.</p> <p>I am a Washington licensed attorney who believes in cannabis regulation and I understand the nuance of policy making.</p>	<p>I DO NOT trust the other licensees in the cannabis industry to act in good faith</p> <p>Does not trust labs</p> <p>Educational gaps/ opportunities on RFA and SBEIS</p>
14	Email	Jade Stefano, Puffin Farm	11/02/2020	<p>I am writing today on behalf of Puffin Farm a tier 3 outdoor P/P licensed since 2014. I am a Doctor of Naturopathic Medicine and an advocate and practitioner of organic farming. Puffin Farm has been a leader in consumer transparency and safety and fully supports the testing of cannabis for pesticides and other contaminants. We are certified by two different organic equivalent certifiers and our farm is tested annually for pesticides by our certifiers. The proposed rules however in the supplemental CR-102 are the wrong approach to pesticide and heavy metal testing and consumer safety. Testing every lot for heavy metals and pesticides is an excessive and expensive proposal that fails to accomplish its goal of human safety and</p>	<p>Dislikes proposal</p> <p>Testing every ten pound lot is excessive</p>

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			<p>consumer transparency. These samples would be self selected which effectively compromises the system as it relies on complete honesty from ALL businesses being tested. This may be an unrealistic expectation. Sampling end products such as flower lots and usable products will fail to detect the use of illegal and dangerous pesticides by growers during the early stages of cultivation as by the time testing occurs these substances may no longer be detectable. Use during the mother and cloning stage will not be detected months later in the finished flower and use during this stage may pose a significant risk to the health of the employees applying these products. These rules effectively provide no protection for certain groups of employees at high risk of exposure to dangerous chemicals.</p> <p>Not only are these rules ineffective at detecting some of the most egregious pesticide violations involving employee safety and licensee honesty, but they will be incredibly expensive to the licensees. We currently pay \$90-\$120 dollars for our tests and the new rules will increase the costs to \$300-\$450 range. We are a craft producer and most of our lots are 5 lbs, sometimes less. The lot increase size will not help offset the increased testing cost for us and most other smaller craft producers, however it will help larger corporate run business that produce large lots and it will further advantage them over craft producers by lowering their testing costs relative to smaller growers. This will have the effect of driving more small and craft producers out of business and increase market consolidation to favor larger White Male owned businesses.</p> <p>It seems the proposed rules aim to merge pesticide and heavy metal testing with current QA testing. There is no need for pesticide and heavy metal testing to be coupled with an already flawed cannabinoid testing regime. An effective and scientifically valid testing protocol would test the farm including but not limited to soil, clones, mothers, vegetative and flowering stage plants. These samples should be taken by a third party(such as the labs) on a harvest, quarterly or bi-annual basis. All of the organic programs conduct annual testing of the farm. This system has been proven to work and will keep costs down for producers and processors. Additionally it will allow for the detection of pesticides in the workplace that may go undetected in end product.</p> <p>There are many problems with this rule set including:</p> <ul style="list-style-type: none"><li>-large 16 gram sample size regardless of lot size, for example a 3 lb lot would still require 16 grams. Many craft producers have exclusively sub-5 lb lots.</li><li>-Testing for all ingredients. This would cause massive cost increase for edible and topical producers and may create many failures due to pesticides in non-cannabis ingredients such as wheat and carrier oils.</li><li>-Self selection of samples provides opportunity for dishonest people to game system</li><li>-Testing over and over and over for heavy metals and pesticides on a farm that is always clean and has “organic” certifications is costly, makes no sense and will put small organic producers out of business.</li><li>-The current list price for the proposed testing package is \$350 at Confidence analytics, so we can assume this will be similar to the cost, representing a tripling in costs for testing.</li><li>-Assuming that cost increases can be offset with a 10lb lot is false and fails to look at the reality that most small and craft p/p's do not have 10 lb lots.</li><li>-Small batch hashish and concentrates which are often lower THC will become too expensive to produce causing the market to move towards high potency distillate based concentrates where large lots can be consolidated into on large batch of distillate requiring only one test. This will increase the use of additives including terpenes and flavors and decrease the availability of 100% strain specific whole cannabis extracts which are the safest and usually lowest potency.</li><li>-Moving towards a model that favors big businesses will further reduce diversity in the market place and increase barriers for women and minorities.</li><li>- These rules fail to protect human health by creating a means to cheat through self selection as well as an opportunity for employee exposures to illegal chemicals in the workplace, while simultaneously creating the most expensive testing system possible for licensees. A double fail.</li><li>-Most of the increased expense will result from the heavy metal portion of the test. Pesticide testing is relatively small cost increase. There is no evidence that heavy metals are prevalent in WA state cannabis in the same way as pesticides. Farm level or harvest level testing will detect heavy metals in all the cannabis grown at a farm as would originate from contaminated soil. Lot level testing for HM is excessive. WSLCB should study the prevalence in different WA state cannabis products and determine if there is an issue and where it originates from. For example many cartridges contain heavy metals and may be the source of the contamination, not the cannabis oil itself.</li></ul> <p>At this point the proposed rules are so far out of alignment with a good testing system that I request they be withdrawn and a new set of rules developed that considers my above comments.</p>	<p>Refers to “craft”</p> <p>These rules effectively provide no protection for certain groups of employees at high risk of exposure to dangerous chemicals.</p> <p>Opposes representative samples</p> <p>Opposes testing for excipients prohibited by board</p> <p>Self selection of samples provides opportunity for dishonest people to game system</p> <p>“an effective scientifically valid testing protocol” – no conceptual offering re what this would look like/operationalization</p> <p>Understanding gap between current and proposed rules</p> <p>Withdraw proposal</p>
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15	Email	Matthew Frigone, Lazy Bee Gardens	10/29/2020	<p>I would like to display my very serious concern with CR-102 and the additional costs to farmers that will arise from these new testing regulations. Over the years costs to farms have done nothing but go up continually making it very difficult to navigate this workspace for many. I fear these new testing costs that include per lot pesticide and heavy metal testing is going to devastated many small craft operators. I urge you to re-evaluate your position on this to align closer to the suggestions from the WSIA.</p> <p>The costs of heavy metal testing alone will be enough to severely impact the industry in a negative manner. Further there are no studies to date that imply cannabis flower even uptakes heavy metals. If there is a heavy metal contamination, it would be coming from vape hardware, not the flower. Requiring flowers to be tested, and every lot at that, for heavy metals is unrealistic and will further consolidate the industry with larger operators.</p> <p>Pesticide Testing should be being done at the farm level and over larger portions of the field. Currently the LCB and WSDA are supposed to be administering random pesticide tests. Why has this not happened? Instead you have chosen to buck the cost down to the farmers?</p> <p>With the addition of heavy metals, and pesticides, it will render small craft growing obsolete. Many operators are craft producers here in the state. These additional costs will completely kill them off by making the testing overly expensive. Not only will it kill off many small craft growers, anyone doing Rosin, or small batch concentrates will be left at a huge disadvantage as well, likely gutting that side of the industry.</p> <p>While I support testing for illegal and disallowed pesticides, I believe it should be completed as a regular farm-based test from a third party. I do not support the testing of every lot for pesticides and heavy metals, that creates a un tenable scenario for small operators.</p> <p>The Small Business Economic Impact Statement acknowledges the possibility that increased testing costs may "lead some smaller entities to cease production" but fails to mention that these "smaller entities" that "cease production "will be an array of owner-operated craft producers.</p> <p>The WSLCB's proposed mitigation strategy using a phased in approach does not actually reduce the cost imposed by the rule on small businesses in accordance with RCW 19.85.030, but rather just delays it. That does not seem like even an attempt at a solution.</p> <p>The WSLCB's proposed rules fail to efficiently accomplish their stated goal, instead they propose testing for pesticides and heavy metals in the most expensive way possible creating the largest negative impact.</p> <p>I am urging the WSLCB to delay the adoption of these proposed rules to further evaluate the unintended consequences of adopting such complex regulatory change without evaluating them through the lens of equity, effectiveness, and efficiency.</p>	<p>Refers to "craft" cannabis</p> <p>Dislikes proposal</p> <p>Testing every ten pound lot is excessive</p> <p>Educational gaps/ opportunities on RFA and SBEIS</p> <p>Withdraw proposal</p>
16	Email	Crystal Oliver, WSIA	10/21/2020	<p>The Washington Sungrowers Industry Association (WSIA) currently represents 54 businesses who hold more than 100 WSLCB producer and processor licenses.</p> <p>One of the problems with the WAC 314-55-108 is that the action level table does not differentiate between legally allowed pesticides that appear on the WSDA PICOL list, disallowed pesticides that are approved for use on food crops and disallowed pesticides that are not approved for use on food crops.</p> <p>We are supportive of disallowing remediation of pesticide failures association with illegal and disallowed pesticide however, products that test over the action limit for WSDA approved and allowed pesticides should be provided the opportunity to remediate.</p> <p>We suggest the following insertion to the proposed pesticide remediation verbiage in both sections where it appears:  <i>"Remediation. Remediation is a process or technique applied to marijuana harvests, lots, or batches. Remediation may occur after the first failure of the lot, batch, or both depending on the failure, or if a retest process results in a second failure. Pesticide failures <u>for illegal and disallowed pesticides</u> may not be remediated."</i> </p>	<p>Substantive comment offering language revision to proposed WAC 314-55-102(4).</p> <p>(Participant, asserted during hearing that stakeholders are unable to craft or draft rule language).</p>

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17	Email	Haider Tareen, High End Farms	10/22/2020	<p>Hello, I am the owner of MJ2H LLC / High End Farms, a I-502 cannabis producer, and am concerned about the upcoming potential law change for pesticide testing. While I am in favor of testing for pesticides throughout the cannabis industry, I feel the proposed change in CR-102 will negatively affect my business.</p> <p>As you may be aware, being a profitable producer/processor in this industry is no easy feat. We try our hardest to minimize cost, while keeping our price comparable the larger producers on the market. Currently we spend around \$20,000 each year in testing costs. Under the current lab pricing models, and having to get every 5-10lb lots tested, this would increase our testing cost to the range of \$40,000 each year. Those costs will also come at the same time minimum wage is going up and labor costs raise; along with potentially a higher B&amp;O tax. Trying to keep our price comparable to large scale producers while maintaining a profit will become almost impossible coming into 2021 and 2022. I fear this is the same situation almost all Teir 1's and Tier 2's are facing.</p> <p>Please consider a new route to go with the pesticide testing. My solution would be to allow the Dept of Ag to do the sampling and testing. This method would greatly reduce the amount of testing needed and would reduce the risk of the producer/processor choosing samples that falsely represent the product at question. I also suggest allowing the pesticide testing to be done a batch or crop basis. Since all plants in a batch or crop are typically treated the same, there is no reason to require testing of all 5-10lb lots within each harvest.</p> <p>I believe there are better options to accomplish patient safety for pesticides without greatly affecting the smaller producers of the industry.</p> <p>I wish the best to you and please let me know if there is something I can be of assistance with in this process.</p>	<p>Third party sampling through WSDA</p> <p>Test by batch or crop as opposed to lots within each harvest</p> <p>WSDA performs both sampling and testing</p> <p>Test batch or crop</p>
18	Email	Scott Berka, Owner Dreamin Green Farms Inc Full Throttle Farms LLC Fresh Productions Inc	11/12/2020	<p>Good Morning. First of all, I would like to thank the WSLCB and let them know that I think you guys are doing a pretty darn good job considering all of the variables that each and every one of us faces in this challenging industry. So for that I thank each and every one of you for the job you do to support our growing industry.</p> <p>I would, however, like to take a few minutes of your time and share my concerns over planned/pending rulemaking efforts that are just not going to achieve the kind of results we all want. Especially in regards to the intended effects of these revised rules on Quality Control and Testing.</p> <p>I currently own three farms located on the same property in Okanogan County. It's been extremely challenging to build a business that would be considered by most as a successful and professionally run company. Issues that other small companies will never have to face continue to drag down or thwart growth due to excessive and burdensome "one size fits all rulemaking" Those of us that have been lucky enough to survive the first 4-5 years of recreational cannabis in the state of Washington need help and not counterproductive rulemaking. At present, one of my biggest drains on cash flow besides payroll is the fees/expense related to Quality Control Testing. Yes, change is required, but please understand me when I tell you we are close to making the right changes. But in its current format, CR102 is missing the mark to maintain/increase public safety while not adversely affecting the Farm owners that must operate within this ever narrowing window.</p> <p>I'll get right to the point.</p> <p>1) Please take the subjective responsibility of pesticide and heavy metal testing out of the control of farmers. I am sorry to say that not all of the owners feel it is their responsibility to provide the public with truly safe and pesticide free recreational cannabis. The ones that do are incurring the added expense to produce pesticide free material and should have protection from those who don't. Therefore, I strongly believe that <u>independent 3<sup>rd</sup> party farm-level testing</u> is required.</p> <ol style="list-style-type: none"> <li>Yes, I support the testing for illegal and disallowed pesticides.</li> <li>NO, the farm should not be allowed to pick their own samples.</li> <li>NO, it should not be conducted at the lot level, but at the farm level.</li> <li>YES, the LCB or Dept. of Ecology needs to manage a Third Party group that conducts all FARM-WIDE Testing.</li> </ol> <p>2) Lot level pesticide and heavy metal testing makes no sense financially or otherwise. When I purchased my farm property, I took multiple soil samples and water samples from across the 33 acre property to test for heavy metals and any soil type contaminations to ensure the previous commercial Cherry Tree Farm operation did not leave any trace amounts of non-organic toxins in the soil.</p> <ol style="list-style-type: none"> <li>Work to develop a program to Certify Farm Properties as step 1. <ol style="list-style-type: none"> <li>Conducted and certified by Dept. of Ag or Ecology/3<sup>rd</sup> Party Group.</li> <li>This will allow the farm property to get a clean bill of health to continue to operate.</li> </ol> </li> <li>Step 2 conduct annual follow up 3<sup>rd</sup> party testing to maintain "clean" status certification</li> </ol>	<p>Farmers should not be testing for pest/HM.</p> <p>Third party farm level testing</p> <p>Ecology needs to "manage Third party group that conducts all FARM-WIDE Testing</p> <p>Lot level pesticide and heavy metal testing makes no sense financially or otherwise</p> <p>Increase lot size to 15 lb</p>

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				<p>3) Production is evolving and so should rulemaking as it relates to QA Lab Testing. In order for us to keep up with production demands, we are growing less strains, and instead growing more of the same strain and in some cases an entire farm may be only two (2) strains. All of which are grown with the same production program with regard to IPM, preventative or foliar spraying, nutrient regiments, defoliation and overall plant health. All of which contributes to the argument that five (5) pound lot sizes need to be expanded to meet the larger yields of the same strain that are grown the exact same way and in the same immediate area.</p> <p>a. Lot testing for retail material should be increased to 15lbs for packable flower and joints.</p> <p>b. Lot testing for wholesale, with the intent to repackage, should be increased to 15lbs.</p> <p>c. Lot testing pricing should not have to increase to accommodate these larger testing quantities</p> <p>4) Measure Twice, Cut Once. The WSLCB really needs to take a step back and understand what they are signing us all up to.</p> <p>a. Yes, you are correct for trying to implement pesticide and heavy metal testing.</p> <p>b. No, lot level and farm staff chosen samples should not be the way to move forward to meet this goal.</p> <p>c. One size fits all solution will not even begin to address the production variances between outdoor and indoor cannabis production.</p> <p>When I told my mother I was going to invest in commercial cannabis production in Washington, her birth state, she asked me to promise her one thing.....just make it safe. Every day I operate, those words help guide my decisions that often lead to more difficult or expensive solutions to meet that commitment. In general I am confident there are many more farmers out there that think and act as I do. However, I am also well aware there is still a significant number of farmers that continue to operate with little to no regard for public safety, So please take our requests for additional discussions seriously and work towards formulating a plan that can really address the State's desired public safety measures. Do not unnecessarily burden rule-following Producers with additional testing costs that won't change the conditions you are seeking to eliminate.</p> <p>Thank you in advance for your time and understanding on this important and time sensitive request. Please don't hesitate to reach out via phone or email if you have any additional questions.</p>	
19	Email	Anders Taylor	11/12/2020	<p>I am writing to express my deep concern about the current CR 102 on Quality Control Testing for I-502 cannabis operations.</p> <p>First, I should say that I agree with the goal of improving compliance with LCB rules related to pesticide usage. The current rules do not achieve this goal in a cost-effective and reliable manner. The reasons for this are that (1) these tests are not a requirement for all farms and (2) the tests that are administered are complaint driven. A better approach would be to follow compliance structures already utilized by the WSDA where compliance checks are random and required at a certain pre-defined level each year. The current proposals require orders of magnitude greater costs with worse results.</p> <p>Second, and perhaps most concerning, is that the proposed rules seem to completely ignore the historical use of Lead Arsenate on agricultural crops throughout the state of Washington. This, combined with the use of Leaded gasoline for decades in the state has lead to pervasive lead contamination of our environment. The current proposed rules seem to be both ignorant of this history and do not seem to take into consideration current EPA guidelines for safe lead contamination levels in our environment. Since cannabis, specifically, has not been studied for safe levels, the LCB's approach seems to be a near zero tolerance for a substance which is pervasive in its presence. The result of implementing such an approach would be a catastrophic meltdown of cannabis production in the state. A BETTER approach would be to test the soil or other mediums utilized by farms for lead and measure these against current EPA safety guidelines. Any approach which does not do this opens up the LCB for not only the cost to the industry and the taxpayers, but also opens up the LCB to litigation for capricious rule making.</p> <p>The best approach for proceeding would be to decouple the pesticide and heavy metal testing so that we can quickly address illegal pesticide usage while studying the impacts of heavy metal contamination in our environment and the impact this may have on the industry as a whole. Please let me know if you would like to discuss further or would like more information about anything above.</p>	<p>A better approach would be to follow compliance structures already utilized by the WSDA where compliance checks are random and required at a certain pre-defined level each year. The current proposals require orders of magnitude greater costs with worse results.</p> <p>Test soil</p>

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20	Email	Troy Rushforth	11/12/2020	<p>I am writing to you with deep concern about the proposed Quality Control Testing for Metals and Pesticides. It seems that the WSLCB is again trying to impose new and expensive testing procedures on the producers and processors of Washington state. I don't know how you expect us small farmers to survive with these small batch testing at the costs that are associated with it.</p> <p>Farms should NOT be required to test a 500 lb harvest from the same crop, 50 times for the same tests with the same outcome. This an unnecessary added cost that is ridiculous! You need to allow us to test larger lot sizes.</p> <p>We are supportive of testing for illegal and banned pesticides, however we believe it should be completed at the farm level using third parties, rather than self-selected samples from arbitrary lot sizes.</p> <p>What if you purchased a gallon of milk, and were forced to take 50 gulps out of the same container, and rate the taste of each gulp? Guess what you would find.... that it tastes the same every time, because it's from the same gallon of milk! This analogy, though simple, can be used for any large sample that you want to apply it to. This is just plain common sense that the voting members of the WSLCB need to recognize, and be realistic about.</p> <p>The WSLCB needs to form a committee, partly made up of real producers and processors, to work through the small business economic impact of any proposed testing program and identify meaningful methods for mitigation of disproportionate impact to small producers. You need to focus on reducing the costs for us small businesses, not increasing them, in these difficult times we are experiencing in our state right now.</p> <p>I hope you listen to our state farmers on this issue for pesticide and heavy metal testing, and come to a common sense decision that includes all parties that are involved. Thank you for your time, and we hope you seriously consider our stance on this topic.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS</p>
21	Email	Demaris Hendrix, Mother's Other Garden	11/13/2020	<p>We are a tier 1 and have grown one crop a year using the sunlight. We already struggle to get into retail stores even though we only use organic pesticides when absolutely needed. I am afraid that these proposed rules for testing will be the last straw. I am not opposed to having the tests done and do agree that they should be done by a 3<sup>rd</sup> party that would come to the farm to collect the samples. The costs for us are going to be too much. Please make the rules so I can survive and keep growing.</p>	<p>Third party sampling</p>
22	Email	Clayton Sperry, Gorge Gold Farms	11/13/2020	<p>My name is Clayton Sperry and I manage Gorge Gold farms in Quincy. The proposed rules for testing pesticides and heavy metals will have little effect on consumer safety and a big impact on small cannabis businesses trying to survive.</p> <p>I support testing for illegal and disallowed pesticides, however, the current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols. The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees. The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030. The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place. It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Refers to "craft" producers</p>

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23	Email	David Wasser Vega Ventures, LLC	11/13/2020	<p>My name is David Wasser and I own Vega Ventures, LLC in Bellingham. I am one of the companies that pesticide tests every end lot before sending it to market. I've been doing this for years and more additional cost to input will drastically hurt my business. I don't know if I would survive, margins are already so low for smaller i502 businesses.</p> <p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Refers to “craft” producers</p>
24	Email	Joe Rammell	11/13/2020	<p>The boilerplate below covers this issue very well. I am happy to see that we are finally going to try and deal with this issue. The problem is that this will do nothing to control the problem. I'm sure the labs are all for this because it will be a new revenue stream for them. I just pulled down a harvest, and at \$300 a test, it will add \$1200 to my costs. While customers are in favor of testing, they won't pay extra for it, so the argument that we can pass it on is wishful thinking.</p> <p>This rule will do nothing to prevent pesticides from entering the retail market, and it disproportionately affects small growers with small lot sizes. There is nothing to deter the grower from using a clean batch for every test. While fudging potency tests are one thing, this is actually a public health issue. That is why we need a simple solution that protects consumers, but doesn't put an even greater financial burden on the growers.</p> <p>At one time we at The Plant Factory were testing our whole harvests. The driver for Confidence Analytics (who was there to pick up other samples anyway) would just take a sample from a finished harvest, and we considered that to be a sensible pesticide testing program, that we can afford.</p> <p>Unfortunately I will not be able to attend the meeting, but hope you will consider this point of view.</p> <p><b>Regards</b> <b>Joe Rammell</b></p> <p><b>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</b></p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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				<p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking, decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	
25	Email	Steve Walser, Buddy Boy Farm	11/13/2020	<p>While I support robust testing for illegal and disallowed pesticides and heavy metals, I do not support the current proposed rule change. I believe as currently proposed the new rule will provide the consumer no useful information while raising costs greatly which itself is harmful to the system.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal will not be effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples. It is probably useless to rely on an honor-based system to try to identify disregard of pesticide rules as self sampling allows the system to still be gamed by those who may already abuse our pesticide rules.. A far better way would be to implement random, farm level testing completed by a disinterested third party as is done to police the current Organic food system. Farmers still pay the costs for such a system but the costs would be far less and the results would, likely, be far better at finding pesticide violations and errors.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of all farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>On my own tier three farm testing costs exceeded \$136,000 over the last 12 months which is the 3rd biggest expense we incur after labor. If the proposed rule is enacted I believe our costs for testing will more than double and it is not hard to see that something must give under such a scenario. We will either raise prices to cover the increased costs or, if that proves impossible, we will be forced to find savings in our biggest expense, labor.</p> <p>Thus would a poorly designed rule hurt both the consumer and the working man and woman!</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking by decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals. Barring that I would ask that the board mandate that test lots be increased to at least 20 pounds. Such an increase would, of course, keep costs from rising so precipitously but would also have a salubrious effect on packing costs by allowing much more efficient packaging and labeling.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Random, farm level sampling</p> <p>Rules enrich labs</p>

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26	Email	Colum Tinley, Discovery Garden	11/13/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party. The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols. The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees. The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030. The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place. It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
27	Email	Scott Berka, Aloha Botanics	11/13/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
28	Email	Colin Lukey, Yield Farms	11/13/2020	<p>My name is Colin Lukey and I am co-owner of Yield Farms in Spokane. We're a small Tier 2 growing outdoors only with only 2 employees. I'm writing you today to say I fully support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant, strain or harvest, the use of pesticides does not! The different types of testing should have different sampling protocols.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p>

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				<p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. Being a small operation, we only grow 400lbs per year(one harvest). It is extreme to ask us to pay upwards of \$400 per test on every 10lb lot when we could have a third party come during harvest and take one, non-biased sample to ensure we are following all pesticide rules. I am more than happy to pay the \$400 for a one-time sample taken by a third party to ensure a safe end product. We CANNOT afford upwards of \$16,000 to test every single lot, especially if you are trying to do it on the honor system. I know our grow practices and am not concerned about our test results. What I am concerned about is the large P/P's who have millions on the line and will do whatever it takes to make sure their products pass.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	Rules enrich labs
29	Email	James Cheatle, Green Dreamer LLC (dba Cookie Jar Cannabis)	11/15/2020	<p>I am opposed to the proposed testing requirements for both financial reasons and for philosophical testing reasons. Green Dreamer LLC / Cookie Jar Cannabis is a craft cannabis Tier-1 producer/processor based in Bellingham. The proposed pesticide rules will force us to change our business practices greatly. We currently try to offer 10 strains for each harvest, although the total is usually less than 10 pounds. It costs us \$100 per strain now, which makes it very difficult to make a profit. The proposed testing would rise to \$200-400 per strain. We grow the 10 strains in a 15x23 foot room, but would have to have 10 pesticide tests performed to meet the proposed regulations. I can understand having 1 pesticide test per harvest, but not 1 per 4x6 tray in our case.</p> <p>The large growers can absorb these costs, especially if they can have one test per 10 pound lots. We would have to have 10 tests per 10 pounds of product, unless we change to just offering 1 strain. There are enough barriers for family-run cannabis businesses in this state without having to incur additional costs.</p> <p>I also agree with the following testing philosophy:</p> <p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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				<p>costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p> <p>Please call me if you have any questions or would like to discuss this further.</p>	
30	Email	Lo Friesen, Heylo	11/16/2020	<p>For the last 2 years, my company Heylo has voluntarily tested for pesticides on every batch of extract that we produce. Heylo is a Processor and therefore has to validate the quality of plant material for extraction to ensure that it meets our quality standards, including being pesticide free. I fully support testing for illegal and disallowed pesticides. However, at the Producer level, the most representative samples of a producer's pest management methods can be collected based on a room/grow area (not finished product weight) and should be collected by an experienced third party who can regularly and randomly select farm samples for QC testing.</p> <p>The current proposed rules do not reflect best practices for this process, which minimizes the efficacy of pesticide and heavy metal testing and advocating for consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. Required testing should be structured in a way that is most effective for consumer safety while balancing mitigating financial strain on our businesses. There are ways to both advocate for consumer safety and the success of small businesses.</p> <p>Pesticide application affects many people in the process, from employees to consumers. Illegal and disallowed pesticides are still finding their way into 502 cannabis flower on shelves. Self-selection makes evasion of this rule EASY and will continue to put employees and consumers at risk. At the same time, testing based on lot size is overburdening the process.</p> <p>Not only will farms be financially burdened by this, labs will be under pressure to complete massive quantities of these tests likely causing major increases in result turnaround time again burdening the farm. This addition of required testing in lot sizes, instead of grow area, will burden already struggling small businesses including my own because my suppliers will have to increase their prices dramatically. This will impact my cost of operation significantly and I will in turn be forced to raise my prices, which never bodes well with Washington's retailers. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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31	Email	Micaela and Harrison Wakefield, Double Delicious	11/16/2020	<p>We are a medium sized company that currently tests all of our biomass voluntarily for pesticides. We have a strong belief that this is important and we wholeheartedly support testing for illegal and disallowed pesticides, however, we believe it should be completed as a regular farm-based test completed by a third party.</p> <p>We are mainly a processing company and purchase biomass from trusted growers regularly in quantities of 600 to 1200 pounds at a time. If we, or the growers we purchase from, had to have pesticides tested by each 10 pound lot, that would require testing these quantities 60-120 times. This is ridiculous and would put unnecessary strain on everyone including the growers, the laboratories, and our budget. We already rely on pesticide testing to ensure pesticides stay below the state action level in our concentrates; however, we only test biomass one time per delivery, not on a per lot basis. This one test gives us a very good idea of the levels of pesticides in all of the biomass. We spend over \$1000 a week on all of our quality assurance testing. Since we are a mid-sized producer/processor, this is a necessary expense that we can handle. We regularly send 6-12 tests into our preferred lab each week. If pesticide and heavy metal testing was required on a per lot basis, we would easily be sending in 120 tests per week. This is unsustainable and would put a huge strain on our budget, costing well over \$10,000 per week.</p> <p>Sending so many tests to a lab would clog up the market causing it to slow down (it can take up to 2 weeks at time to get test results from some labs, as is). Imagine the wait times for everyone if labs had to test all biomass moving through the market on a per lot basis for pesticides and heavy metals. Many labs would not be able to cope. Many producers and processors would be waiting months for results. We foresee a possibility of this causing adulterated results so producers and processors can see their products on the markets faster. This is horrifying. By the time results come back, perfectly cured flower could be old and stale before it's on shelves. This is a disaster for the industry as a whole.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The majority of growers we work with are very small and have tight budgets. If the growers we work with had to test their biomass on a per lot basis, we fear the expense would put them out of business completely. The burden of these costs is not acceptable for anyone. We value and support smaller farmers. We fear if these rules were put into place as written now, many of the smaller farms would go out of business, or worse, there would be a huge increase in adulterated information on the market. This is unacceptable as we value transparency and openness of the processes that go on on a producer/processor level.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking, decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
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Exhibit B**

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32	Email	whytehorse@g mail.com	11/16/2020	I'm a tier 3 producer/processor. I grow outdoors in large batches of 1000 lbs 2x/year. If I have to add heavy metals testing for every 10 lbs, that's 100 tests/harvest. If the tests cost \$400, that's \$40,000 per harvest, \$80,000/year. And here's the thing: one test/harvest would accomplish the same thing because it's all the same plants in the same soil. It's lunacy!	One test per harvest
33	Email	greenvault1@g mail.com	11/16/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
34	Email	Debbie Kracht, HONEY CREEK ENTERPRISES LLC	11/16/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party. The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not.</p> <p>The different types of testing should have different sampling protocols. The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030. The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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				<p>pesticide or heavy metal exposure would take place. It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p> <p>In addition to the above, which we fully support, I would like to add that pesticide and heavy metals stay in the plant throughout it's growth cycle and even into future clones, it is extremely redundant to ask for heavy metal and pesticide tests per lot regardless of the size. We are a small producer and it takes us a great deal of time to accumulate even a five pound lot of some of our strains. To try and get a ten pound lot in order to be cost effective would b prohibitive.</p> <p>In addition, the way the rules are proposed for this additional testing will promote bad actors skirting the system by choosing samples from "clean" plants, which could easily not represent the bulk of their farm products. We grow completely organically and we will pass every one of these tests, but will have suffered a substantial financial burden for doing it "right." If the LCB decides to do a per lot testing requirement, there should be some incentive for a series of clean test results. Something along the line of if you pass 5 consecutive tests, you only need to test every other lot and if you have not failed these tests after 20 clean tests, the heavy metal and pesticide test would only be required twice a year. Since it takes plants about 6 months from clone to testing, twice a year would establish that the farm is using good practices and a twice a year protocol would ensure clean products for the consumer.</p>	
35	Email	Pat Dullanty, Happy Crowd	11/16/2020	<p>My name is pat dullanty, our farm is the happy crowd. Our experience with pesticide testing has shown amateur labs. False positives. Two labs completely different. Labs should be certified by passing/finding third party provided samples. Trying to find parts per billion is way easier said than done. Like finding one person in Canada USA South America and Europe. Common sense seems good here. Thankyou</p>	
36	Email	Pat Dullanty, Happy Crowd	11/16/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p>
37	Email	Jeff Oberfelder	11/16/2020	<p>We are a tier 2 grow in Chelan, WA 412286. We are family owned and operated EST 2014.</p> <p>We do our own pesticide testing for each strain and post it on our web site.</p> <p>We can not afford to test each lot.</p> <p>I hope you can take this into consideration please.</p>	<p>Performs own pesticide testing for each strain</p>
38	Email	Steven McCombs, MC2 Supply	11/16/2020	<p>I am a Tier 2 Producer/Processor who primarily sells wholesale flowers to other Processors. Currently I can state that I have never failed a pesticide test with the product that leaves my outdoor farm. I also can state that I would never hesitate to have a Third Party Sample Collector (TPSC) come and take multiple samples for Pesticide and/or Heavy Metal Testing (PHMT).</p> <p>At the producer level, TPSC is the only way that all Producers would be on a level playing field. Samples would need to be done at various intervals for different production techniques, i.e. Indoor farms produce multiple crops/strains per year, requiring multiple test, Outdoor only gets one crop</p>	<p>Third party sampling</p> <p>Delay rules</p>

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				<p>per year and other methods can get two or three crops per year. Final Product testing is the only testing that should be required. A savvy processor would probably do voluntary testing so there is no wasted effort processing 'tainted' marijuana</p> <p>I hope you do realize that there are significant opportunities for abuse in a system that relies on honor based self-selected samples for PHMT.</p> <p>The proposed rules <u>will fail</u> to increase consumer and employee safety. I am willing to bet that you don't want your name associated with an article in a newspaper or the nightly news when they send out a mystery shopper at retail and reveal pesticide contamination of Washington's Marijuana.</p> <p>These proposed rules need to be delayed at this time.</p>	
39	Email	jeremy@cannasol.net	11/16/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
40	Email	Monica Martinez, Calyx Company	11/16/2020	<p>My name is Monica Martinez and I am one of the owners of a tier 2 P/P located in Prosser called The Calyx Company. We have been in business as a small farmer with-in i502 since July of 2014. To put it lightly, we have struggled in this industry the whole time. This year is no different. Our crop came out to just 225 pounds. Let me give you an example of what we would be looking at as far as cost this year with these new requirements. I can estimate that we will "try" to end up with about \$1.40/g for this harvest. It usually comes out to less in the end. If you remove trimming, moisture and packaging loss, you can take at least 10% off our total pounds of flower. So we are really working with about 200 pounds of flower in the package. So an estimated total revenue of about: \$125,000. The amount of man power to product even a small crop like ours was over \$44,000 over this last year. The \$44,000/year is just hired help, my husband and I do most of the work ourselves and don't get paid. \$125,000 - \$44,000 in labor = \$81,000 to operate and pay for growing material, supplies, packaging supplies, marketing, farm up keep, current labs, ect. ect. There is definitely no room for any farm improvements as we are already operating on VERY small margin, let alone money for my husband and I to pay our own bills. Let's see what adding a \$400 lab test per every 10 pound lot would add to our costs. 225/10=22.5 lots. That is \$9000 in additional testing fees (current fees are already high). We DO NOT have an extra \$9,000 to spend on testing in one year. We can barely stay afloat as it is!!</p> <p>All that being said, I am reaching out today to let you know that I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party. The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p> <p>No alternatives offered</p>

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				<p>While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols. The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030. The proposed rules do not efficiently carry out their stated goal.</p> <p>The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place. It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	
41	Email	loggerheadomak@gmail.com	11/16/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
42	Email	Kenny Hubbard	11/16/2020	<p>I just want to express my concern with the new testing for 10# lot sizes pesticide and heavy metal. This will be the end of us as a tier 1 we struggle with competing as it is and with out the canopy it will be the straw that breaks us. Please oppose the new rules or if they are to go thru please consider removing the tier system.</p>	<p>Cost prohibitive</p> <p>Remove tier system</p>

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43	Email	Pheno Project	11/16/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
44	Email	cannasolpacking@gmail.com	11/16/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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45	Email	Sabina Boehm	11/16/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
46	Email	Steve Kuhlman, Family Plot LLC	11/16/2020	<p>My name is Steve Kuhlman, owner/manager of Family Plot LLC, a tier 2 producer.</p> <p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>I don't see the increased costs of these tests for individual lots getting passed on. It would be up to processors (who are always looking for lower costs) to pay more for the tested products, but i do not see this happening. Low margins for products would get even worse.</p> <p>The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p>
47	Email	Lance Lorz, Altus / WoW Industries	11/17/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p>

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48	Email	Jennifer Lorz, WoW Industries	11/17/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
49	Email	Pam Valencia	11/17/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p>

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50	Email	enjoylife365@icloud.com	11/17/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
51	Email	Cole Beaman, W.O.W. Industries/Altus	11/17/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p>

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52	Email	Amy Trudeau, Altus/Wow Industries	11/17/2020	<p>I support testing for illegal and disallowed pesticides, however, I believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
53	Email	Ryan Sevigny, Landrace Brands	11/17/2020	<p>As a stakeholder in this industry, I fully support testing for illegal and disallowed pesticides, however, believe it should be administrated as a regular farm-based test which completed by an accredited third party.</p> <p>The current proposed rules do little to protect consumers from harmful products but significantly increase cost for farms and profits for labs . Since cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p>

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54	Email	Jeff Wilhoit, Puffin Farm	11/17/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as ours. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking, decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
55	Email	Frank Fauls	11/17/2020	<p>To whom it may concern, I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party. The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols. The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees. The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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56	Email	Ryan Sevigny, Landrace Brands	11/17/2020	<p>I'm writing to you today to ask for the opportunity to comment on the CR 102 for QC Rule changes, or Topic #5's public hearing portion of the Board meeting. As the President and a stakeholder in this industry, I feel compelled to speak before the board so that the small farmers of this industry are heard loud and clear. I have summarized my 3 main points below so that they can be entered into the record also:</p> <ol style="list-style-type: none"> <li>1. Pesticide &amp; Heavy Metal Test Cost: As a craft cannabis farmer in this state, I fully support testing for illegal and disallowed pesticides and heavy metals, but the current draft rules do little to protect consumers while maximizing cost for farmers and profits for labs. This industry was created to be a craft market and I for one, cannot afford the significant increase, which could amount to an incremental 50% price hike for us! <ol style="list-style-type: none"> <li>a. Pesticides and Heavy Metals should be conducted at the harvest level; with farmers defining the size of a lot(s). As I don't believe pesticides should not have to be proven compliant 50 times over, once should suffice!</li> <li>b. All Vapor Cartridge processors should be required to verify that the MSDS for all raw materials falls within the state set parameters.</li> </ol> </li> <li>2. Enterobacteria testing has no legitimate scientific basis for being a pass-fail test and truly disadvantages farmers who cultivate outdoors and/or in living soils where a variety of bacteria are naturally present. <ol style="list-style-type: none"> <li>a. This test should be an indicator test to identify when further analysis is required to determine if the product is unsafe for consumption.</li> </ol> </li> <li>3. 5lbs lots: The current requirement for a single test for each 5-pound lot is not a statistically sound sample system. Cannabinoid &amp; microbial testing should be conducted for each harvested lot defined as the cannabis plant material derived from plants of the same strain that were brought into cultivation around the same time and grown/harvested under similar conditions.</li> </ol>	<p>Compliance costs too high</p> <p>“harvest” level testing</p> <p>Farmers should self-select lot size</p> <p>Drop entero testing</p> <p>Offers definition of “harvest lot:” the cannabis plant material derived from plants of the same strain that were brought into cultivation around the same time and grown/harvested under similar conditions.</p>
57	Email	Wendy Griffiths, Urban Farms	11/17/2020	<p>Hello, my name is Wendy Griffiths, and my family owns Urban Farms of Washington, LLC, a tier 2 producer/processor outdoor farm located in Oroville, WA.</p> <p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party. The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols. The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place. It is my hope that the WSLCB will drastically change their approach to this</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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58	Email	Rick Cramer	11/17/2020	<p>My perspective is that basic testing and the use of safe methods should be primarily on the producers and processors that provide the products. It is an unreasonable expectation that having the products tested will keep everyone honest. Cheaters cheat and the system can be easily cheated with a little imagination. Heavy metals and pesticides should not be a concern if everyone is following the rules and only using approved methods.</p> <p>A two pronged approach would appear to be in order, as follows:  1) Maintain current testing requirements. That way honest mistakes can be caught.  2) Perform random thorough testing on products purchased from the Retailers.  This is much more accurate and comprehensive. Additionally this would cover problems that could arise during Warehouse Storage, Transport &amp; Retail Shelf Life. Currently all of those actions occur after testing.</p>	<p>It is an unreasonable expectation that having the products tested will keep everyone honest.</p> <p>1) Maintain current testing requirements. That way honest mistakes can be caught.</p> <p>2) Perform random thorough testing on products purchased from the Retailers.</p>
59	Email	Bill Elixman, NuGreen	11/17/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
60	Email	Kelsey Taylor, Gorilla Gardens	11/17/2020	<p>I am writing to request that these proposed rules be withdrawn entirely and that the WSLCB go back at the drawing board. These proposed rules are built upon an already flawed testing system that breaks chain of custody and does nothing to keep consumers safe. Bad actors thrive in the current system, private labs profit at the expense of small farmers. These rules will further enrich private, for-profit labs by taking even more money out of the pockets of small farmers. What these rules will NOT do is keep consumers safe.</p> <p>Heavy metals and pesticide testing should be put squarely into the hands of the WSDA. It is the only thing that makes a lick of sense.</p>	<p>Withdraw proposal</p> <p>WSDA should do all pest/HM testing</p>

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				<p>Furthermore, the WSLCB's SBEIS and Significant Rule Analysis is a complete and utter joke that reads as though it was written by the lobbyist for well capitalized indoor producers. Here's a delightful snippet whereby the WSLCB essentially blames outdoor producers for the devastating impact of the rules you're about to impose upon us!</p> <p><i>Licensees are responsible for selecting and implementing their own business models, and as a result, marijuana grows operate on a wide spectrum of sophistication. Some grows are tightly controlled in technologically advanced indoor facilities; plants are grown in climate-controlled chambers where every aspect of the plant's cultivation is monitored. Other grows are comparatively "low tech," set outdoors and dependent on seasonable cycles. <b>Which growth model a licensed producer choses</b> [sic] – <b>either indoors or outdoors – is entirely a business decision of the licensee.</b></i> [emphasis my own]</p> <p>Does it not occur to the LCB that women and minority owned businesses may not have had as much access to the capital that these large "high-tech" indoor grows have had? It wasn't "entirely a business decision of the licensee" when I don't have rich friends who work at hedge funds. This is a textbook example of how systemic sexism and racism work. This Small Business Impact Statement reads as though it was written by industry lobbyists who are threatened by outdoor grows. Those of us without the money to pay for these lobbyists (women and minority run businesses), are left playing defense, begging for you to care about its impact on the businesses we've poured our lives into.</p> <p>Going on to the rest of what's wrong with these rules - these pesticide and heavy metals levels shouldn't be tested at the flower level - they should be tested at the end product level. Cheap cartridge hardware is a huge reason for contamination, so why is that not being tested in these rules?</p> <p>To top it off - these rules should take into account the history of agricultural land throughout WA state. These levels seem to be set arbitrarily low, not based in sound science, and again - this entire testing process should be handled by the WSDA. They're the natural owners of this and they can do a lot better job than the WSLCB has done because they have the resources and experience to create a robust, <i>effective</i> testing system.</p> <p>Do the right thing, withdraw this horrifying attempt at rulemaking and hand it off to the WSDA.</p>	<p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Test end products</p> <p>Rules enrich labs</p>
61	Email	Frank Fauls	11/17/2020	<p><b>#Small Farms Matter</b></p> <p>This proposal is not socially equitable and will have a significantly disproportionate impact on small craft producers, many of which are owned by <u>women, minorities, and economically disadvantaged individuals</u>. Neither the phased in approach nor the increased lot size effectively mitigate the <b>discriminatory</b> impact these rules will have on small businesses .</p> <p>While the WSLCB's SBEIS and Significant Rule Analysis assume that increased costs can be passed on to the retailer, the reality is that the current market's structure and inequality centers most market power, in the hands of the retailers and large well capitalized processors and multi-state operators.</p> <p>The WSLCB should take a step back and appoint a committee to truly assess the costs of the proposed rules on communities of color, women and other disadvantaged parties. An emphasis should be placed on means of reducing the costs for small businesses, in accordance with the Regulatory Fairness Act.</p>	<p>Educational gaps/ opportunities on RFA and SBEIS; APA</p>
62	Email	Alison Kutz, Sound Horticulture	11/17/2020	<p>My name is Alison Kutz and I am the owner/President of a Biological Control company called Sound Horticulture. We are in Bellingham WA, and serve Cannabis growers throughout the US but primarily here in Washington State, both indoor and feild producers. I have been in the greenhouse industry for over 40 years now and have been on a number of your advisory boards for Cannabis here in the state. I have 40 years of experience with owning,operating and understanding pesticide need and use on thousands of ornamental and food crops.</p> <p>I have been watching legal Cannabis evolve from it's inception and am proud to say that my company has worked with many fine, professional growers. Since we focus on beneficial insects and biological controls, our customers are those guys out there in the trenches, wringing their hands about what they can possible do organically, and biologically to grow a clean crop. All day long we support and advise the folks that we work with, and I am very impressed with the extreme care these growers take to not apply something that might taint their flower crops in any way.</p>	<p>Delay rules</p> <p>Economic burden</p> <p>Suggests frequent inspection, random sampling</p>

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			<p>I am asking you to delay adoption of these rules at this time to leave yourselves ample time to dig deeper into the conversation and evaluate the unintended consequences of adopting such complex regulatory change without evaluating them through the lens of equity, effectiveness and efficiency.</p> <p>For instance: Heavy metals only enter the scenario when illegal fungicides or pesticides ( that are not needed in Cannabis product) are used. Cannabis growers do not even need ANY materials containing heavy metals, and so the testing for heavy metals would be reasonably done just yearly on feild soils, and water samples. These do not need to be tested on every lot of production.</p> <p>ON the other hand, PBO's make sense to test for, as they are a quick indicator that an indoor grower might have used aerosol sprays to clean a room (even empty) , and traces of this will indeed give the LCB good information as to who might not be informed that Pyrethrin based aerosols may indeed contain these "exciters" as part of the formulation. We have worked very very hard to assist growers who call and are shocked that they tested for something that was never even applied around plants. We have spent quite a bit of time informing growers of dangers that they might not have been aware of . We have now literally worked with well over 800 growers around the country and can see the pattern of growing knowledge, caring and responsibility that these growers are becoming over the last 7 years. Well trained Horticultural graduates and experienced greenhouse growers from other sectors have come to work for most all of the professional operations we meet.</p> <p>These companies vary in in size, management and in the investment of capital that they operate with. Many of these farmer/producer companies are not as profitable as one might think.</p> <p>The economic burden of these proposed tests, especially on small growers ( the ones that care about quality the most) will be very hard for them to bear. Market forces do not allow them to simply raise the price of their finished product, if they can't compete with the larger (multiple) Tier 3 operations.</p> <p>These extensive testing proposals will absolutely kill the small boutique growers who have worked so hard to market and brand themselves out there in the retails shops, especially proud of their Farming Methods. These are the folks with 40+ plus strains of specialty strains of flowers that their customers clammor for in the "small lots" that they produce in very high quality. So, the small guys will take the hit. Believe me, I work with many of them.</p> <p>The larger producers, who also do not take the same care and time per plant, will be at a distinct marketing advantage, and their cost of production will not be impacted in nearly the same way. The larger producers will prevail, and the small farmers will be lost. The larger growers may also actually care a little less about the use of pesticides, therefore you might also have the opposite net effect than the one you are looking for, with MORE pesticides being used over time. It's set up to totally backfire.</p> <p>Frequent farm inspections, random sampling done by inspectors and keeping growers on their toes would be advised, along with reasonable testing that is affordable for the medium sized grower is important. Without a moderate, well planned approach, this industry will cease to exist in it's current form. Let's keep Washington State the State that others look to as setting the best example for vetting and listing the safest organic and biologically based pesticides. We have CLARITY there, which helps our growers choose the best legal and proper way to proceed with planning their farming and production needs. It allows companies like mine to communicate very clearly with growers, and help them use the least toxic methods possible in the production of their high quality products, and with that clarify of safe registered materials for use, allows them to make good decisions on using no pesticides at all, and rely on beneficial insects and biological products to control their pest and disease issues.</p> <p>Thank you for taking the time to listen and consider what good work has been done, and how this ruling will pull the rug out from under the smaller farmers that deserve to be able to make a living in this state.</p>	
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63	Email	Bethany McMartin, Olympus Horticulture	11/17/2020	<p>My husband Justin and I own and operate Olympus Horticulture (Tier 2 and Tier 3) as well as BC Labs LLC (Tier 2 w/partners Claudio and Dorothy) and have been very active with the cannabis associations and legislative sessions to support cannabis companies in Washington state. We are 100% minority owned OH being Native American and Woman owned and BC being Native American, Women and Latino owned, I feel that for some individuals speaking from a point of being 100% minority owned in the industry is of value to hear from. I believe it's so important to continue to protect the industry in a way that craft cannabis companies can exist, it is important that all sizes of operations thrive in cannabis and not just larger companies. Below are my comments on the current proposed CR 102 QC Quality Control Testing and Product Requirements.</p> <p>I absolutely support pesticide testing I502 products for consumer safety, we randomly test our product quarterly just for the peace of mind for our retail partners. I agree with the 10 lb lot increase to help balance out the cost for the additional tests as we typically harvest 10 lbs of each strain in our gardens, keeping that in mind we also sell \$500-\$600k a month in revenue so we are a mid to large size company. If taken into consideration when we started as a small company (with plans to organically grow and reinvest) we sold only \$80k a month, at that time we never harvested 10 lbs at one time of one strain. It does concern me that the way the proposed requirements are currently written only mid to large scale producers will really see the cost benefit from testing as smaller producers will still have to submit smaller lots because of their size of harvests per strain.</p> <p>I would also like to point out that even at the 10 lb mark to help ease the cost of adding two additional tests it still will increase the costs by 26% per lb to the P/P when it comes to testing. The lab we currently work with charges \$80 for pesticide testing, \$50 for heavy metal testing, and \$85 for potency I502 panel. Currently I am paying \$85/5lb = \$17 per lb, the new proposed rules would increase my cost 10lbs/(\$80+\$50+\$85 = \$215), 10lbs/\$215 = \$21.50 per lb. I suggest keeping the lot size to 10 lbs and doing a I502 panel and pesticide testing but only require per harvest heavy metal testing be submitted so as to not have such a dramatic increase in cost per lb for testing. Considering that to date very few failures from heavy metals have been reported by labs in states where it is required and Washington already evaluates heavy metal content of commercially available fertilizers for heavy metals I believe a per harvest test takes care of the need without the significant additional cost.</p> <p>Overall I would rank my support for CR 102 QC as a 7 out of 10, I would like for the LCB to take the time to consider ways that it won't significantly increase the cost of testing and negatively impact the smaller producers because of their limited strain harvests that will result in short lots. Possibly a solution would be to allow two strains be tested for the pesticide testing to equal out to 10 lbs. Two tests are assigned to each strain, a I502 panel test and a pesticide test for the smaller producers. I believe this will keep within the parameters of Leaf Data and balance out the rules for it to have the smallest negative impact on testing companies, producer/processors, retail, and the consumer who is typically at the receiving end of increases to production costs.</p>	<p>"...even at the 10 lb mark to help ease the cost of adding two additional tests it still will increase the costs by 26% per lb to the P/P when it comes to testing. The lab we currently work with charges \$80 for pesticide testing, \$50 for heavy metal testing, and \$85 for potency I502 panel. Currently I am paying \$85/5lb = \$17 per lb, the new proposed rules would increase my cost 10lbs/(\$80+\$50+\$85 = \$215), 10lbs/\$215 = \$21.50 per lb. I suggest keeping the lot size to 10 lbs and doing a I502 panel and pesticide testing but only require per harvest heavy metal testing be submitted so as to not have such a dramatic increase in cost per lb for testing."</p>
64	Email	Rian Takahashi, United Western Green	11/17/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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				It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.	
65	Email	Sean Green, KOUCHLOCK PRODUCTIONS	11/17/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
66	Email	Arthur Gallegos, Alpine Vista Investments United Western Green	11/17/2020	<p>My company, Alpine Vista Investments, has an investment in a small company that is still trying to get on its feet after five years. While I support testing for illegal and disallowed pesticides, I believe it should be completed as a regular farm-based test completed by a third party. The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees. The proposal is not equitable and will have a significant disproportionate impact on small craft producers, such as our company which is owned by minorities and economically disadvantaged individuals.</p> <p>The proposal to test each lot is excessive, enriching labs and WLCB at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure could take place. It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Rules enrich labs</p>
67	Email	Rian Takahashi, United Western Green	11/17/2020	I forgot to add that I'm a majority owner at United Western Green. These new rules will demolish any and most profit margins on our farm. It will also hurt consumers especially during these Covid times too. End prices will sky rocket and I feel that many people will return to the "black market" for their medication and or recreational products. We want to keep costs down to eliminate any unsafe products that might outside of the tested and trusted products we sell in the I-502 industry.	

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68	Email	Danielle Rosellison	11/17/2020	<p>Thank you for trying to address Quality Assurance. The LCB has had robust pesticide rules since day one, and it is their mission to promote public safety and trust through fair administration and enforcement.</p> <p>My name is Danielle and I am the CEO and co-founder of a Tier 2 P/P in Bellingham. We are one of the only p/p who produces certified DOH product, pesticide and heavy metal testing every strain per harvest. We also pesticide and terpene testing every lot. It costs us about \$0.05 per gram to pesticide, 502 and terpene test every lot PLUS \$0.003 per gram to heavy metal and pesticide test per strain per harvest.</p> <p>The suggested rules would cost us \$0.04 per gram to pesticide/heavy metal/502/terpene, which is actually cheaper than we are currently paying.</p> <p>Per previous emails during the public comment period, I have attached my suggestions (again) submitted in January 2020. This solution ensures public safety while mitigating costs for small businesses <b>and costs no additional money to anyone</b>. You can read the suggestions in the attached document "QA Testing CR102". This is the best solution I have heard to meet the most needs of everyone involved, focusing on consumer safety and economic impact to businesses.</p> <p>Since the beginning of the QA Rule Making Process, I have encouraged the LCB to pesticide and heavy metal test like the DOH does - per strain, per harvest. Traceability is already set up to do this. I would, however, suggest that "Harvest" MUST be defined if you're going to test per harvest.</p> <ul style="list-style-type: none"><li>•</li><li>• What constitutes a harvest? While with some</li><li>• farms it's clearer (Farm X harvests all a room in a day, a sungrower harvests their entire crop over two weeks in October, etc.) other farms are in perpetual harvest, harvesting every day. A timeline needs to be defined for "harvest" or a business will say</li><li>• "I am always harvesting and so I only need one test. Ever."</li><li>•<ul style="list-style-type: none"><li>•</li><li>• i.e. A harvest is defined as the end of</li><li>• a life cycle for the plant, up to but not more than 7 days.</li><li>•</li></ul></li></ul> <p>If there are extenuating circumstances that make my suggestion in "QA Testing CR102" not feasible, then my second suggestion is listed in the attachment titled " Pesticide - Solutions 2020". I sent these to the LCB in 2018 (I've updated the implementation dates).</p> <p><b><u>I also believe that it is ESSENTIAL that a third party pulls the samples. As long as p/p pull their own samples, the integrity of the test results are compromised.</u></b></p> <p>If the LCB is determined to move forward with the rules currently written (which I do not agree with), the following are my suggestions to amend the current language:</p> <table><tr><td></td><td>WAC</td><td>CURRENT VERBIAGE</td><td>NOTES FROM LICENSED PRODUCERS AND PROCESSORS</td><td>SUGGESTED VERBIAGE</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></table>		WAC	CURRENT VERBIAGE	NOTES FROM LICENSED PRODUCERS AND PROCESSORS	SUGGESTED VERBIAGE						Several substantive comments and rule revision suggestions.
	WAC	CURRENT VERBIAGE	NOTES FROM LICENSED PRODUCERS AND PROCESSORS	SUGGESTED VERBIAGE											

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				1	314-55-101(2)(b)	To ensure the sample integrity, samples must be stored in a location that prevents contamination and degradation, such as a secure, low-light, cool and dry location.	This is a business decision, and not a government decision	To ensure the sample integrity, samples must be stored in a location that prevents contamination and degradation, such as a secure, low-light, cool and dry location.		
				1	314-55-101(2)(c)	The licensee must maintain the lot or batch from which the sample was deducted in a secure, low-light, cool and dry location to prevent the marijuana from becoming contaminated or losing its efficacy.	SEE ABOVE	The licensee must maintain the lot or batch from which the sample was deducted in a secure, low-light, cool and dry location to prevent the marijuana from becoming contaminated or losing its efficacy.		
				4	314-55-1011(3)(a)	Licensees or certified labs must collect a minimum of two separate samples consisting of eight separate subsamples from each marijuana flower lot up to ten pounds. Licensees or certified labs may collect more samples or subsamples than this minimum, but must not collect less. The subsamples must be of roughly equal weight not less than one gram each.	~Labs do not need 16 grams for quality assurance testing. The vast majority of the samples would either be destroyed or returned to the licensee, causing unnecessary waste, cost and/or logistics. Furthermore, sending excessive products to labs is a financial burden to licensees.	Licensees or certified labs must collect a minimum of two separate samples consisting of eight separate subsamples no less than three (3) grams each from each marijuana flower lot up to ten pounds. Licensees or certified labs may collect more samples or subsamples than this minimum, but must not collect less. The subsamples must be of roughly equal weight not less than one (1) gram each.		
				5	314-55-1011(3)(a)	Licensees or certified labs must collect a minimum of two separate samples consisting of eight separate subsamples from each marijuana flower lot up to ten	See above	Licensees or certified labs must collect a minimum of two separate samples consisting of eight separate subsamples no less than three (3) grams		

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						pounds. Licensees or certified labs may collect more samples or subsamples than this minimum, but must not collect less. The subsamples must be of roughly equal weight not less than one gram each.		each from each marijuana flower lot up to ten pounds. Licensees or certified labs may collect more samples or subsamples than this minimum, but must not collect less. The subsamples must be of roughly equal weight not less than one (1) gram each.		
				7	314-55-1011(b)	The eight separate subsamples must be taken from different octants of the flower lot. An octant is the division of the lot into eight equal parts. Dividing a lot into octants prior to sample collection must ensure the subsamples are collected from eight evenly distributed areas of the flower lot. This division may be done visually or physically.	~No one actually does this. Licensees pick the best samples they can find as the sellability of their product depends on it.	The eight separate subsamples must be taken from different octants of the flower lot. An octant is the division of the lot into eight equal parts. Dividing a lot into octants prior to sample collection must ensure the subsamples are collected from eight evenly distributed areas of the flower lot. This division may be done visually or physically.		
				8	314-55-102(1)(a)(ii)	Potency Analysis	"Potency" is not an accurate word to define the results of "potency analysis".	Potency Cannabinoid Concentration Analysis		
				8	314-55-102(3)(a)	Potency Analysis	SEE ABOVE	Potency Cannabinoid Concentration Analysis		
				8	314-55-102(3)(b)	Potency Analysis	SEE ABOVE	Potency Cannabinoid Concentration Analysis		
				10	314-55-102(3)(b)(iii)	Any psychoactive cannabinoids intentionally added to the formula of a product must be tested for potency.	SEE ABOVE	Any psychoactive cannabinoids intentionally added to the formula of a product must be tested for		

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							cannabinoid concentration potency.		
				9	314-55- 102(1)(a)(v)	Mycotoxin Screening	Licensees (I was there) were told by Joanna Eide, the Rules Coordinator at the time, in 2017 that if the LCB removed a test, they "had" to replace it with another test. This is where mycotoxin screening came from, an inherently expensive test. Licensees were also told that the LCB would review the necessity of mycotoxin screening, evaluating failure rates, and thus whether this test was really necessary. Unless the WSLCB can prove with the last 3 years of data that mycotoxin screening is necessary for public health and safety (ie X% of samples have failed for unsafe levels of Mycotoxins) The Cannabis Alliance would like to remove mycotoxin screening.	Mycotoxin Screening	
				9	314-55- 102(3)(c)(iv)	Mycotoxin screening	See Above	REMOVE THE ENTIRE SECTION	
				10	314-55- 102(3)(b)(iii)	Any psychoactive cannabinoids intentionally added to the formula of a	~By not requiring pesticide and heavy metal testing for imported products,	Any psychoactive cannabinoids intentionally added to the formula of a product	

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						product must be tested for potency.	but required for products grown inside 502, creates a disadvantage to growing products within 502. ~Additives should be subject to at least the same testing as cultivated cannabis.	must be tested for potency, pesticides, and heavy metals.		
				11	314-55-102(6)(c)	Remediation is a process or technique applied to marijuana harvests, lots, or batches. Remediation may occur after the first failure of the lot, batch, or both depending on the failure, or if a retest process results in a second failure. Pesticide failures may not be remediated.	~There are processes that remediate pesticides. Why not allow them if the end product is safe to the consumer?	Remediation is a process or technique applied to marijuana harvests, lots, or batches. Remediation may occur after the first failure of the lot, batch, or both depending on the failure, or if a retest process results in a second failure. Pesticide failures may not be remediated if approved by the board.		
				Thank you for considering my suggestions; this issue is near and dear to my heart. Most people and businesses want safe products, and it is imperative that we do this in the smartest way possible!						
69	Email	TJ McDonald, Binx Buds, Old McDonald's Farm	11/17/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit</p>						<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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70	Email	Jason Poll	11/18/2020	<p>My Name is Jason Poll I am the owner of a farm in Quincy. The current proposal would negatively impact my business and the 15 people I employ. The immediate cost increase is significant and only benefits large operations. It also only gives a false sense of consumer safety.</p> <p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
71	Email	aactiongroup@yahoo.com	11/18/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party. The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols. The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees. The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030. The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place. It is my</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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				hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.	
72	Email	eveningsky@hotmail.com	11/18/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
73	Email	Gabe Fox	11/18/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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				It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.	
74	Email	Fred Brader, Orgrow, LLC	11/18/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be a random testing process assigned to a specific strains harvest and not a 10 lb. lot that has no scientific significance.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols. If a weekly or annual harvest is sampled per harvest then the whole harvest of a specific lot or multiple lots is representative of the whole. If pesticides and heavy metals are not introduced to a facility or location and 3 or 4 random samples are taken by either the LCB officer or a 3<sup>rd</sup> party assigned representative, those samples will represent the whole lot of harvested product whether it is 10lbs, 30 lbs., or 1,000 lbs. The costs of these tests will be a huge burden and will not be able to be passed on to the consumer in todays market. At the very least, the LCB should assign and charge a surcharge at the very end of each transaction specifically to cover the testing costs that benefit the consumer. If it is left to the producer to charge the retailer, the retailer has to triple or quadruple the added charge to effectively allow for the additional taxes they will owe to both the state and federal governments. A surcharge would act as an additional tax which could be distributed back to the originating farm to cover the pesticide testing costs.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p>
75	Email	Clinton Zuber, Zoobees, Inc	11/18/2020	<p>My name is Clinton Zuber, owner of Zoobees, Inc, a tier II producer/processor in Washington State.</p> <p>We are a small craft producer, with seven employees including myself. Our primary point of concern with the proposed additional mandatory QC testing is the direct increase to our production costs.</p> <p>Our current business model may or may not remain viable, if viable I anticipate our already slim profit margin to evaporate entirely. If forced to alter our business model simply to survive, I anticipate needing to rebuild our client roster due to the specific, custom nature of our product offerings. In either event, we may be forced to close our doors.</p> <p>We absolutely support testing for all pesticide residues, be they illegal, disallowed, or permitted. In fact, we voluntarily conduct such testing quarterly as a show of good faith for our clients and their customers peace of mind.</p> <p>We believe the proposed rules as written will not provide the desired result of cleaner, safer cannabis, as it still relies on a self-selected sample with no oversight whatsoever. We believe the only result of the proposed rules as written will be the closure of many small craft producers, perhaps including ours.</p>	<p>We voluntarily conduct such testing quarterly as a show of good faith for our clients and their customers peace of mind.</p>
76	Email	Amber Wise, Medicine Creek Analytics	11/18/2020	<p>Medicine Creek Analytics was the first ISO-17025 accredited lab in the state, the first lab to offer both pesticide and heavy metals testing for cannabis and has demonstrated high-quality and transparent science since 2016. We have worked actively with various members of the WSLCB over the years and recent months to share our data and science-based recommendations on rules for Quality Assurance testing in WA.</p> <p>I will not go into the details of all the topics our staff has communicated with the WSLCB in this document, but simply to go on record to summarize the main points as follows:</p> <ol style="list-style-type: none"> <li>1. Having a plan for a functioning traceability system is imperative to lend credibility to lab results. The current failures of MJLeaf will need to be addressed. I realize it's "outside the scope of QA testing rules" but it absolutely impacts all aspects of cannabis from seed to sale and cannot continue to be ignored and pushed aside.</li> </ol>	<p>Traceability</p> <p>End product testing (final, finished)</p> <p>Self-sampling may not guarantee accurate representative samples</p> <p>If cost to Producers is a concern, start a phased-in process to test concentrates first, followed by flower and other products (Note:</p>

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				<p>2. Final, finished, packaged products should be tested to best represent what customers and patients are purchasing and ingesting. An obvious example of this is: it much more rare to detect pesticides in flower (failing levels even more rare) due to matrix effects and low concentrations, but these pesticides can concentrate to detectable and fail-able levels after extraction.</p> <p>3. If Producers and Processors are allowed to self-sample QA samples, there can be no guarantee of the actual representative nature of the samples.</p> <p>4. If cost to Producers is a concern, start a phased-in process to test concentrates first, followed by flower and other products.</p> <p>5. Scientifically, microbial and mycotoxins should be run on the final product for edibles and beverages (not just the THC-containing intermediates)—it is much more likely the food ingredients would cause these contaminations than the small amount of cannabis concentrate used to infuse them.</p> <p>Some form of these rules exist in most other legal states and can be implemented into successful business plans. If WA state cannabis business expects to be competitive if and when inter-state commerce or federal legalization occurs, we will need to harmonize our QA testing rules to be more in line with other jurisdictions.</p> <p>As always, our lab and staff are available to answer any questions or clarify any of our opinions for the WSLCB or other state agency staffs.</p>	<p><i>proposal contained an 18-month, staggered phase in plan).</i></p> <p>Scientifically, microbial and mycotoxins should be run on the final product for edibles and beverages</p>
77	Email	Pat Dullanty	11/18/2020	<p>My wife and I own approximately 160 acres in rural Spokane County, Washington, of which 30 acres is devoted to marijuana production and processing under the auspices of ten WSLCB licenses. Most of these farms are Tier III facilities and two are operated personally by us. Speaking for all of the licensees at my property, we are <u>strongly opposed</u> to the proposed pesticide testing rule.</p> <p>Nearly 15,000 pounds of marijuana are grown on our property every year, of which we personally grow nearly half. In the six years we have been operating, we have tested for pesticides on five occasions. None of our product has ever shown to contain pesticides. This is not surprising as we take our responsibility to grow a safe product very seriously. Because our park has several large outdoor grows, we respond aggressively to any growing methods that might create problems for the product grown at the other farms, especially drift from chemical use. For this reason, my agreements with my tenant-licensees permit me to immediately terminate leases of any producers who do not follow WSLCB grow rules. We believe that most industry growers are equally careful.</p> <p>We are not opposed to pesticide testing. We <i>are</i> opposed to regulations that impose onerous testing requirements that dramatically increase the cost of production without a corresponding dramatic benefit to consumers and farm employees. Specifically, we support aggressive random testing at the farm level by the WSLCB or its independent third-party contractor. This approach ensures a far more thorough examination of a given crop and is more consistent with testing for other agricultural commodities. The current proposed rule will double the cost of testing for us and simply hand the labs a windfall in testing fees, without dramatically increasing either worker or consumer safety.</p> <p>Please do not adopt this rule. Instead, we urge you to follow the recommendations of the Washington Sungrowers Industry Association and other grower representatives by adopting random testing at the farm level.</p>	<p>Randomized testing at farm level</p> <p>Economic burden</p>
78	Email	Caitlein Rian, Cannabis Alliance	11/18/2020	<p></p> <p>The Cannabis Alliance Letter on Q/</p> <p>The Cannabis Alliance commends the Washington State Liquor and Cannabis Board (WSLCB) for your commitment to quality assurance and consumer protections. The complexities of the topic run deep, and we appreciate the multiple challenges in brokering agreement on a comprehensive rule set.</p> <p>We believe the WSLCB has been thorough in their effort to seek stakeholder input. It has become increasingly evident that there are deep divides in what stakeholders would like to see in the completed rule set. I have attached an addendum with results from a survey we conducted in October</p>	<p>Use WSDA contract for testing</p> <p>Warning label on products not pesticide tested</p>

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				<p>2020. The survey will provide some specific suggestions for language alterations to the rules as in its current form, however our primary recommendation is broader in scope. We had 42 licensed producers and processors respond to the survey, representing more than 53 producer/processor licenses. Our farmers all agree with a need for testing to ensure the safety of product, however we heard misgivings about the integrity of self-selected sampling. In general, much of the concern about the proposed rules boils down to apprehension regarding the scientific reliability of the proposed testing.</p> <p>While it has been crucial to the process to rely on stakeholder input, product testing standards must be developed by dispassionate scientists and industry experts. Our recommendation at the time of approval is the development of a detailed implementation plan that addresses the need for third-party scientists to develop product testing standards and includes a detailed timeline for standards efficacy review. The Cannabis Alliance is asking the quality assurance testing standards be in a continued state of development immediately upon approval and we would like WSLCB to convene a taskforce of scientists and industry experts (not stakeholders) to provide a defensible answer to the question: What product testing do we require to meet reliable standards for safe product?</p> <p>We are not asking for a delay, however we can not see an unbiased path forward without consulting non-stakeholder scientists and product testing experts. The Department of Ecology has convened a task force for the purpose of setting lab standards, but their work does not address the product testing level. The standards set by the WSLCB will continue to be embroiled in strife without engaging in a similar level of due diligence as the DOE taskforce.</p> <p>While we are not asking for delay, we are aware of the timeline for implementation and we continue to harbor concern for the safety of product coming to market in the interim, for both the typical adult-use sector as well as availability of safe product for Washington's patient population. We'd like to make a few recommendations to address that concern:</p> <ol style="list-style-type: none"><li>1. We believe a strategic usage of the WSDA contract focused on processors by market share will provide a moderately comprehensive stop-gap for assessing product safety.</li><li>2. We would like to recommend a warning label for all products that do not meet (by way of failure or opting-out) the Department of Health list of non-allowable pesticides. This does not ensure safety, but it does provide transparency while reliable science-based product testing standards are developed.</li></ol> <p>As active participants in this process since the beginning of the conversation, we wish we were in the position to lend full-throated support at this time, however, we look forward to the further thoughtful development of product testing standards in the implementation plan. We deeply appreciate the work of everyone at WSLCB involved in this enduring effort and we continue to value our collaborative effort in service of a healthy adult-use cannabis market in Washington State.</p>	
79	Email	Royce Reid	11/18/2020	<p>My name is Royce Reid, I am the GM of a tier Three farm in Ferndale Washington. We grow small batch 100% organic product for wholesale.</p> <p>Free Rain Farms is 100% committed to ensuring pesticide and heavy metals free product. We realize this proposed rule change is aimed at protecting the consumers and our goal is to make sure our products meet their highest standards</p> <p>The points I'd like to address here consist basically of three parts. 1 chain of custody. 2 site certification vs. repeated testing and finally Costs both financial and in time and manpower. They all kind of link together.</p> <p>Currently there is no clear-cut chain of custody in the testing process. Without a clear chain of custody it is very simple for the test samples being tested to come from anywhere at all. In addition if a grow has issues with microbials or pesticides they know they have these issues. When it is potentially millions in lost revenue there is strong incentive to make sure these test results pass.</p>	<p>1 chain of custody. 2 site certification vs. repeated testing and finally Costs both financial and in time and manpower. They all kind of link together.</p>

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				<p>My next point is that we have sent thousands of tests out at a significant cost both financially and in time and effort. In addition our product is often used for extraction and then tested again. We have never tested positive for pesticides and recently in a random samples taken by the LCB we came back 100% clear. Also several of our extraction partners test for heavy metals in their finished product. Again we have never failed this test.</p> <p>This brings me to the point that in a well controlled environment, complying with spraying requirements, it should be almost impossible to fail a pesticide test. For us even more so as we have and use no pesticides on site.</p> <p>To close my comments. I'd like to say that until there is clear chain of custody this entire testing process is just a matter of jumping through the expensive hoops needed to sell our product. I would like to draw a comparison the Federal Aviation Administrations random drug and alcohol testing program. Imagine if the FAA let the pilots choose when they were tested and did not check their ID when they were doing the test. You would have a 100% pass rate. Random testing, taken from the actual crop or drying room, without prior warning is the only way this works as it is supposed to. The additional cost to have these tests done for every batch we have, between 28 and 38 a week is a significant financial impact. Quarterly or Semi annual random testing without any warning to me is the only viable option to legitimately check and verify pesticide and heavy metal issues. Also if a licensee fails a test it should have to prove it was safe with independent testing.</p>	
80	Email	Brooke Davies, WACA	11/18/2020	<div><p>Final WACA Feedback on Supple</p></div> <p>On behalf of WACA I wanted to submit the attached letter summarizing our feedback on the Supplemental CR-102 Quality Control Rules. As always we appreciate the opportunity to work collaboratively with you and your team.</p>	
81	Email	Jade Stefano, Puffin Farm	11/18/2020	<p>Thank you for the opportunity to testify today at the hearing regarding QA pesticide and Heavy metals testing CR102. I would like to address a few points which I did not have time to address in the hearing specifically surrounding the statement by Casey Schaufler at the beginning.</p> <p>Mr. Schaufler stated that the WSLCB did not receive any proposed rule language from farmers who had sent in comment and repeated this assertion on multiple occasions as justification for not incorporating farmer input into the CR102. By making the submission of proposed legal language a requisite for having comments acted upon, the WSLCB is creating a barrier of participation for most farmers and stakeholders who are neither legal experts, administrative rules experts nor even proficient writers. This policy is neither fair nor equitable and perpetuates a regulatory culture of systemic racism and social inequity where only the well financed and privileged can participate. Additionally he suggests that they should provide verified and analyzed scientific and economic data to back up their suggestions. While this would be ideal it it totally unrealistic to expect small business owners to produce these types of analyses and should not be a pre-requisite to having their comments taken seriously.</p> <p>Additionally, the idea that we need to adopt the rules as proposed in order to prepare for the future possibility of a theoretical interstate commerce system is not correct and not the place of the WSLCB to regulate at this time. If and when interstate commerce happens it will be a complex process involving many moving parts that will need to be worked out when the time comes. It is not right to create expensive and burdensome rules for a future idea that may not happen. Adding testing to meet any interstate commerce requirements will be easily addressed when and if the time comes.</p> <p>Respectfully, I have to also comment that the tone and substance of Mr. Schaufler's comments felt belittling and disrespectful of farmer's hard work, time and efforts to participate in this process. He seemed to question the existence of craft and organic farms and implied they are a fiction being used by farmers to pull on heartstrings. While they may not be legally recognized, I for one feel totally brushed aside and belittled by the way he questioned the existence of craft cannabis businesses. The facts are, that my small family run farm, that has no investors and no outside funding, is in a very different position to absorb these costs compared to the highest grossing farms in the state that are often part of multi state operations, regardless of the technical small business classification. Having been in this business since 2014, I am acutely aware of the strategy by larger operations funded by investors, to take year after year losses in order to put smaller operators out of business and control the market.</p>	<p>Disliked opening statement</p> <p>Wants emergency rule: While third party sampling would be ideal, at this point self selected samples for an emergency rule would be adequate until the final rules can be worked out." See previous statement above.</p>

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				<p>Additionally, he mentioned farmers using form letters with last minute pleas to delay rules, which alluded to the trope of angry farmers with pitchforks. Form letters from members of associations should not count less. Farmers are busy and rely on their associations to speak for them and help write letters which they are either too busy or do not possess the writing abilities to compose.</p> <p>The statement makes it sound like licensees are opposed to testing in general and claims they are “mischaracterizing” the proposed rules, when this is not the case and suggests ignorance and/or greed among farmers. As the hearing clearly demonstrated from the testimony of many farmers, farmers want smart testing that will not put them out of business and will protect the integrity of the results.</p> <p>Mr. Schaufler references hundreds of peer reviewed articles regarding the risk of pesticides. This is absolutely true. Pesticides can be dangerous and the risks of pesticides in cannabis are well documented in the literature. The literature however does not support the methodology of lot level testing over farm level testing. Yes we need testing, but we need a reasonable methodology.</p> <p>Finally, I would like to say that I have been engaged in this process for over a year and was never once contacted for follow up or input on any of my comments or ideas. I have been licensed since 2014, hold multiple "pesticide free" and “organic” certifications, already test all my product for pesticides, hold a biology degree and a medical license so I am one of the more qualified stakeholders to provide input to the WSLCB on this specific issue. I acknowledge the time already spent on this issue is enormous and the desire of the BOD to implement something and move on is strong, but the proposed rules have so many un-intended consequences and will harm the smallest businesses to such a degree that these rules need to be re-written. Please consider an emergency rule to implement farm level testing to protect consumers, employees and assure the tests sample all phases of the production process including propagation. While third party sampling would be ideal, at this point self selected samples for an emergency rule would be adequate until the final rules can be worked out.</p>	
82	Email	Galadriel Walser, Buddy Boy Farms	11/18/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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83	Email	Elizabeth Van Laanen	11/19/2020	<p>I would like to ask that these rules be reviewed and that the board consider the financial impact to producers who already are unable to secure a living wage/ price per gram that will cover their cost of production.</p> <p>These rules do not include testing the extraction products which are the most commercial and pesticide laden crop grown in Washington.</p> <p>Testing at the end product for heavy metals is important</p> <p>I would propose that the income tax the state receives from the sale of cannabis products be utilized to provide the financial support towards the testing costs. The producers who are making the actual crop utilized for medical use Will be severely impacted by these rules.</p>	Redirect MJ tax to pay for testing
84	Email	Kelsey Taylor, Gorilla Gardens LLC	11/19/2020	<p>My name is Kelsey Taylor. I own and operate a Tier 3 outdoor production facility in Okanogan County. Yesterday at the hearing, I spoke of my concerns about systemic sexism and racism on display in the language of the Small Business Economic Impact Statement.</p> <p>I hope given the other voices you heard echoing the same sentiment, that you now recognize how the WSLCB could have done a better job of reaching out to women and minorities when crafting the SBEIS. If you decide you would like to move forward in creating a more equitable and inclusive picture of the impact this would have on women and minority-owned businesses, I would be more than happy to contribute my time and voice. I have been deeply involved in the industry since 2014 and as a result, my knowledge runs deep.</p> <p>I would also like to reiterate that there is no need to reinvent the wheel and make it square. The WSDA has been regulating pesticides and heavy metals in agriculture for a very long time. They are best equipped to handle pesticide and heavy metals testing in agricultural products. They're already doing it for hemp, which is <i>exactly the same species</i> as cannabis.</p>	<p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>WSDA should do testing.</p>
85	Email	Jessica Straight, Eagle Trees	11/19/2020	<p>I testified briefly yesterday at the hearing and, of course, afterward I thought of so many things I wanted to say. My name is Jessica Straight and together with my brother Kenny, we own and operate Eagle Trees, a tier 2 producer/processor near Bellingham. We grow under the sun in the soil (like a real farm:). We don't use ANY pesticides, fungicides or chemical fertilizer EVER. We are Dragonfly Earth Medicine Certified. We are a regenerative farm. This proposed law in theory will give us an edge because any contaminated product will leave the market and we will be left with more demand. This will not be the case under the proposed rules.</p> <p>I will run through a realistic scenario for you. A tier 1,2 or 3 indoor grower has several distinct grow rooms. One of their grow rooms has a pest issue. They spray "legal" pesticides, it doesn't work. They can't afford to lose the whole crop so they spray some illegal pesticides. It works and the flower gets through to the end and is dried. Do you really think that grower will voluntarily use the contaminated flower as their sample to be tested? NO! They will use flower out of another room that wasn't sprayed. Granted, these are the few "Bad Actors". Most (especially smaller companies) growers would not do this but the ones that use illegal pesticides ARE the bad actors.</p> <p>If the LCB wants to protect the consumers, they should random sample at farm level and shop level. What happened what Uncle Ikes tested for pesticides in the products on their shelf? A lot of companies/products failed! Especially concentrate companies.</p> <p>Let me let you in to my perspective. My small family farm ( we have about 6 employees including Kenny me) grosses about 415K a year give or take. The product that we sell to shops is then marked up at least 300% (Actually more because we sell a lot of product to wholesalers that sell THC/CBD by the milligram drastically increasing the markup). For simplicity sake, let's just call it triple. 415K x 3 is 1,245,000, this number is the value of our products sold at retail. The state takes ~47% of that sticker cost. The state nets ~\$585,150 on our farm. We only make \$415K to pay for ALL of our costs, rent, salaries, farming supplies, packaging supplies. Does this seem right to you? And now you're asking us to pay more in costs to pretend like we have a safe market? We already have a mostly safe market. There are some bad actors that need to be routed out. This new proposed rule will NOT route out bad actors but it WILL increase my costs. I doubt I will be able to pass these new costs on as the shops won't buy product that is too expensive. We can't legally sell any other way. We go out of business.</p> <p>We have made poverty wages from the beginning. NO one in our company has made more than the \$36/year. This is how we've managed to stay in the game when so many farms have gone under.</p>	<p>Random sample at farm level and shop level</p> <p>This new proposed rule will NOT route out bad actors but it WILL increase my costs. I doubt I will be able to pass these new costs on as the shops won't buy product that is too expensive.</p>

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				<p>If all prices increase at the store level, the black market will regain its foothold and the state will receive less in taxes.</p> <p>This is the reality of life in the i-502 industry for a craft cannabis businesses, the heart of the industry, run by people who genuinely care about people and the planet.</p> <p>Thanks for your time. I hope the LCB starts making rules that benefit the health and safety of consumers as well as the businesses that are breaking their backs to stay in business and pay ridiculous taxes to the state.</p>	
86	Email	Travis Royce, Umbrella Industries USA, LLC, DBA Sugarleaf	11/19/2020	<p>We are tier 3 indoor grow operating at about a third capacity right now. We harvest weekly and send 5-8 sample a week for testing (5lb lots). We gross about \$150k a month on average, and have spent over \$23k so far this year on testing.</p> <p>We completely support testing for pesticides and heavy metals, however, we do have concerns:</p> <ol style="list-style-type: none"><li>1. Who decides what limits are acceptable? This is already a concern with current testing, and will only increase with more criteria.</li><li>2. Will there be a standardized test? Right now, we can send a sample to 5 different labs, and get 5 completely different results. This is not speculation, as we have done it multiple times with non-mandatory tests. It seems like each lab is following its own set of guidelines – we feel that in order to properly test for THC, CBD, Pesticides, and heavy metals, each lab should be required to have the same equipment and process.</li><li>3. Will their be an automatic re-test if something fails? We feel that this should be already be practice, as equipment gets contaminated and/or the lab technician may be handling the sample incorrectly. We are aware that we can petition the examiner for retesting, but we can skip that step by just making retesting mandatory on failed samples.</li><li>4. Costs – with all of the labs knowing that you have to have these tests done if you want to sell your product, there is nothing stopping them from gouging us collectively. We would like to see some sort of accountability from the labs to justify whatever their pricing is. We are aware that you need to make money to run a business, but you would putting all of the power into the testing labs hands – basically creating a monopoly on the industry.</li><li>5. What exactly will you be testing for? We would demand a complete list of what would cause a failure, the PPM or PPB that would cause you to fail, and how those items/numbers were considered and calculated. We would also like to see a third party go over the list with a fine-tooth comb.</li></ol>	<p>...with all of the labs knowing that you have to have these tests done if you want to sell your product, there is nothing stopping them from gouging us collectively.</p> <p>Economic burden</p> <p>Questions: standardized testing, re-testing, what does LCB test for?</p>
87	Email	Bart Ramsay, Cascadia Cannabis Company	11/18/2020	<ol style="list-style-type: none"><li>1. Bart Ramsay, from Cascadia Cannabis Company and Lifestyle Cannabis, a CRAFT producer Processor in Gold Bar. Licensee # 603464464</li><li>2. Member of trade associations. I support the positions of Washington Cannabusiness Association and the WA Sungrowers Industry Association, among others.</li><li>3. Yes, I support these associations policy positions regarding these rules, but I’m adding my own personal emphasis:</li><li>4. I oppose this regulatory consolidation. These tests should be conducted by third party labs, just as our current testing is done. When these labs are required to compete, they will provide the necessary results at the lowest cost to the consumer, that’s us, the producer processors.</li><li>5. -Pesticide and heavy metal testing should be decoupled from cannabinoid testing. While cannabinoid concentration may vary throughout the plant or lot, the presence or absence of pesticides and heavy metals does not. Coupling these tests together does not provide accurate information, but is required to be put on labels. Retail customers will get inaccurate and false information on their products.</li><li>6. -Combining pesticide testing with the same rules currently in place for cannabinoid concentration is a critically flawed approach.</li><li>7. -These rules unnecessarily burden small independent craft producers who contribute to the diversity in the industry. We struggle to maintain profitability. We produce a superior craft product than the corporatized mega-producers. Adding this cost to our production disproportionately affects our ability to make a profit.</li><li>8. Additionally, as one of the very few minority owned Cannabis producers in the state, this proposal works against the LCB’s stated goals of encouraging and supporting Minority Owned Cannabis. This Rule would work against the other initiatives of the LCB. It’s schitzophrenic.</li><li>9. -The proposed rules fail to significantly increase consumer and employee safety. A system that relies on an honor based self-selected samples presents significant opportunity for abuse.</li></ol>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Do not adopt rule</p>

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88	Email	Bart Ramsay	11/18/2020	<p>I attended today's public comment meeting, and learned additional points that I would like to repeat and emphasize with my own voice.</p> <p>First, the background and timeline given by Casey Schaufler was hostile and irrelevant to this process. His review came across as a bureaucrat complaining that this process has received so much input and taken so long, that the LCB should take action simply for the sake of taking action. The idea that flawed Rules must be adopted to demonstrate movement to the Legislature is ludicrous. Specifically, he emphasized the Board's mandate from the Legislature to safeguard Public Health and Safety. As my and other comments pointed out, the Rules as proposed do not meet that objective. The proposed Rules package is easily by-passed by Bad Actors in this industry. This is not unsubstantiated in light of the Bad Actors found by the current cooperation between LCB Enforcement Officers and the WSDA labs. Lot size and self sample selection are fatal flaws to the proposed Rules, and a different methodology of sample collection by third parties has much better integrity and impact on the mandate for public safety.</p> <p>The proposed rule package was presented to the public as DRAFT, and previous comment was submitted in good faith that the concepts and critiques would be implemented in revising the draft into a better package. Instead, we get a complaint from Mr. Schaufler that commenters did not submit alternative language with their critiques. This was very insulting to those of us who run our businesses in compliance while trying to influence the Rules that govern us. I strongly agree with the point that it is not our job to submit Rules language in our only channel of influence, this public comment process. Instead, it is the task of Mr. Schaufler and his colleagues to understand and interpret the comments, and revise the proposed Rules in light of public input. Instead, we met today to discuss Rules that have not been significantly revised; Rules that demonstrably fail to meet the LCB's public safety mandate because they create a sampling system that is both too granular and too porous, allowing Bad Actors to easily game the system. Under the proposed Rules, Consumers are given unreliable information in a ruse of public safety. The aggregate of public comment has suggested many ways of strengthening the confidence that Bad Actors cannot game the system. Instead of revising the Rules in light of these comments, the DRAFT Rules remain unrevised in any significant way, and constructive comments were dismissed as, "disregarded because the commenters did not submit alternative language..." for the proposed Rules. The current proposed Rules do not meet the Legislature's mandate to safeguard public health and safety, and placing the burden of constructive revision on the public is lazy and insulting.</p> <p>Lazy is not too harsh a comment on this process to date. Mr. Schaufler went on to review the timeline and many public meetings in a attempt to color the process as exhaustive. However, it doesn't matter how many meetings were held if the constructive comments are ignored and DRAFT Rules that fail to safeguard public safety are put forward for final adoption.</p>	<p>Lot size and self sample selection are fatal flaws to the proposed Rules, and a different methodology of sample collection by third parties has much better integrity and impact on the mandate for public safety.</p> <p>“...those drafting the Rules are just being lazy and are derelict in their duty to the Legislative mandate for confidence that the Rules provide the best public health and safety for Washington cannabis consumers.”</p> <p>To address the complaint that I should cite the USDA regulation to be modeled, I say, "please do your job". I ask the drafting committee to research the relevant USDA program and its underlying FARs, understand how it's design and processes provide confidence in the integrity of its results to guard public safety, and draft proposed Rules in alignment with that</p>

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				<p>Two points:</p> <p>1) The length and depth of the process are irrelevant if the work product fails to meet the mandate for public safety. The proposed rules do not safeguard the public from Bad Actors. Instead, they seem designed to provide false confidence in a system that collects samples at the wrong time and place in production. The Proposed Rules are QA Labs pork-barrel legislation that test too many samples with self-serving selection and unverified chain of custody that gives zero confidence that public health and safety are safeguarded.</p> <p>In the spirit of proposing alternative Rules language, the LCB should adopt a sampling program similar to the USDA, where random samples are collected at random times and locations at the whole-farm level, not at the lot level. Pesticide and Metals testing should be decoupled from Cannabinoid testing. The proposed Rules need to be changed to have integrity throughout the testing process.</p> <p>Note to Mr. Shaufler and those drafting the Rules. Please explain why the proposed Rules must be added onto the current lot-based cannabinoid testing system? If the answer is any flavor of, "because that system already exists", those drafting the Rules are just being lazy and are derelict in their duty to the Legislative mandate for confidence that the Rules provide the best public health and safety for Washington cannabis consumers.</p> <p>2) Federal legalization and subsequent QA guidelines should be profoundly influential on these Rules. The USDA will be the model for QA testing and compliance. The fact that WA has tried to re-invent the wheel here is not a justification for adopting broken wheels. In the past, the sentiment that there is no federal guidance on QA of a Schedule 1 drug had some validity. However, that rationalization has been over-come by events. More states have legalized and will legalize. Now, nearly three years after the QA Rules mandate was issued, the preponderance of evidence is that there will be federal QA guidelines or inter-state compacts. Yes, Washington is a discreet marketplace with discreet regulation. However, the model of how the USDA would implement QA testing exists now. Those drafting the Rules should regard and embrace the USDA model of random testing at random times in drafting these Rules. The proposed Rules should actively acknowledge that, while currently exclusive to Washington State, they are in close alignment with the USDA system and rules for two reasons: there is great integrity in the USDA process which gives high confidence in actual public safety; and should there ever come a day when federal regulations supersede the proposed Rules, shifting from Washington QA Rules to federal QA rules will not be severely disruptive to our industry.</p> <p>The USDA model provides the highest integrity of protecting public health and safety, for that reason alone, the proposed QA Rules should be substantially revised to align with it.</p> <p>To address the complaint that I should cite the USDA regulation to be modeled, I say, "please do your job". I ask the drafting committee to research the relevant USDA program and its underlying FARs, understand how it's design and processes provide confidence in the integrity of its results to guard public safety, and draft proposed Rules in alignment with that program. This will fulfil the LCBs mandate to the Legislature, which the current proposed Rules fail to do.</p>	<p>program. This will fulfil the LCBs mandate to the Legislature, which the current proposed Rules fail to do.</p>
89	Email	Mark Ambler	11/18/2020	<p>There were 2 tables in my comments on October 20, 2020. The first table is a State health based action limits table that includes benzene. These limits were adopted by that State in order to protect human life in a scenario where the humans are exposed to benzene vapors in Indoor Air. Indoor Air limits are for workers and residents who are exposed to contaminants that might accumulate in the breathing space in buildings.</p> <p>The second table is the EPA Regional Screening Level (RSL) for benzene. [more info: <a href="https://www.epa.gov/risk/regional-screening-levels-rsls-users-guide">https://www.epa.gov/risk/regional-screening-levels-rsls-users-guide</a>] I've seen these limits used when there is an emergency response and the EPA needs to react quickly in order to protect people living in the area. There's even an app for these health based RSLs. [Android: <a href="https://play.google.com/store/apps/details?id=io.ionic.epa&amp;hl=en_US&amp;gl=US">https://play.google.com/store/apps/details?id=io.ionic.epa&amp;hl=en_US&amp;gl=US</a>; iOS: <a href="https://apps.apple.com/us/app/epa-rsl-rml/id1461247823">https://apps.apple.com/us/app/epa-rsl-rml/id1461247823</a>] They're really good and you should take a look at them for all contaminants, not just benzene.</p> <p>In both cases, the limits for benzene vapors are 0.36 parts per billion. The rules set the benzene limit for dabs and vapes at 2,000 parts per billion. That's 5,555 times what the EPA publicly considers safe. That's alarming to me.</p> <p>Benzene isn't my only concern. These rules also crush some of my dreams like u-pick it cannabis and fresh cannabis food. These rules ban beneficial insects. They make Washington exports more expensive. They're being considered during a global pandemic and an economic crisis.</p> <p>You mentioned that these rules align with other states, but I don't believe we should wait for the universe to move on this. We have an opportunity to take the lead. We have all these amazing comments from industry professionals. It sounds like everyone is ready and willing to help and I think we should recognize that and let all these professionals help us.</p>	<p>Didn't add benzene</p> <p>Do not move rules forward</p>

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				Therefore, I ask The Board to Vote No on these rules.	
90	Email	Becca Burghardi Vice-chair Craft Cannabis Coalition, Kelsey Holstrom Secretary Craft Cannabis Coalition	11/18/2020	<div> Adobe Acrobat Document</div> <p>We understand this rulemaking process has been challenging for all parties involved and that stakeholder input has been highly varied; as always, we appreciate all your efforts. We strongly agree that pesticide and heavy metal testing are essential for consumer safety, and we echo some, but not all, of the concerns and comments raised during today's hearing. We were not able to register in time to give oral testimony, so we are providing robust written comments (attached).</p> <p>Please note, one thing that was not mentioned in the hearing, that is, in our opinion, a critical oversight is the fact that this supplemental proposed ruleset does increase lot size from 5 to 10 lbs., but it also doubles the number of samples required per lot. These changes cancel each other out and eradicate any mitigation measures to the substantial increase in cost to producer/processors, whose margins are already razor-thin, especially in the context of 2020. Frankly, we are a bit disappointed by the attempt to address lot size in this manner, and we feel it is disingenuous to claim the lot size issue was resolved by increasing the lot size because the number of samples was increased proportionally and thus, no financial burden was relieved.</p> <p>There are a number of other points within this ruleset that are unclear, confusing, and/or contradictory. They are specifically outlined in the attached document; please review it carefully and feel free to reach out with any questions.</p> <p>Another concern that we'd like to raise is the potential for an extreme bottleneck with certified testing labs. We understand that for a lab, procuring, installing, testing, training and calibrating equipment, and establishing analytical procedures takes money and time. We feel it may be unreasonable to expect that enough labs will be able to be certified and operational for heavy metal and pesticide testing within two years, especially given the current, worsening pandemic and subsequent economic crisis. In addition, the few labs that are online for HM and pesticide testing will experience a drastic influx of sub-contracts from labs who are unable to perform the required testing.</p> <p>If the hearing today will spur a comprehensive reassessment of the ruleset, an idea that occurred to us during the hearing was to differentiate quality control requirements between the different tiers of producers and indoor and outdoor growers. It seems the needs and expectations of these business models are so drastically different, that to ensure product safety without placing an undue burden on any one business type, it may be prudent to adopt different methodology between the approaches to production while holding all end products to the same standards of allowable limits for the given analytes. The profit margin of a Tier 3 is very different than that of a Tier 1, and thus the economic impact is greater on a Tier 1.</p> <p>It is an off-the-cuff idea, so we don't have language for you on that suggestion, but we would be happy to be part of any conversation around this to create that language.</p> <p>We understand this process has been drawn out over multiple years, and we understand the need for safe products is acute. We would also echo the comments shared today that we want to get this right the first time, as it will only cause more issues if it is implemented without due consideration to all mitigating circumstances.</p>	<p>Substantive comment added in attachment</p> <p>We feel it may be unreasonable to expect that enough labs will be able to be certified and operational for heavy metal and pesticide testing within two years, especially given the current, worsening pandemic and subsequent economic crisis.</p>

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91	Email	Sent on behalf of Jason Hutto by Samantha Hecker	11/18/2020	<p>Cultivar Farms is an Indoor Grow Facility in the SODO neighborhood of Seattle. As a company we participated for nearly a year in voluntary pesticide testing – increasing our testing costs by 50%. What we learned from direct market research is that there is little, if any, consumer demand for this additional service. As in organic produce, it is a consumer’s choice whether they pay the premium for this added safety designation. In Washington’s current market this is an under understood and an underappreciated step.</p> <p>Adding the additional mandatory cost burden to small, craft businesses – when the high taxation rates already cause challenges to profitability – will cause changes in what is produced. Exclusive, high end products are already limited due to pricing out of the market. These will dwindle even further. Regulations in place at the onset of Washington State legalization to support a diversified market have proven ineffective when paired with continuing operational pressures that cause scaling to be the only effective business model.</p> <p>There is a need for further evaluation of this pesticide testing proposal. It appears that the mainly testing facilities have been consulted when setting up these rules. This is a conflict of interest as testing facilities are for profit entities. It also ignores existing regulations in place for other agricultural products and does not take into account the life cycle of the cannabis plant. As in other agricultural industries it would be much more appropriate to conduct more randomized tests. This process acknowledges that farming operations do not change their protocols and procedures per harvest. Instead they remain as consistent and standardized as possible.</p> <p>Cultivar Farms believes that certification of a farm’s processes and inputs is a more logical next step than prescribed testing. Washington State’s PICOL list already goes a long way to use existing systems to evaluate inputs for heavy metals and other contaminants. The WSLCB has spent the first five years of legalization without any mandatory testing by relying on stiff penalties to deter improper use of non-PICOL products. This has been very effective in removing the bad actors from this market.</p> <p>Cultivar Farms absolutely supports testing for illegal and disallowed pesticides, however we believe it should be completed as a regular farm-based test with a third party. And that it should be randomized two to four times a year. We also believe all pesticide and heavy metal testing should be decoupled from cannabinoid testing. While cannabinoid concentrations may vary through the plant or lot, the presence or absence of pesticides and heavy metals does not. This means that combining these tests is an inherently and critically flawed approach as these rules unnecessarily burden small independent craft producers who contribute to the diversity in the industry while simultaneously failing to significantly increase consumer and employee safety.</p> <p>The WSLCB should delay adoption of these rules at this time to dig deeper into the conversation and evaluate the unintended consequences of adopting such complex regulatory changes without evaluating them through the lens of equity, effectiveness, and efficiency.</p>	<p>There is a need for further evaluation of this pesticide testing proposal.</p> <p>“...certification of a farm’s processes and inputs is a more logical next step than prescribed testing. Washington State’s PICOL list already goes a long way to use existing systems to evaluate inputs for heavy metals and other contaminants.”</p> <p>Delay adoption</p>
92	Email	Shawn DeNae	11/18/2020	 <p>Adobe Acrobat Document</p> <p>Please find my testimony attached and confirm it will be included in the testimony from today’s hearing.</p>	
93	Email	aaron@docksidecannabis.com	11/18/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Lack of understanding of RFA focus and limitations of the SBEIS and APA</p> <p>Rules enrich labs</p>

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				<p>these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	
94	Email	Jeff Doughty	11/18/2020	<p>I have a few comments regarding the proposed CR102 being discussed today. My name is Jeff Doughty, and I am the CEO for Capitol Analysis, an I-502 accredited laboratory. I am also a member of the steering committee on the Cannabis Science Task Force, charged with transitioning lab accreditations from WSLCB to Department of Ecology. Please do not hesitate to contact me, should you have any questions or require any clarification regarding my comments.</p> <p><b>1. Increasing the lot sizes from 5 to 10 lbs, for cannabinoid testing, without also increasing the number of samples per lot, will increase variation in the potency testing results.</b> I have testified to this effect in the past and have shown data that supports this. I have had a full 5 lb lot manifested to my lab, where we separated the lot into 4 quadrants (with different homogenization techniques for each quadrant) and tested each quadrant over 100 times each. This data shows that natural variation in the plant is the dominant variation we see in the labs, not the inherent error of the testing processes. As such, increasing lot sizes for potency, without also increasing the number of samples per lot, WILL result in less reliable potency testing. My comments reflect the position taken by a number of states, such as California, as well as recommendations by nationally recognized organizations such as the National Cannabis Industry Association (NCIA). It is also supported by actual scientific data.</p> <p><b>2. Third party sample selection should be required</b> for a robust system that is less likely to be compromised by fraudulent activity. The labs can take on this activity for a low cost. I see most labs eating that cost, as most labs offer free pickups already. I would certainly entertain the idea of sampling for free. Labs are not immune to the pressures of fraud, however, it is much more difficult to convince a scientist to commit fraud for a customer when their career is potentially on the line. It also creates an unbroken chain of custody, starting at sample selection, that allows for more liability. This lessens the ability for the labs to point at the producer/processor, and the producer/processor to point at the lab as the source of error. This puts the onus onto the labs themselves and creates more liability for the labs in the case of fraud. Let me be clear, with the current regime of self sample selection, fraud IS rampant, and you are forcing the labs to make a decision to be the police of the industry and lose market share, or cave to the pressures of the more nefarious of producer/processors.</p> <p><b>3. Public safety testing paid for by line item tax at retail.</b> One way to mitigate costs of testing that is associated with public health and safety, would be to subsidize the costs of that testing (pesticides, heavy metals and microbial testing specifically) through a line item tax paid at retail; visible on the receipt at purchase. This would allow consumers to see directly what they are paying per gram for the testing, which gives them security that they are consuming a product that is safe. This would also force retailers to pass along the cost of this testing in a way that is fair to the producer/processors which currently must burden the cost of the current proposed rules, hoping they can pass it along to retailers.</p> <p>4. There are currently 13 laboratories accredited to test cannabis in the state of Washington. There are over 500 retailers and somewhere well above 1000 producer/processors currently licensed in the state. Please recognize that <b>the actual scientists in the industry are being completely drowned out by the non-scientists</b>. It is important that you talk with the experts you have available. Suggestions to reach out to the Department of Ecology are sound in my opinion. You also have a chemistry resource in house, Nicolas Poolman, who at one point worked in my laboratory. He himself was part of the study I referenced in my first comment; he actually took some of the data included, which I would be happy to provide (and have provided in the past).</p> <p>5. I understand that there is more to the testing than just the science; there are absolutely economic issues to balance with the scientific rigor. However, these realities apply to the labs as well. The cost of the equipment we are required to obtain in order to do the testing, is in the hundreds of thousands of dollars. That is just the upfront equipment costs. We also need the staff to not just run the samples, but to develop the</p>	<p>Increasing the lot sizes from 5 to 10 lbs, for cannabinoid testing, without also increasing the number of samples per lot, will increase variation in the potency testing results.</p> <p>Third party sample selection should be required.</p> <p>Public safety testing paid for by line item tax at retail.</p> <p>“...the actual scientists in the industry are being completely drowned out by the non-scientists.</p> <p>The real question you have before you is how much you are willing to sacrifice scientific realities for economics</p> <p>Delays to wait for Ecology do not make sense.</p>

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				<p>methods required to ensure that our results are valid. This is no trivial cost, as many of the labs are employing PhD level scientists to do this work. We also must maintain the equipment, which costs money and time. It makes no sense for the labs to invest in these capabilities if we are unable to recoup costs. <b>The real question you have before you is how much you are willing to sacrifice scientific realities for economics.</b> I wish you luck, that is not an easy decision to make.</p> <p><b>6. Delays to wait for Ecology do not make sense.</b> The transition to Ecology is not set in stone and will require additional funding, that is not guaranteed in the current fiscal environment. It is, from my perspective, easier to look at the recommendations to the legislature made by the task force, and adopt them now, prior to the Ecology transition. That said, the Ecology transition is solely focused on accreditation issues, not the ongoing testing process or rules that govern it. Since that is the case, it makes no sense to delay the rulemaking based upon the hope that Ecology will save us all. I would, however, encourage you to reach out to Ecology's scientists for feedback on these proposed rules. I'm sure the chemists over there would have a lot to say, and I appreciate the perspective they come from. It would also be interesting to see an expansion of the scope of the Cannabis Science Task Force, to include recommendations to WSLCB on proposed rules such as this.</p> <p>Thank you for your time and efforts. I applaud you for taking this rulemaking on, despite the enormous opposition you are seeing. We as a state need pesticide testing, but we also need to get it right. Again, good work, and I look forward to seeing the final ruleset.</p>	
95	Email	Gary Green	11/18/2020	<p>My name is Gary Green and I am currently a tier 1 producer processor in I502. I wanted to comment on a couple of topics that arose in today's meeting and ask a few relevant questions of the board pertaining to the current rule making process.</p> <p>First, It seems there was a wide consensus today that there is only one viable way to truly prove and increase consumer safety. This is by committing to farm level testing and retail level testing. I hope the board understands that farm level testing will be the only way to pursue the goal of increasing consumer protections against pesticides and the only way to validate the process is by testing products acquired from the retail level. I am also concerned that in this process the wslcb is trying to abdicate their responsibility as defined by legislature of providing consumer protection at the retail level by Instead using the rules committee to delegate the obligation and costs to the producer processors when it is the states obligation. We currently pay more than our fair share in tax revenue and see very little return or investment from the state to help our industry succeed or to assist parties of interest navigating through this difficult regulatory environment. The state should be acquiring products directly from the retailers at their own costs and testing those products while using funds from taxes and licensing revenue the state is already receiving.</p> <p>Second, This is a very difficult process for us licensees to navigate when the board consistently tells us they have no control or authority to decrease cost or fees because those steps must be accomplished through a separate legislative agency that rarely communicates with the board. Yet the board can continue to produce rules that will inevitably increase cost on one specific branch of the industry thus negatively impacting small businesses on a massive scale. There seems to be a consistent pattern of using the rule making process to diminish and intentionally direct funds away from the producer processors that make this industry possible. Currently we already have the burden of all growing, processing, packaging, testing, and transportation costs while also facing the disadvantage caused by wslcb that has completely eliminated our ability to sell products for a fair market value because of this very rule making process. Instead, due to wslcb rules, I am mandated to give my products to a third party retailer who then gets to mark it up 300% essentially inflating the states tax revenue and intentionally directing 2/3rd's of our producer processor's profits to another business. This is unfair, an abuse of the rule making process, and creates a massive disadvantage to growers because we legally have no other option or outlets for products. This leverage allowed by the rules is directly causing a constant pressure by retailers on farms to lower wholesale prices because they know our options are limited, again disproportionately impacting one specific branch of the industry, the grower, and even more specifically the small businesses. Instead were here again talking about raising cost on growers by over 400% with poorly devised rules that will not accomplish the proposed goals.</p> <p>Third, I find it concerning that while cannabis is currently federally illegal Washington state and wslcb consistently use it as reasoning for increased regulatory compliance, yet during these rule making hearings the board is choosing to refer to interstate commerce and industry standards which are inconsistent and vague and which have no real bearing on our states process of producing a legal cannabis industry. The state has been very selective of which "industry standard" it has chosen to adopt while not including vertical integration which is commonplace in the majority of states where cannabis is legal, this along with other discrepancies makes it very confusing for true parties of interest to know what standard the wslcb is using when choosing which practices to adopt as standard.</p> <p>Fourth, it was off-putting and very concerning to hear the board wants members of the industry and the public to provide the legal wording for the board to adopt when that is the responsibility of the board and the state. Our responsibility as licensees and citizens is to provide feedback and personal</p>	<p>farm level testing and retail level testing</p> <p>I am also concerned that in this process the wslcb is trying to abdicate their responsibility as defined by legislature of providing consumer protection at the retail level by Instead using the rules committee to delegate the obligation and costs to the producer processors when it is the states obligation</p>

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				<p>experiences to the board so the board and state can use that information to write and structure beneficial rules for future adoption. Instead it seems the state and wsclb have a predetermined agenda which licensees are not being informed about. It also appears that our comments and suggestions are being ignored, allowing little to no impact on the rules being proposed and adopted thus damaging licensees trust in the states and the wsclb.</p> <p>Fifth, we as a state and a country are facing a epidemic on a massive scale which is already killing many small businesses. Due to cannabis being federally illegal we as businesses in the industry were completely left out of the relief discussion and had no access to small business loans or the recent bailout. Since the state has taken the risks to allow cannabis legalization because of the financial benefits for the state, and the state determined we in the industry are essential, they should also be responsible to provide businesses with the necessary resources being denied to us due to the federal legal status. We are legal businesses in the state of Washington and we should have access to emergency funds, loans, and banking as any other business would, and those funds should be provided by the state from the revenue generated by our industry.</p>	
96	Email	Katy Grimes	11/19/2020	<p>I heard word that the LCB was accepting one more day of letters because of such a large turn out! I have been meaning to write though I completely forgot! Here is my letter. Hope it helps with your decision making.</p> <p>Hello,</p> <p>My name is Katy Grimes, my family and I own a tier 3 PP licence in Okanogan county. We are a Clean Green Certified Farm and follow very strict guidelines concerning pesticides and only using natural fertilizers. Our model as a farm is to produce high quality CLEAN products while offering it at a fair price to the market. With the proposed rule this would force us to higher our price making our whole business model go haywire. Currently, to obtain our certifications we already go through multiple heavy metal testing, and pesticide testing multiple times a year. Above that we also get our own personal testing done for our wholesale accounts we currently hold so they can feel safe about using our product for their extractions. I do agree with raising the testing lots to 10lbs at a time, but in addition being able to offer 5lbs for smaller producers/processors. Let us decide. Sometimes when we are nearing the end of bulk inventory we do not have 10lbs to offer for the labs. Paying over double the price of the test would hurt our margins which would make us lose money in the end.</p> <p>The nice thing about how Washington has created the separate tiers is allowing the smaller craft producers and processors showcase their product. With these proposed rules , not only would it hurt their already small margins, but eventually weed them out completely.</p> <p>I hope you have taken not only my opinions into consideration, but the rest of the fellow farmers across the state. This needs to be discussed more and looked at with deeper understanding on what the farmers, consumers, and third party testing sites want to see in the future.</p>	This needs to be discussed more and looked at with deeper understanding on what the farmers, consumers, and third party testing sites want to see in the future
97	Email	Holli	11/19/2020	<p>I am responding to the proposed rules WSR #20-20-040: Quality Control Testing and Products Requirements.</p> <p>As a Tier 1 farm, these proposed changes would likely put us out of business. We are an indoor hydroponic farm that has no way of poisoning our plants with heavy metals. We only use well water. Why should we be punished?</p> <p>We have been operating for over 6 years, and have never heard of any cases of ANY customers being harmed by heavy metals.</p> <p>I do not believe that heavy metal testing should be required.... especially for every lot.</p> <p>Where does the heavy metal come from? The dirt? In that case, it would make more sense to periodically test outdoor farm crops; maybe once at the end of the season prior to selling their flower. That would prevent the extract companies from having to test all of the extracts. Find it right from the source before it can spread into the industry.</p> <p>I have been doing this a long time, and heavy metals is not a problem.</p> <p>Please do not punish the small guys that aren't even involved in this problem.</p>	I have been doing this a long time, and heavy metals is not a problem. Please do not punish the small guys that aren't even involved in this problem.
98	Email	Lukas Hunter	11/19/2020	<p>Thanks for the opportunity to speak today on the QA lab rules. I agree we must move forward with the general ruleset, it is not perfect although we have been in active rulemaking on this section for far too long and we want to see a better standard of pesticide and heavy metal testing. Like many other members of the industry I have concerns with the new costs and feasibility associated with production and processing with these new rules. Specifically I would like to highlight two sections section 314-55-102 (3,g) referring to terpene testing, and 314-55-1021 (11) requiring testing on all additives, solvents, ingredients, and compounds used in the production and processing of marijuana.</p> <p>First looking at section 314-55-102 (3,g) we have the following proposed language:</p>	Substantive comment with proposed language for consideration

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			<p><i>(g) Terpenes. Testing for terpene presence and concentration is required if: (i) The producer or processor states terpene content on any product packaging, labeling, or both; or (ii) The producer or processor adds terpenes to their product.</i></p> <p>I believe this section should be stricken as it is covered in the packaging and labeling rules under <a href="#">314-55-105 (2.f.i)</a> within this section we are prohibited from placing a false or misleading statement on our packaging. This would require any terpene test claim to be substantiated with testing. Since this is duplicative I don't see any reason to add it to this chapter. Section "ii" from above as stated in my testimony this section would add a testing tax to the majority of cannabis extracts and many edibles that utilize flavoring agents. I don't see any benefit to public health and safety for the consumer to know the concentration/presence of terpenes within a product especially when a product is not marketing the terpene presence of the product. Also I have concern this was not taken into account when looking at the small business impact statement, as terpenes are added to a large number of products within the industry. I would hope this section would be stricken from the final ruleset.</p> <p>Then in section 314-55-1021 (11) we have the following proposed language:</p> <p><i>(11) Quality control tests meeting all requirements of this chapter must be conducted for any additive, solvent, ingredient, or compound in the production and processing of marijuana products, including marijuana vapor products prohibited by the board under RCW 69.50.342 and this chapter.</i></p> <p>When reading this section, I see an incredible added cost of testing to all processors. Fundamentally this would require all constituents in the end product to be prematurely tested for pesticides, THC concentration, CBD concentration, microbial... (as stated above "quality control tests meeting all requirements of this chapter"). I don't see how this could functionally work from a level of reporting, that these tests have been conducted for every batch of every constituent used in the processing and production of cannabis, where would these be tracked? Beyond tracking the other end is how would this effectively be enforced? On today's call we heard a lot about the "bad actors" who don't follow compliance to the "T" compared to those who do at a fiscal loss. This seems like a prime example of an area where individual companies could save incredible amounts of money skirting the rules, where those who followed them will inherently have to pay substantially more in testing and therefore their products wouldn't be priced competitively in the market. Further I don't understand how this wasn't included in the economic impact study as this would ridiculously increase the amount of testing required on all of the industry products.</p> <p>Just to throw out the number of constituents we would have to test for just one vapor cartridge see the following list,</p> <ul style="list-style-type: none"><li>• Alcohol used to sanitize the clone cutting tools</li><li>• Decomposable pot the clone will be placed in</li><li>• The soil used to place the clone in</li><li>• The clone root growth stimulant</li><li>• Every nutrient used in the clones life cycle</li><li>• The water used in the facility</li><li>• The soil and nutrients used in the next phase of the plants life</li><li>• The next three sized pots used to get the plants up to the final pot size</li><li>• Every pest management mixture</li></ul> <p>Upon harvest we move into processing constituents</p> <ul style="list-style-type: none"><li>• Extraction ethanol</li><li>• CO2 for extraction</li><li>• Carbon</li><li>• Silica</li><li>• All filters used to remove fats and oils</li><li>• All flavoring (recipes can include up to 15 individual terpenes)</li></ul> <p>This is a rough example and I am most likely forgetting other constituents involved in the process of cultivation and processing. Each of these products used would have to be retested from batch to batch (every time the product is repurchased). This is incredibly expensive as testing, as the whole gamut of tests is easily over \$150 per sample, with that figure we are looking at adding a sizeable bill for associated with the production of just one batch of cartridges. This bill will be slightly less for useable flower and substantially more for any marijuana infused edibles as there are more constituents involved with the latter.</p>	
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				<p>I would urge the Board to remove this section of rule as we are already moving towards a far more robust end product testing before the product goes to market. Additionally it is a business decision to voluntarily test all of these constituents to ensure the products a licensee is selling are clean and meet their own standards. Ultimately end product testing should provide a clean bill of health consumers can trust, and all testing prior to end product testing should be a voluntary business decision to ensure the end product testing meets the businesses own standards or for the business to simply know it will pass end product testing.</p> <p>This is an incredibly challenging ruleset as it has a huge impact on the industry and has been in progress for a long time. I commend your efforts as ultimately this ruleset will not satisfy all stakeholders, but I hope you are able to find a middle ground that satisfies the WSLCB's requirements to regulate safe cannabis consumption and take care of the industry so we are not plagued with additional costs becoming prohibitive to business growth.</p>	
99	Email	John Kingsbury	11/18/2020	<p>I am writing to reinforce the comments I submitted in writing several weeks ago, as well as the testimony I gave this morning.</p> <p>First, congratulations on trying to finally realize what, I would argue, is the most significant promise of Cannabis 1.0 –that is, “safe and tested” product quality assurance.</p> <p>I understand LCB intends to assert that the new testing standards will meet the needs of both recreational users and patients. That makes sense, since LCB has previously asserted the same thing while there was no mandatory pesticide testing. However, this seems to me to be a perfect opportunity to endeavor to rise above emptier rhetoric and make that claim a reality. Toward that end, I have proposed two elements essential to making that claim closer to a reality than merely being a claim; molding testing and testing for testing for neem/azadirachtin –like pesticides.</p> <p><b>Mold.</b> Other states set total mold limits at 10,000 colony forming units (CFUs). Washington State has no limits on mold. It is my understanding that Washington State once had limits on mold, but when too many growers began failing, rather than improving farming practices, LCB chose to lower the bar for public safety, and opted to drop mold testing in favor of testing for mycotoxins.</p> <p>I have described before how patients began coming to me and claiming how the cannabis they were buying was making them sick. Many of them were lamenting that they might be forced to return to taking pills that came with many negative side effects. For people like me, this is serious. I believed these patients because what they were describing, and the fact that they were often handing over the better parts of ounces of cannabis, and because of the number of these reports, caused me to believe these reports were real. After I listened to a number of these reports, and an increasing pile of cheap ounces accumulated on my shelf, I decided to have these samples tested in order to see if there was something in them. After I discovered that most of these samples seemed to meet Washington testing standards, a couple of producers suggested that I tested for total molds. What I discovered was that every sample I tested came in at least 70,000 CFUs for total molds. One grower in Okanogan has products that tested at 90,000, 130,000 and 170,000 CFUs –all while meeting state standards.</p> <p>I am suggesting, if LCB wants to make the claim that the new standards make cannabis safe for patients <u>that LCB establish a testing limit of 50 – 60,000 CFUs for total molds, This will make the number below the number established for every sample I tested in which a patient claimed that regulated cannabis was making them ill, while still preserving Washington’s tradition of setting a much lower standard for public safety than all other states.</u></p> <p><b>Neem/azadirachtin.</b> I have already sent the agency a plethora of scientific studies related to the possible risks of azadirachtin use –especially upon inhaled crops. Neem/azadirachtin on cannabis is almost always a deal breaker for medical sales in the unregulated market. Patients are already justifiably wary of it.</p> <p>These agents are persistent and systemic. The flower of regulated products, especially by producers self-identified as “sungrowers” often test-out as being bathed in the stuff. While it is technically “organic pesticide”, it is devastating to tissues, which is what makes it such affective pesticide. If LCB intends to make the claim that new testing regulations make regulated products safe for patients –or even in this case, safe for recreational users- some controls on neem/azadirachtin agents is non-optional.</p>	<p>Proposes two elements essential to making that claim closer to a reality than merely being a claim; molding testing and testing for testing for neem/azadirachtin –like pesticides.</p>


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				<p>As I wrote before, this is an opportunity to realize the most important promise of Cannabis 1.0. It is an opportunity to try lure patients back in from the currently cleaner unregulated market. It is an opportunity to regain badly-damaged agency credibility in the eyes of the patient community, and to convince many of us that, this time, LCB sees patient safety as a mission, not merely as a matter of lip service. I urge LCB to take that mission seriously by making these two QA elements –total molds and neem derivatives- a mandatory part of quality assurance.</p>	
100	Email	Ivailo Markov	11/19/2020	<p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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101	Email	Monica Martinez	11/19/2020	<p>I had sent comment the other day regarding the financial impact the current pesticide and heavy metal testing rules would affect our farm. Last night I listened to Casey's statement from yesterday's hearing and he had mentioned several times that no licensee (maybe except one) or other entity/individual has issues additional language for the proposed rules.</p> <p>As a small tier two producer I see this as a simple fix. Most farms are not opposed to the testing, we are opposed to the frequency they are going to be required. As currently written with a 10lb lot size per test, these rules will dramatically increase our costs. Most small farmers are struggling in this industry as it is and have been since it's inception. A cost this high could very well devastate many small farms.</p> <p>Regarding pesticide testing. We understand the need for pesticide testing and many farms already self test in some form or another. For example purposes - a farm that would use an illegal pesticide would more than likely use it on the whole farm not just part of the farm. So the thought is, that the pesticide testing happen at harvest time and a sample be taken from different parts of the farm not from every small lot like how the proposed rule are currently written. Same goes for heavy metal testing and possibly even more for heavy metal testing as the cost for this type of test is so high. Samples be taken at the time of harvest. These test can be performed at every harvest from different areas where the crop was grown. Once per harvest.</p> <p>I am not a legal writer, I am a cannabis farmer. I cannot draft rules but I can explain what the farmers are trying to tell you in a simple manner. These test are necessary, but they are not necessary to be performed over and over from small lot sizes from the same crop from the same tiny growing space. No farm is bigger than 30,000 square feet. Cannabis farms are tiny compared to other Ag commodities which makes it even more of a common sense measure to take these samples at a "farm" and "harvest" level.</p> <p>In short, please consider changing the language to require testing at a farm/harvest level as opposed to an arbitrary lot size of product.</p>	...please consider changing the language to require testing at a farm/harvest level as opposed to an arbitrary lot size of product.
102	Email	Tina Morelli	11/18/2020	<p>To whom it may concern, I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party. The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols. The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees. The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030. The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place. It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals. As a tier 1 producer /Processor The state is making it almost completely impossible for me to profit I have had to sell my home to keep my company afloat please help us.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
103	Email	Tina Morelli	11/18/2020	<p>I forgot to say that I owned a so called medical dispensary for 4 yrs in Seattle not 1 product was tested EVER THERE WERE ZERO REGULATIONS INPLACE NO ONE CAME IN EVER TO INSPECT US NOT ONCE IN 4 years !!!</p>	
104	Email	Nick Mosely	11/19/2020	 <p>Adobe Acrobat Document</p>	See attachment


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				<p>Please see attached public comment regarding CR-102 Filed as WSR 20-12-026 on May 27, 2020 (Quality Control Testing and Products Requirements).</p> <p>Direct your attention towards the highlighted section, which contains the substance of our comment.</p> <p>I would appreciate an acknowledgement of receipt of this email and corresponding attachment.</p>	
105	Email	Crystal Oliver	11/18/2020	<p>The Washington Sungrowers Industry Association (WSIA) currently represents 54 businesses who hold more than 100 WSLCB producer and processor licenses.</p> <p>We are supportive of efforts to test cannabis for disallowed and illegal pesticides however, we believe it is best done at the farm level using third parties.</p> <p>Farm level testing similar to the WSDA's Hemp Testing Protocol would meet our needs. Perhaps WSDA's language could be incorporated into WAC.</p>	<p>Farm level testing similar to the WSDA's Hemp Testing Protocol would meet our needs. Perhaps WSDA's language could be incorporated into WAC</p>
106	Email	Crystal Oliver	11/18/2020	<p>I'm Crystal Oliver, Executive Director for the Washington Sungrowers Industry Association.</p> <p>We represent 54 businesses holding more than 100 WSLCB producer processor licenses.</p> <p>The current QC proposal is unfortunately a long way off from offering a workable program that effectively protects consumers and employees from illicit pesticide use while allowing Washington's diverse craft cannabis producers and processors to remain viable.</p> <p>It's continued reliance on self-selected samples is incredibly problematic. An honor based system will not allow the WSLCB to readily identify those who disregard existing pesticide regulations. \$700 a test on an annual or quarterly basis would be fine, it would accomplish the goals of this rule making for far less cost than this proposal which appears designed to enrich the labs.</p> <p>The testing of every 10 lbs lots for both pesticides and heavy metals is excessive and unnecessary, while cannabinoid concentration may vary throughout the plant the use of pesticides does not vary throughout a harvest. No other state with pesticide and heavy metal testing have such a small lot or batch size, Washington will not be able to compete with other states on cost with this arbitrarily low lot size.</p> <p>The phased in approach and increase in lot sizes to 10 lbs does not effectively mitigate the disproportionate impact these rules will have on small businesses in accordance with the Regulatory Fairness Act.</p> <p>While the 2nd listen and learn session did list this as a topic that could be discussed we only had draft conceptual rules before us at that time and there were so many issues present with the proposal that mitigation options seemed secondary, had the WSLCB informed us that the draft conceptual rules were what the final rules were going to be it would have been more obvious that comments on mitigation options should be prioritized and presented with greater force at that time.</p> <p>The changes craft producers and processors will have to make to remain viable should these rules be adopted as currently drafted will have a number of unintended consequences including decreased production of low thc flower,</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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				<p>decreased production of small batch lot potency concentrates such as kief, rosin, and hash and increased production of high potency distillate at low prices.</p> <p>The Administrative Procedures Act does not require the public to provide comments in the form of regulatory language in order for them to be considered valid. Requiring comments to be in the form of suggested language makes the rule making process inaccessible to non-attorneys and we are disappointed to see that the WSLCB utilizes this as one of the primary justifications for dismissing previous comments that included outlines of proposed programs.</p> <p>WSIA proposes that the WSLCB treat pesticide and heavy metal testing differently than cannabinoid testing rather than lumping them all together under the same sampling program.</p> <p>Pesticide testing should be done on a regular basis at the farm level and sampling should be done by a third party to protect employees and consumers.</p> <p>Heavy metal testing should focus on soil and vape cartridges as the most likely source of heavy metal contamination.</p> <p>We also request that the WSLCB establish a committee to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with the Regulatory Fairness Act.</p> <p>We have also sent a number of written comments providing additional context, descriptions and recommendations for consideration.</p>	
107	Email	Crystal Oliver	11/19/2020	 <p>Adobe Acrobat Document</p> <p>WSR 20-20-040 Supplemental CR 102 QC Rules; Testing General Comments</p>	See attachment
108	Email/W SLCB Rules Inbox	Colum Tinely	11/13/2020	<p>To whom it may concern,</p> <p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party. The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols. The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees. The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030. The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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				<p>testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place. It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p> <p>Thanks, Colum Tinley Discovery Garden License 416103</p>	
109	Email	11/18/2020	Crystal Oliver	<p>Kathy et al,</p> <p>The Washington Sungrowers Industry Association (WSIA) currently represents 54 businesses who hold more than 100 WSLCB producer and processor licenses.</p> <p>The moment of history where we find ourselves demands that all policy be evaluated and analyzed using an equity lens. This is especially true of cannabis policy given the disproportionate impact prohibition has had on communities of color and other marginalized groups.</p> <p>Washington State has recently made a commitment to promote greater equity in the cannabis industry through the passage of E2HB 2870 during the 2020 legislative session and establishment of the Social Equity in Cannabis Task Force which met for the first time on October 26th 2020.</p> <p>While the WSLCB’s Small Business Economic Impact Statement (SBEIS) states that interviews were conducted “with a cross section of licensed processors and producers” who “included a sun grower and several indoor processor/producers across all three tiers”. There is no indication that any effort was made to interview licensees who identified as women, minorities, economically disadvantaged, or licensees who had been convicted of a cannabis offense or were located in disproportionately impacted areas.</p> <p>At the WSLCB’s hearing today Casey Schaufler commented that the board had received hundreds of comments but “<i>No actual language proposals supported by an analysis of costs or verifiable data have been received and as of this morning less than 10 of those comments offer language...</i>”</p> <p>The WSLCB’s statements that comments must include legalese and verified data to be considered valid further underscores the agencies struggle to identify and acknowledge the systemic prejudice and racism that permeates its people, procedures, and practices. Disadvantaged groups seldom graduate from law school and are often economically disadvantaged in such a way that hiring an attorney and economist to provide such content is not feasible.</p> <p>It’s disgraceful that the WSLCB cannot acknowledge the racism that permeates their existing rules, proposed rules, and treatment of comments received from disadvantaged stakeholders.</p> <p>The WSLCB should not adopt any new rules until those proposals have been analyzed using an equity lens.</p>	<p>Contends that although industry demands that LCB to support rule revisions with verifiable data, the same is not true of licensees.</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p>


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110	Email	11/13/2020	Dee Hendrix	<p>We are a tier 1 and have grown one crop a year using the sunlight. We already struggle to get into retail stores even though we only use organic pesticides when absolutely needed. I am afraid that these proposed rules for testing will be the last straw. I am not opposed to having the tests done and do agree that they should be done by a 3<sup>rd</sup> party that would come to the farm to collect the samples. The costs for us are going to be too much. Please make the rules so I can survive and keep growing.</p> <p>Thank you, Demaris Hendrix Mother's Other Garden</p>	Third party farm level sampling
111	Email/ LCB Rules Inbox	11/17/2020	Maryann Coffman	<p>To whom it may concern,</p> <p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p> <p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p> <p>Thanks,</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
112	Email/ LCB Rules Inbox	11/18/2020	Daniel Solaro	<p>To whom it may concern,</p> <p>I support testing for illegal and disallowed pesticides, however, believe it should be completed as a regular farm-based test completed by a third party.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal is not effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples taken at the lot level. It is problematic to rely on an honor-based system to identify disregard of pesticide rules. Lot level testing also does not protect employees from exposure to dangerous pesticides. Farm level testing completed by a third party would increase successful identification of individuals utilizing illicit pesticides and better protect employees.</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>

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				<p>The proposal is not equitable and will have a significant disproportionate impact on small craft producers, many of which are owned by women, minorities, and economically disadvantaged individuals. Neither the phased in approach nor the increased lot size effectively mitigate the impact these rules will have on small businesses such as mine. The WSLCB should appoint a committee in accordance with RCW 34.05.310(2) to assess the costs of the proposed rules and more effective means of reducing the costs for small businesses in accordance with RCW 19.85.030.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of small independent farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals.</p>	
113	Email	11/16/2020	Daniel Solaro	<p>Dear WSLCB Board,</p> <p>Before you impose onerous testing requirements, please consult with the FBI and USDOJ officials that are currently working on one of the largest agricultural testing frauds in history. This investigation is ongoing and very active.</p> <p>There needs to be strict oversight of procedures to guard against this type of widespread fraud by sales agents.</p> <p><a href="https://www.kansascity.com/news/local/crime/article239079858.html">https://www.kansascity.com/news/local/crime/article239079858.html</a></p> <div><p><a href="#">ouri farmer ran one of biggest frauds in US farm history   The Kansas City Star - Kansas City Breaking News, Crime &amp; Sports   The Kansas City Star</a></p><p>cothe, Missouri. Like all the best con artists, Randy Constant was a charmer, hard not to like. Big hearted. Good ner. You'd never have guessed that the father of three, grandfather ...</p><p><a href="#">.kansascity.com</a></p></div>	

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114	Email/ LCB Rules Inbox	11/13/2020	Steve Walser	<p>To whom it may concern,</p> <p>While I support robust testing for illegal and disallowed pesticides and heavy metals, I do not support the current proposed rule change. I believe as currently proposed the new rule will provide the consumer no useful information while raising costs greatly which itself is harmful to the system.</p> <p>The current proposed rules are the wrong approach to pesticide and heavy metal testing and consumer safety. While cannabinoid concentration may vary throughout the plant or harvest, the use of pesticides does not. The different types of testing should have different sampling protocols.</p> <p>The proposal will not be effective at identifying use of disallowed pesticides nor protecting employees from pesticide exposure since it relies on self-selection of samples. It is probably useless to rely on an honor-based system to try to identify disregard of pesticide rules as self sampling allows the system to still be gamed by those who may already abuse our pesticide rules.. A far better way would be to implement random, farm level testing completed by a disinterested third party as is done to police the current Organic food system. Farmers still pay the costs for such a system but the costs would be far less and the results would, likely, be far better at finding pesticide violations and errors.</p> <p>The proposed rules do not efficiently carry out their stated goal. The proposal to test each lot is excessive, enriching labs at the expense of all farmers. A farm should not be required to prove that a 500 lb harvest grown using the same inputs and methods is free of illicit pesticides 50 times. Sample collection for pesticide and heavy metal testing should focus on collecting representative samples at the farm or harvest level where pesticide or heavy metal exposure would take place.</p> <p>On my own tier three farm testing costs exceeded \$136,000 over the last 12 months which is the 3rd biggest expense we incur after labor. If the proposed rule is enacted I believe our costs for testing will more than double and it is not hard to see that something must give under such a scenario. We will either raise prices to cover the increased costs or, if that proves impossible, we will be forced to find savings in our biggest expense, labor.</p> <p>Thus would a poorly designed rule hurt both the consumer and the working man and woman!</p> <p>It is my hope that the WSLCB will drastically change their approach to this rulemaking by decoupling pesticide and heavy metal testing from cannabinoid testing and focusing on farm level testing for pesticides and heavy metals. Barring that I would ask that the board mandate that test lots be increased to at least 20 pounds. Such an increase would, of course, keep costs from rising so precipitously but would also have a salubrious effect on packing costs by allowing much more efficient packaging and labeling.</p> <p>Thanks,</p> <p>Steve Walser President Buddy Boy Farm</p>	<p>We are supportive of testing for illegal and banned pesticides</p> <p>Farm level testing using third parties</p> <p>Educational gaps/ opportunities on RFA and SBEIS; APA</p> <p>Rules enrich labs</p>
115	Email	11/16/2020	Kenny Hubbard	<p>Hey Kathy</p> <p>Hope you are doing well I just want to express my concern with the new testing for 10# lot sizes pesticide and heavy metal.</p> <p>This will be the end of us as a tier 1 we struggle with competing as it is and with out the canopy it will be the straw that breaks us.</p> <p>Please oppose the new rules or if they are to go thru please consider removing the tier system.</p> <p>Thank you for your time and support</p> <p>Kenny Hubbard Tier 1 PP</p>	Economic hardship

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*The following comments were submitted prior to the Supplemental CR 102*

Email	Matthew Shellenberger, Freya Farm	01/22/2020	<p>I would like to add comments to marijuana quality control rules WSR #20-03-176.</p> <p>We are in support of:</p> <ul style="list-style-type: none"><li>• increased sample lot size.</li><li>• mandatory testing for pesticides and heavy metals.</li><li>• more lab over site for apples to apples consistency.</li><li>• access to the same array and level of testing the WSDA claims to achieve.</li></ul> <p>We have the following concerns with QA testing:</p> <ul style="list-style-type: none"><li>• we have seen gross inconsistency in results both pesticide and THC.</li><li>• the WSDA lab is not certified by LCB.</li><li>• the WSDA tests for things we have no access to test for in WA.</li><li>• the LCB certified labs do not have the ability to test for many substances to the levels the WSDA claims to test to, if at all.</li><li>• passing out fines for substances ubiquitous in the environment and that we have no access to discover is unethical and unreasonable.</li></ul>
Email	Micah Sherman	6/23/2019	<p>Suggestions for updates to quality assurance testing in the Washington Cannabis industry</p> <p>To successfully integrate a screening method for pesticides and heavy metals to Washington’s legal cannabis market, it makes sense to examine our current testing protocols to glean insight from their intention and implementation and apply any needed lessons to the considered rule changes.</p> <p>I’ll begin with a brief highlight of some of the issues as I see them in the current arrangement and how those issues may inform the coming additions.</p> <ul style="list-style-type: none"><li>• Potency and microbial testing were unnecessarily both approached with an identical five pound lot structure. As a result, both are less efficient and effective tests from the distinct intentions and goals set for them then they could have been if they were implemented with independently assigned parameters.<ul style="list-style-type: none"><li>○ Microbial testing could easily have been done by harvest instead of strain and by multiple samples being homogenized together and one analysis been done. If the overall test passes, then all lots would pass. If it failed, all lots could be tested separately, more often than not everything passes and a farm is only paying for one test instead of multiple tests for multiple lots.</li></ul></li><li>• THC and CBD-percentages were decided to be assigned the highest importance in potency testing, above all other chemical constituents of the plant. This has created an inflated perceived value for those numbers. This misplaced importance encourages an already present tendency to assume that THC-percentage has a direct correlation to intensity of experience and thus that a higher THC-percentage is indicative of a higher value or “worth” of the product. This does not take into account nor fully explain a consumption experience. The state made two decisions for us, as an industry, that were based on very limited initial scientific knowledge regarding the effects and desired outcomes of cannabis consumption: that THC and CBD-percentages were of the highest importance and that they required only those values to be displayed on all products. We are now at a place where THC-percentage is the main driver of value. This has resulted in a myriad of manipulations arising that provide an inflation in THC-percentage and thus an inflation in profit.<ul style="list-style-type: none"><li>○ If we had chosen a different path for how to communicate the information we were testing for, for instance a range or a determination of low, medium, high THC within different product types, we could have ended up at a place where experience mattered more than numbers. This inherently would have benefited transparent, education focused companies that invested the time in helping to create informed consumers. The result of this</li></ul></li></ul>

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			<p>scenario produces a more discerning consumer with a greater understanding of the products they are purchasing, less able to be fooled by false claims.</p> <ul style="list-style-type: none"><li>○ This is a lesson for the choices we make regarding the framing of information and the unintended consequences of that presentation.</li></ul> <p>Here are the main points that I would like to see considered in creating a pesticide and heavy metals testing program.</p> <ul style="list-style-type: none"><li>• Heavy metals, allowed pesticides, and disallowed pesticides are different issues that should not be approached in the same manner.</li><li>• Rather than trying to incorporate these new tests into an existing lot system the test should be applied more broadly.<ul style="list-style-type: none"><li>○ For pesticides I believe the best approach is to require farms to contract with an accredited laboratory for quarterly pesticide screens of their facility and their outputs. There are still many details that need to be resolved in the event of a failure, but a more rigorous but not overly punitive, response to a broader screen is much more reasonable than requiring all producers and processors to test every five pound lot of material.</li><li>○ Screens for disallowed pesticides and allowable pesticide action levels should be thought of separately and treated differently. Disallowed pesticides should be screened for on site with testing of plants and grow-medium. Testing for allowable pesticides should be done on finished or intermediary products. Both could be done quarterly.</li><li>○ Heavy metals contamination is a different issue with different considerations. It's much less likely to be the result of action taken by a grower intentionally. Improper use of synthetic fertilizer or contaminated soil seem like the main source of potential contamination. A quarterly screen for HM contamination seems more than adequate and could be explored as a less regular test.</li></ul></li></ul> <p>I think if quality assurance testing in the Washington cannabis market is approached in a sensible way, with a focus on value to consumer knowledge balanced with the most effective and efficient ways to help produce clean products, we'll have added a valuable regulation to help establish minimum expectations of licensed cannabis businesses.</p>
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*The following comments were submitted after the closing of public comment to the Supplemental CR 102*

Email	Bob Ramstad	11/20/2020	<p>Hi, I'm writing asking for the LCB to take seriously the commentary from farms regarding the QC Testing rules up for consideration, and to emphasize some points already made.</p> <p><b>**</b> In particular, we believe that heavy metal and pesticide testing should not be on a per lot basis, and samples should not be gathered by the licensee themselves.</p> <p>This is because most farms do similar protocols for everything they produce. They use the same growing medium, and they use the same nutrients and pesticides, typically for many harvests over long periods of time.</p> <p>Testing the growing medium is something that should happen but it doesn't need to happen hundreds of times a year.</p> <p>Testing the initial output (usable marijuana) for pesticides is something that should happen but it doesn't need to happen hundreds of times a year.</p> <p>The current system with licensees collecting their own samples and sending them into labs will result in people cheating. The same people that are using illegal pesticides or know that they have problems with heavy metals in the growing medium will simply get samples from other farms or even buy them at retail and send them in pretending they came from their farm.</p>
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			<p>** We therefore advocate for annual or bi-annual sampling of growing media and from multiple plants by third parties who provide the samples directly to the labs for pesticide and heavy metal testing.</p> <p>This would put a similar burden on every single licensee -- a flat cost annually essentially -- which doesn't penalize anyone for having small lot sizes, or frequent harvests.</p> <p>** With the lessened number of tests at the licensee location, we encourage the LCB to begin a robust process of purchasing end products at retail and sending them for pesticide and heavy metal testing.</p> <p>There are several retailers that are paying to test end products and publishing the results. They are finding that there are unacceptable levels of pesticides and heavy metals in Washington state cannabis products.</p> <p>This points out a clear need to have the LCB do something similar and to follow up with positive tests by having enforcement do site visits.</p> <p>If LCB cannot come up with any other way to fund this, I would suggest that it be funded by doing some sort of coherent fee structure on existing licensees and have that include pesticide and heavy metal testing.</p> <p>i.e. one could imagine a structure where a T1 pays an additional \$1,000 per year, T2 \$2,000, T3 \$5,000 or similar, and the LCB pays a third party to go out and collect samples and take them to labs who then test them for pesticides and heavy metals.</p> <p>This would be done on an annual or bi-annual basis, actual cost to LCB probably less than \$1,000 per licensee.</p> <p>The extra fees collected from the larger growers would pay for the purchase of samples at retail and testing of end products. I suspect LCB could negotiate volume discounts with a lab to process these tests, or possibly use the WSDA testing facilities.</p> <p>** We further request that labs be required to publish all tests -- potency, heavy metal, pesticide -- in human readable formats online, and that the LCB and labs collaborate on methods so that the public and retailers can type in a lot identifier and be able to view all related tests online.</p> <p>The new testing regime will create many new additional tests and it's essential for public safety that people can view the tests directly whenever they like using a web browser.</p> <p>Leaf is hideously broken. It's impossible to get meaningful data out of it, and in particular, it's not possible to relate a child lot to a parent lot, and from there, relate the parent lot to the tests for that lot. The public also has no access to Leaf.</p> <p>We therefore suggest to the LCB that with the new requirements for licensees to pay for pesticide and heavy metal testing that the LCB require that labs provide this data to the public online in a human searchable and viewable format.</p> <p>At a minimum, someone should be able to put in the six digit license number and see all pesticide and heavy metal tests performed at that licensed location.</p> <p>I think it would be stronger and much better if people could see all tests performed on a particular child lot, but that's more work, and so the LCB may not wish to pursue this at this time. That said, any attempt to make cannabis in Washington safer for the citizens of Washington should allow for individuals to research the cannabis they are buying and view any and all relevant test results.</p> <p>Testing for pesticides and heavy metals at the lot level is wasteful, and if the samples are gathered by the licensee, useless. Please don't put into place a program that does these two things.</p>
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Email	Fred Brader	11/20/2020	<p>This comment is for Brooke and all rules committee members equally but I am initially responding to Brooke's letter that was sent to you earlier. I would truly appreciate any feedback from the committee as to the practicality of any and all ideas and comments made below. I believe in some of these ideas but will gracefully appreciate any criticism or added reasoning as to what is reasonable and what is not since I do not propose to be an all knowing person when it comes to some of the science and public safety protocols that are the backbone of your charge and experience.</p> <p>Brooke, I know you have many people giving input and now it is probably too late to hear more from me but here goes anyway. My thought is that increasing lot size to 10 lbs. does not accurately reflect farm practices in reality but it does Drastically increase the costs and further delay time to market. In addition, I do not believe it follows the applicable science used in other industries such as testing of meats, wines, alcohol and other consumer food products. In just focusing on the costs and the science behind the overall goal of protecting the consumer from harmful pesticides and heavy metals, I believe 2 main points could be pressed forward with much more vigilance to help all farmers, retailers and ultimately the consumer.</p> <ol style="list-style-type: none"><li>1. Farm based testing by a 3<sup>rd</sup> party on a quarterly basis, possibly even the LCB enforcement officer or the canopy team would make me feel much better as a consumer and producer. Self-testing every 10 lbs. is very costly and time consuming and would drastically hinder sales as well as drive up costs to the producer and the farmer. The retailers will actually benefit from it in all likelihood. As an example, our LCB officer came by our farm yesterday and collected 2 samples randomly with our traceability officer and after leaving, called us and told us there were 120 other pesticide samples for testing in the queue so our results would be drastically delayed. When we send trimmed samples in based on our current 5 lb. lots, they are typically spoken for and the retail stores are anxiously waiting for the product. If we have added multiple day delays in getting results, customers do get very frustrated and we lose sales that can never be replaced as the time is gone forever. Random quarterly or monthly testing for pesticide free certifications of the whole farm fixes this glitch while ensuring to the public that the products from this farm are safe for consumption. The life cycle of a given lot is 4 months so if any pesticides were used in the environment during that 4 month cycle, they will be detected during quarterly reviews and testing at a farm level. Should pesticides or heavy metals show up in tests, further lot based testing can be a fall back if you do not receive your certification.</li><li>2. The LCB assumes in its publications that the pesticide tests will be passed on to the consumer. In historical practice dealing with our state created monopoly at the retail level, that has not proven to be the case to date. With the current state, local and federal tax structure, any increase in costs at the producer level have to be multiplied by 3-4X to adequately cover the added costs all inclusive at the retail level that have to be passed on to the consumer. Consumers unfortunately speak with their wallets or purses. When the price of goods increase, they purchase less as they have a fixed level of discretionary spending available to them which is now worsened by shutdowns and loss of income. I hate to say it but that also translates to lower tax collections. The pesticide tests would amount to a producer level approximate cost increase of \$0.06-\$0.10 per gram. (keep in mind a 453 gr. Lb. only really yields about 70-80% of the weight as flower sold since the remaining amount ends up small or shake and is sold as oil) On an eighth oz. for example, this could add 0.35 at producer level and 1.40 at retail level but since most retailers always round up for added profitability or simplicity, it would probably add 2.00/eighth. This however can still be addressed and fixed at the state level.</li></ol> <p>2a. As an alternative to putting the entire burden on the producer to allow consumers to pay much more than necessary, I would propose a collected tax for pesticide safe product at the retail register that would be returned to the producer processors for every gram sold recouped through the monthly Business and Occupation Tax filing. The state would collect it, the consumers would be safe, and producers would recoup the added costs without the retailers having to be involved any more than they already are with their monthly tax reporting. An additional line item or tax deduction line item would be added and reported once a month. With this solution, everybody wins and nobody loses.</p>
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			<p>3. Finally, If a flower based or extract product tests positive for pesticides or heavy metals, the science and technology is available to clean it and remove all contaminants. It is expensive to utilize highly specialized and purified clays and other filtration agents to remediate issues but they used in fruit juice, food grade additives and many other concentrate products. The option to remediate failed lots and re-test should be left open as science and other food safety organizations fully understand and recognize this ability. The value of total loss may or may not be higher than the value of the concentrates and that would become a financial decision made at the processor level on a lot by lot basis. Extracts that are kept in strain specific lot sizes for consumer preference are not always very large to the cost per gram of this testing is not realistic.</p> <p>I look forward to hearing from you if any of this information is helpful or I am just off my rocker. Either way, I would appreciate feedback to further my advance my knowledge bank.</p>
Email/ LCB Rules Inbox	Travis Royce	11/19/2020	<p>In response to the proposed new testing requirements:</p> <p>We are tier 3 indoor grow operating at about a third capacity right now. We harvest weekly and send 5-8 sample a week for testing (5lb lots). We gross about \$150k a month on average, and have spent over \$23k so far this year on testing.</p> <p>We completely support testing for pesticides and heavy metals, however, we do have concerns:</p> <ol style="list-style-type: none"><li>1. Who decides what limits are acceptable? This is already a concern with current testing, and will only increase with more criteria.</li><li>2. Will there be a standardized test? Right now, we can send a sample to 5 different labs, and get 5 completely different results. This is not speculation, as we have done it multiple times with non-mandatory tests. It seems like each lab is following its own set of guidelines – we feel that in order to properly test for THC, CBD, Pesticides, and heavy metals, each lab should be required to have the same equipment and process.</li><li>3. Will their be an automatic re-test if something fails? We feel that this should be already be practice, as equipment gets contaminated and/or the lab technician may be handling the sample incorrectly. We are aware that we can petition the examiner for retesting, but we can skip that step by just making retesting mandatory on failed samples.</li><li>4. Costs – with all of the labs knowing that you have to have these tests done if you want to sell your product, there is nothing stopping them from gouging us collectively. We would like to see some sort of accountability from the labs to justify whatever their pricing is. We are aware that you need to make money to run a business, but you would putting all of the power into the testing labs hands – basically creating a monopoly on the industry.</li><li>5. What exactly will you be testing for? We would demand a complete list of what would cause a failure, the PPM or PPB that would cause you to fail, and how those items/numbers were considered and calculated. We would also like to see a third party go over the list with a fine-tooth comb.</li></ol> <p>Thank you -</p> <p>Travis Royce General Manager <a href="http://Sugarleaf.com">Sugarleaf.com</a> (360) 856-6886 Umbrella Industries USA LLC DBA - Sugarleaf 609A Sunset Park Drive Sedro-Woolley, WA 98284 LIC: 423406 UBI: 604280671 <i>"If there's a problem, Yo I'll solve it" –Robert Van Winkle</i></p>

**Public Comment—Marijuana QC Testing**  
**Exhibit B**

Written Comment Received Regarding Supplemental CR 102 filed as WSR 20-20-040 Hearing Held on November 18, 2020



DATE: October 28, 2020

TO: Kathy Hoffman; WSLCB Rule Manager

CC: Casey Schaufler, WSLCB Rule Coordinator; Audrey Vasek, WSLCB Rule Coordinator; Bryan McConaughy, WSIA Lobbyist; Russell Hauge, WSLCB BOD Member; Jane Rushford, WSLCB BOD Member; Ollie Garrett, WSLCB BOD Member,

FROM: Washington Sungrowers Industry Association (WSIA)

RE: WSR 20-20-040 Supplemental CR 102 QC Rules; Business Model Adjustments

Kathy et al,

The Washington Sungrowers Industry Association (WSIA) currently represents 54 businesses who hold more than 100 WSLCB producer and processor licenses.

We are supportive of efforts to test cannabis for disallowed and illegal pesticides however, we believe it is best done at the farm level using third parties.

We have spent the last few weeks interviewing and consulting with members who operate different business models to understand how their business would be impacted by the lot level pesticide and heavy metal testing proposed.

The current structure of the market and distribution of power make it impossible for craft producers and processors to pass increased costs on to processors, retailers, or consumers. The vast majority of producers and processors we spoke to indicated that they would as suggested in the WSLCB's Significant Rule Analysis have to "adjust business models" in order to remain viable.

After talking through these business model changes, we have grown very concerned about the unintended consequences and downstream impacts these proposed rules will have on our diverse marketplace.

**These proposed rules will result in:**

1. Further reduction in the production and sale of low THC flower.
2. Increased production and sale of high THC flower.
3. Decreased production and sale of small batch, low potency concentrates such as kief, rosin, and hash.
4. Increased fresh frozen, whole plant and harvest lot wholesale transactions.
5. Significant increase in the production of high potency distillate including distillate sold with additives and non-native terpenes at very low prices.
6. Significant decrease in the price paid by consumers for high potency distillate due to a crashing wholesale distillate market.

7. Decreased production and sale of small batch, low potency, non-adulterated alcohol, CO2, and butane concentrates.
8. Decreased tax revenues.
9. Increased diversion of legally produced product to the illicit & unregulated marketplace as well as inversion of product into other state's regulated markets.
10. Decreased number of craft producers and processors.

### Recommendations:

We recommend the WSLCB take time to dig deeper and evaluate the unintended consequences of adopting these proposed rules and modify their proposal to focus on pesticide use at the farm level. This would be more effective at identifying bad actors, protecting consumers, and employees without rendering a large percentage of existing business models non-viable.

### Market Reaction and Business Adjustments:

In an effort to help the WSLCB understand why the proposed rules will have these effects we present several existing business models and the adjustments their business will likely make in order to remain viable.

### Additional Context Regarding the Market:

Confidence Analytics currently advertises the cost of basic cannabinoid, mycotoxin, and microbial tests at \$120 per test.

**Green Plant Material (GPM)**  
Dried Flower, Trim, Hash, Kief, Rosin, and Prerolls. Undried Prerolls. Undried GPM is not accepted.

**\$120**

**Package Includes:**

- ✓ Cannabinoids
- ✓ Microbial/Aw
- Mycotoxins

Currently full panel testing including pesticides and heavy metals offered by Confidence Analytics costs \$350 per test.

**Everything Package**

**\$350**

Get your matrix fully screened. Includes Terpenes, Pesticides and Heavy Metals in addition to Flower and Extract tests.

The WSLCB utilized \$225 per test in their Small Business Economic Impact Statement (SBEIS). In our conversations with producers and processors we discussed both pricing scenarios. Under either scenario the addition of pesticides and heavy metal testing at the lot level would impose significantly increased costs on producers.

While other state markets do already have pesticide and heavy metal testing required, they took different approaches in implementing it including requiring such testing at the onset of the market and/or utilizing much larger lot sizes or as is the case in Arizona's medical marijuana testing regime, not defining lot or batch size at all. The Washington market will respond differently to lot-based testing since it is already an established market.

Washington currently has one of the most diverse markets and the competition, lack of enforced supply controls, and structure of the marketplace in our state have resulted in Washington maintaining one of the lowest average per pound prices for legal marijuana. A recent [U.S. Cannabis Spot Index report by Cannabis Benchmarks](#) as [reported by Leafly](#) shows significantly higher wholesale prices in most other states with Washington wholesale price falling below the national average.



While COVID19 has led to significant revenue increases at retail this has not translated to significant increases in profits for Washington's producers nor processors.

The market will only bare meager increases in prices paid to producers due to the overall structure which centers most of the market power in the hands of a few large processors and retailers. Producers and processors are captive, they can only access consumers through a licensed retailer. The separation between farmer and consumer has led the market to be primarily influenced by that which is best for the retailer's bottom line, buying low and selling high. The consumer's preference and interest are secondary.

This same market power imbalance will make it impossible for small craft producers to shift any testing cost increase on to the retailer especially since some of the largest processors in the state will be able to absorb the increased testing cost without attempting to pass it on. In addition, the retailers are very hesitant to increase costs paid by consumers as they correctly understand that they are still in competition with the illicit and unregulated marketplace.

Any meager increase in profitability driven by increased demand due to COVID19 has gone to COVID19 L & I compliance costs, long overdue capital expenditures and delayed maintenance,

increased costs for supplies (nitrile gloves for example have increased costs by more than 300% since the pandemic began), and in some cases increased “essential worker” pay.

There is not enough profit in most producers’ budget to simply absorb increase expenses associated with lot level testing since annual cost of compliance far exceed minor cost thresholds for small business as defined in RCW 19.85.020(2). Producers and processors will have to adjust their business models in a variety of ways.

#### **Model #1:**

##### **Craft Cannabis Producers & Processors**

- Tier: Tier 1, Tier 2 Indoor, or Tier 3 Seasonal Sungrown
- Products: Small batch flower, small batch solvent free concentrates such as kief, rosin, and hash sold directly to retail.
- Context: Craft cannabis producers are unable to compete on cost with the largest producers and processors in the state. They lack the scale, funding, and automation necessary to reduce their cost of production. Instead, craft producers and processors compete by focusing on quality and selection.
- Calculation Example:
  - A small farm cultivates 10 strains per room.
  - The room will be treated with the same fertilizers and pesticides and harvested at the same time.
  - The lot size for each strain will range between 700 grams (1.54 lbs) and 1,200 grams (2.65 lbs) each. Right now the farmer will deduct 4 grams of flower from each lot for testing and spend \$120 per test. This would leave them with lots that range from 656 grams to 1,196 grams. Since farmers sell cannabis by the gram they typically look at per gram costs; in this example testing currently ranges from \$0.10 per gram to \$0.18 per gram.

Lot Size in grams	Current per gram costs with 4 gram deduction for sampling & test costs of \$120	Future per gram costs with 16 gram deduction for sampling & test costs of \$225	Future per gram costs with 16 gram deduction for sampling & test costs of \$350
700	\$0.18	\$0.33	\$0.51
1200	\$0.10	\$0.19	\$0.30

- A small craft producer/ processor may wholesale their cannabis to a retailer for as low as \$2.50 per gram.
- Taking into consideration production, labor costs, packaging costs, marketing costs, and transportation costs an increase of \$0.15 to \$0.33 per gram for testing eliminates existing profit margins.
- A farm that once spent \$11,000 each year on testing is now looking at spending \$20,475 or \$32,081 annually.

- Adjustment: They will reduce the number of strains cultivated in an effort to increase overall lot sizes and mitigate the impact of increased testing costs. The strains they are most likely to eliminate will be lower THC strains and CBD strains since the sell through rate on high THC strains is greater. They will struggle to remain competitive in the long run with large producers and processors who can afford to continuously offer a large selection of strains.
- Market Impact:
  - Direct:
    - Further reduction in the production and sale of low THC flower.
    - Increased production and sale of high THC flower.
    - Decreased number of craft producers and processors.
  - Downstream:
    - Increased diversion of legally produced product to the illicit & unregulated marketplace as well as inversion of that product into other state's regulated markets.
    - Decreased tax revenue.

## **Model #2:**

### **Craft Solvent Free Concentrate Processor**

- Tier: Tier 1, Tier 2 Indoor, or Tier 3 Seasonal Sungrown & Processors
- Products: Small batch solvent free concentrates such as kief, rosin, and hash sold to processors or directly to retail.
- Context: Craft cannabis processors are unable to compete on cost with the largest processors in the state. They lack the scale, funding, and automation necessary to reduce their cost of production. Instead, craft processors compete by focusing on quality and selection. They create labor intensive strain specific solvent free concentrates such as kief, rosin, and hash in small batches (most solvent free manufacturers we spoke with estimated their average batch size at 100-150 grams).
- Calculation Example:
  - A small craft processor manufactures strain specific lots of kief.
  - Each lot is 100 grams (.22 lbs) or 150 grams (.33 lbs) each. Right now the farmer will spend \$120 per test. Since farmers sell kief by the gram they typically look at per gram costs; in this example testing currently ranges from \$0.82 per gram to \$1.25 per gram. An increase in testing to \$225 will increase testing costs to \$1.54 per gram or \$2.34 per gram.
  - Taking into consideration labor costs, packaging costs, marketing costs, and transportation costs an increase of \$0.72 per gram to \$1.09 for testing will eliminate existing profit margins.
- Adjustment: Processors who manufacture labor intensive, small batch, solvent free concentrates would find that such a significant increase in testing cost would eliminate profit margins forcing them to no longer justify producing nor wholesaling kief, rosin, and hash. The reduction in this product type is likely to correspond with an increase in high potency solvent extracted concentrates. They will struggle to remain competitive in the long run with large processors.
-

- Market Impact:
  - Direct:
    - Decreased production and sale of small batch, low potency concentrates such as kief, rosin, and hash.
    - Decreased number of craft producers and processors.
  - Downstream:
    - Significant increase in the production of high potency distillate including distillate sold with additives and non-native terpenes at very low prices.
    - Decreased tax revenues.
    - Increased diversion of legally produced product to the illicit & unregulated marketplace as well as inversion of that product into other state's regulated markets.

### **Model #3:**

#### **Wholesale Producer**

- Tier: Tier 1, Tier 2 Indoor, or Tier 3 Seasonal Sungrown
- Products: Useable Marijuana (aka flower) Lots, Other Material (aka trim) Lots, Fresh Frozen Plant Material (Fresh Frozen is only used for concentrates), Whole Wet Harvest, Whole Plants to processors. (Whole Wet Harvest and Whole Plants are generally used for concentrates),
- Context: These producers operate more like traditional farmers. They engage primarily in cultivation and harvesting of plants and leave processing to others. These farmers consistently find themselves in the lowest position within the market hierarchy and are most impacted by price fluctuations driven by supply. They often grade material as it is harvested and will complete additional trimming of high-quality flower that is sold as useable marijuana lots and other material lots. They may also freeze a portion of their harvest to be sold to processors for manufacturing of concentrates, they may also sell their harvest in wet/ whole plant form (prior to lot creation) to processors rather than do the drying and curing at their facility. All of their product is wholesaled to processors and they do not attempt to sell any product directly to retailers. Most reputable processors at this time require at least one passing pesticide and heavy metal test be done per harvest, in most cases the processor completes the test on a sample lot purchased from the producer.
- Calculation Example:
  - There have been years in the past when per gram price of wholesale flower averaged \$0.55 or less per gram. The price is influenced by demand and supply (which is influenced by # of producers, amount produced, and weather events).
  - Lot level testing shifts the testing requirement to the producer for useable marijuana lots and other material lots.
  - A 4,540 gram or 10 lb lot (less 16 grams) would cost \$0.05 cents per gram to test if testing cost \$225 or \$.08 cents per gram to test if testing costs \$350.
  - At \$0.55 per gram value and taking into consideration production, labor costs, packaging costs, marketing costs, and transportation costs, testing costs of 9% or 14% of the value of the product puts farmers at risk of losing money on lot based transactions.

- Adjustment: It is impractical to expect wholesale farmers to ride the line of profitability. The easiest way for a wholesale producer to avoid taking a loss on useable marijuana and other material lots would be to stop selling them. Since product can be wholesaled prior to lot creation in the form of fresh frozen material, whole wet harvest, and whole plants which aren't subject to testing under the proposed rules the most logical adjustment for them to make would be to increase product that is sold in those forms rather than lots. Most material sold in those forms feed the high potency distillate concentrate market.
- Market Impact:
  - Direct:
    - Increased fresh frozen, whole plant and harvest lot wholesale transactions.
  - Downstream:
    - Significant increases in the production of high potency distillate including distillate sold with additives and non-native terpenes at very low prices.
    - Significant decrease in the price paid by consumers for high potency distillate due to a crashing wholesale distillate market.
    - Decreased tax revenues.
    - Increased diversion of legally produced product to the illicit & unregulated marketplace as well as inversion of that product into other state's regulated markets.

#### **Model #4:**

##### **Wholesale Processor**

- Tier: N/A, Processor
- Products: Batches of concentrates to processors as well as processing service arrangements.
- Context: These processors purchase Useable Marijuana (aka flower) Lots, Other Material (aka trim) Lots, Fresh Frozen Plant Material, Whole Wet Harvest, Whole Plants, Whole Wet, & Whole Plants and currently offer processing service arrangements for small and large processors. Because batch size isn't clearly defined for concentrates processors can and do combine large amounts of cannabis to create large batches of concentrate to reduce per gram costs of testing. The newly proposed rules will not modify this behavior.
- Adjustment: An increase in the volume of product sold in forms other than lots will drive a decrease in the price paid for that material as well as a decline in the value of wholesale concentrates and distillate. They will struggle to remain competitive in the long run with large processors.
- Market Impact:
  - Direct:
    - Significant increases in the production of high potency distillate including distillate sold with additives and non-native terpenes at very low prices.
  - Downstream:
    - Significant decrease in the price paid by consumers for high potency distillate due to a crashing wholesale distillate market.
    - Decreased tax revenues.

- Increased diversion of legally produced product to the illicit & unregulated marketplace as well as inversion of that product into other state's regulated markets.

#### **Model #5:**

##### **High Potency Distillate and Live Resin Processor**

- Tier: N/A, Processor
- Products: High potency distillate and live resin with and without additives and non-native terpenes sold to retailers in the form of dabs, syringes, and vapor cartridges.
- Context: This is a highly competitive segment of the market.
- Adjustment: An increase in the volume of distillate and concentrates being manufactured at lower prices will result in lower prices being charged to retailers and consumers for these products. They will struggle to remain competitive in the long run with large processors.
- Market Impact:
  - Direct:
    - Significant increases in the production of high potency distillate including distillate sold with additives and non-native terpenes at very low prices.
    - Significant decrease in the price paid by consumers for high potency distillate due to a crashing wholesale distillate market.
    - Decreased tax revenues.
  - Downstream:
    - Increased diversion of legally produced product to the illicit & unregulated marketplace as well as inversion of that product into other state's regulated markets.

#### **Model #6:**

##### **Craft Concentrate Processors**

- Tier: N/A, Processor
- Products: Small batch, low potency, and non-adulterated concentrates using alcohol, CO2, & butane extraction.
- Context: There is a dwindling number of processors in the market that offer small batch, low potency, and non-adulterated concentrates. These concentrates are considered a high-end product type and currently cost more than other large batch, high potency concentrates that include additives and non-native terpene additives.
- Adjustment: It is unlikely they could pass increased costs on to the retailer since they already occupy very little shelf space and lack significant market power given the competition and structure of the marketplace. Any increase in the price of this product type will increase the gap between their products and high potency concentrates products.
- Market Impact:
  - Direct:

- Likely declines in sales due to declines in price point for competing high potency distillate products.

**All Models:**

- Tier: All
- Products: All
- Context: Implementation of lot level pesticide and heavy metal testing will destabilize the market in a number of ways as outlined above.
- Adjustment: Whenever there is instability in the marketplace bad actors and desperate producers and processors will be more apt to consider selling and diverting product to the illicit and unregulated marketplace as well as inversion of product into other state's regulated markets.

We are happy to serve as a resource and support the WSLCB should you have any additional questions.

Highest Regards,

Crystal Oliver  
Executive Director  
Washington Sungrowers Industry Association



DATE: November 19, 2020

TO: Kathy Hoffman; WSLCB Rule Manager

CC: Casey Schaufler, WSLCB Rule Coordinator; Audrey Vasek, WSLCB Rule Coordinator; Bryan McConaughy, WSIA Lobbyist; Russell Hauge, WSLCB BOD Member; Jane Rushford, WSLCB BOD Member; Ollie Garrett, WSLCB BOD Member,

FROM: Washington Sungrowers Industry Association (WSIA)

RE: WSR 20-20-040 Supplemental CR 102 QC Rules; Testing General Comments

Kathy et al,

The Washington Sungrowers Industry Association (WSIA) currently represents 54 businesses who hold more than 100 WSLCB producer and processor licenses.

We are supportive of efforts to implement a program for testing for disallowed and illegal pesticides that is, effective, uses scientifically sound sampling methodologies, and includes a meaningful approach that protects consumers and workers.

We have previously submitted a paper offering a full critique of the current testing as well as recommendations.

The latest CR 102 unfortunately, still includes lots and requires excessive testing of each lot. We believe that the WSLCB should de-couple pesticide testing from cannabinoid testing and implement a program that focuses on identifying pesticides at the farm level using a third party for sample collection.

Washington's labs are still not accredited by the Department of Ecology (DOE). The legislature identified that there were concerns surrounding the integrity of our labs which is why they passed HB 2052 in 2019. Farmers continue to report significant issues with the consistency and reliability of results from the labs and report being unable to leverage the data they provide with confidence to make business decisions. Until the DOE has put into place their standards, methods, protocols & criteria to improve the performance and proficiency of our labs it's unfair and irresponsible to require farms to significantly increase spending with them. The WSLCB should delay implementation of new testing requirements until the issues with lab integrity are addressed.

The rules continued reliance on self-selected samples to identify those who disregard pesticide regulations is problematic. An honor-based system will not catch bad actors nor will it adequately protect employees from pesticide exposure.

It is also non-sensical to have heavy metal testing of flower. Heavy metals are generally introduced from soil, water or fertilizers. To date very few failures from heavy metals have been

reported by labs in states where it is required. Washington already evaluates heavy metal content of commercially available fertilizers so heavy metal testing should focus on soil, water and vapor product cartridges at the most likely source of contamination. A better system would have annual testing of soil and water and batch-based testing of vape cartridges.

These rules also rely on the Action levels from WAC 314-55-108 which don't distinguish between pesticides that appear on the WSDA PICOL list and are allowed for use on marijuana, disallowed pesticides that are approved for use on food crops and disallowed pesticides that are not approved for use on food crops. The rules should treat the presence of disallowed and WSDA approved pesticides differently.

We still contend that the WSLCB should not be defining any lot or batch size. Lot & batch size should be a business decision left to the licensee. The WSLCB presently allows concentrate manufacturers to define their batch size, farmers should be provided the same flexibility. Sample size could then be increased depending on lot or harvest size. For example the farmer could be required to provide 16 gram samples for every 10 lbs. of product in the harvest.

The proposed limit of 10 lbs. for lots in Washington represents the smallest defined lot size of all legal states. The WSLCB asserts that they are attempting to get Washington ready for interstate trade, however, California sets their lot size at 50 lbs. which will give their farmers a significant competitive advantage cost wise if Washington's farmers are limited to a 10 lb. lot size and required to test each lot.

We recommend the following:

Testing Type	What Should be Tested	Comments
Potency/ cannabinoid concentration analysis	Strain Harvest Level & Concentrate Batch Level	Multiple tests taken depending upon size of harvest allowing cannabinoid concentration to be reported as a range on packaging rather than a single number.
Microbiological screening: Enterobacteria (bile-tolerant gram negative)	Harvest Level or Not at All since this is redundant to the pathogenic specific testing already conducted for E.coli & salmonella	Enterobacteria should be an indicator test not a pass-fail test as many types of non-harmful bacteria exists in living soils. If a failure is experienced further analysis should be done to identify if harmful bacteria such as E.coli and salmonella is present.
Microbiological screening: e. coli (pathogenic strains) and Salmonella spp	Harvest Level & Concentrate Batch Level	
Mycotoxin screening: total of aflatoxin B1, aflatoxin B2, aflatoxin G1 and aflatoxin G2 & Ochratoxin A.	Harvest Level or Consider Elimination	Very few failures for this have occurred. Medicine Creek has indicated that this test may be unnecessary.
Residual Solvents	Concentrate Batch Level	
Pesticides	Farm Level	Samples should be taken at the farm on a quarterly or bi-annually using protocol similar to WSDA Hemp sampling.

Heavy Metals	Vapor Hardware on per batch/lot basis, Soil & Water annually.	
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Harvest Level could be defined as “the marijuana plant material derived from plants that were brought into cultivation at the same time, grown in the same manner and physical space, and gathered at the same time.”

Strain Harvest Level could be defined as “the marijuana plant material derived from plants of the same strain that were brought into cultivation at the same time, grown in the same manner and physical space, and gathered at the same time.”

Highest Regards,

Crystal Oliver  
Executive Director  
Washington Sungrowers Industry Association



DATE: October 26, 2020

TO: Kathy Hoffman; WSLCB Rule Manager

CC: Casey Schaufler, WSLCB Rule Coordinator; Audrey Vasek, WSLCB Rule Coordinator; Bryan McConaughy, WSIA Lobbyist; Russell Hauge, WSLCB BOD Member; Jane Rushford, WSLCB BOD Member; Ollie Garrett, WSLCB BOD Member,

FROM: Washington Sungrowers Industry Association (WSIA)

RE: WSR 20-20-040 Supplemental CR 102 QC Rules; SBEIS & Regulatory Fairness Concerns

Kathy et al,

The Washington Sungrowers Industry Association (WSIA) currently represents 54 businesses who hold more than 100 WSLCB producer and processor licenses.

We are supportive of efforts to test cannabis for disallowed and illegal pesticides however, we believe it is best done at the farm level using third parties

In our review of the Small Business Economic Impact Statement (SBEIS) which was released on September 30, 2020 we have encountered several aspects that concern us.

The SBEIS fails to accurately represent the significant impact these rules will have on small businesses for a variety of reasons including calculation errors, its reliance on the Office for Regulatory Innovation and Assistance (ORIA) Minor Cost Threshold Calculator rather than operationalizing data from the traceability system. Further, the proposed mitigation strategy using a phased in approach and increased lot size does not actually reduce the costs imposed by the rule on small businesses in accordance with RCW 19.85.030.

### **Recommendations**

Given the significant issues with the existing SBEIS WSIA recommends the agency engage in a rewrite.

We request that the WSLCB utilize cannabis business specific data and base minor cost thresholds on median gross business income rather than averages in their next analysis.

We request that based on RCW 19.85.040(2)(d) the WSLCB “*appoint a committee under RCW 34.05.310(2) to assist in the accurate assessment of the costs of a proposed rule, and the means to reduce the costs imposed on small business.*”

The insight gained from this committee might also serve to inform a new supplemental CR 102 on the Quality Control Testing and Product Requirements with effective and meaningful

mitigation strategies. While the Listen & Learn format was a new and innovative approach to undertaking this rule making project, the complexity of this rule set and the significant potential impact getting it wrong will have on the marketplace and public health justifies creation of a committee and workgroup so that in depth discussion and debate can take place.

## Calculation Errors

Table 2 on page 5 of the WSLCB SBEIS unfortunately includes several calculation errors which contribute to the arrival of an incorrect conclusion on page 5 regarding whether or not the proposed cost exceeds minor cost estimates.

A more accurate conclusion based on accurate calculation would have read “Under this analysis, the monthly cost of compliance and annual cost of compliance FAR EXCEED minor cost thresholds.”

### Details:

All data points in the table should have divided by 12, instead of just the “Estimated Monthly Cost of Compliance”. This would have allowed the WSLCB to accurately compare the cost of compliance and the monthly minor cost estimate, monthly 1% of avg annual payroll, and monthly .3% of avg annual gross business income.

Table 2

2017 Industry NAICS Code	Estimated <u>Monthly</u> Cost of Compliance	Industry Description	NAICS Code Title	Minor Cost Estimate - Max of 1%Pay, 0.3%Rev, and <del>\$100</del>	1% of Avg Annual Payroll . (0.01*AvgPay)	0.3% of Avg Annual Gross Business Income (0.003*AvgGBI)
111 <sup>9</sup>	\$ 3,450	Marijuana Producers	Crop Production	\$4,082.13	\$4,082.13 2018 Dataset pulled from ESD	\$2,993.38 2018 Dataset pulled from DOR
312 <sup>10</sup>	\$ 3,450	Marijuana Processors	Beverage and Tobacco Product Manufacturing	\$5,766.61	\$5,342.91 2018 Dataset pulled from ESDS	\$5,766.61 2018 Dataset pulled from DOR

Each of these #'s should have been divided by 12 to determine the Monthly cost in order to be compared to the Estimated Monthly Cost of Compliance.

An accurate Table 2 would have looked like this:

2017 Industry NAICS Code	Estimated Monthly Cost of Compliance	Industry Description	NAICS Code Title	Minor Cost Estimate - Max of 1%Pay, 0.3%Rev, and \$100	1% of Avg Annual Payroll . (0.01*AvgPay)	0.3% of Avg Annual Gross Business Income (0.003*AvgGBI)
111	\$3,450	Marijuana Producers	Crop Production	\$340.18	\$340.18	\$249.45
312	\$3,450	Marijuana Processors	Beverage and Tobacco Product Manufacturing	\$480.55	\$445.24	\$480.55

Estimated Monthly Cost of Compliance are more than 10 times greater than minor cost estimate.

## Reliance on ORIA's Dissatisfactory Minor Cost Threshold Calculator

To calculate the Minor Cost Estimate and determine whether or not an SBEIS was required the WSLCB utilized ORIA's Minor Cost Threshold Calculator. While this calculator is intended to support agencies in complying with the Regulatory Fairness Act it does a poor job of calculating minor cost thresholds for small businesses, especially businesses in the marijuana industry for two reasons.

1. It relies on the average annual gross business income and average annual payroll for ALL businesses included in each North American Industry Classification System (NAICS) Code subsector identified.
  - This is problematic because it includes the revenues of large businesses that do not meet the definition of a small business as described in RCW 19.85.020(3).
  - It is also problematic because the average can be significantly influenced by a small number of outliers, making it not very representative of most of the values in the data set.

A better representation of central tendency would include using the median instead which would make the minor cost threshold calculation more accurate.

2. This calculator does not break out marijuana specific gross business income data, rather it uses generic NAICS code subsector-based data. In this case the WSLCB has used the NAICS codes of:
  - 111 for 'Crop Production' which is comprised of orchards, groves, greenhouses, and nurseries.
  - 312 for 'Beverage and Tobacco Product Manufacturing' which is comprised of those that manufacture nonalcoholic beverages, those that manufacture alcoholic beverages through the fermentation process, & those that produce distilled alcoholic beverages as well as those engaged in redrying and stemming tobacco and those that manufacture tobacco products; such as cigarettes and cigars.

These other industries are far from being analogous to the Washington cannabis industry which only operates within Washington State.

## Failure to Operationalize Data from the Traceability System

The WSLCB inaccurately asserts on page 5 that "since these are the most recent and publicly available data points, these were used for this calculation." Further, the SBEIS fails to comply with RCW 19.85.040 (1) by not offering data to *"compare the cost of compliance for small business with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules"* Instead it asserts that they *"lack the detailed information needed to estimate average annual costs"*.

Washington State has one of the most expensive traceability systems in the country. The new system was funded by a significant increase in annual license fees in 2017. In addition to introducing cumbersome tracking, tagging and reporting requirements to Washington's cannabis licensed businesses, it collects and makes publicly available transactions and business revenue

details which are routinely leveraged by academia and public health, treatment, and prevention organizations.

In the interest of regulatory fairness the WSLCB should be using traceability data to estimate the actual impact of their proposed rules rather than broad NAICS code based data that includes the revenues of non-cannabis businesses.

### **Proposed Mitigation Strategy Does Not Reduce Costs**

RCW 19.85.030 (2) states that *“based upon the extent of disproportionate impact on small business...the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses.”*

The WSLCB proposes a phased in approach where lot level pesticide testing would be required in August 1, 2021 while heavy metal testing would be required January 31, 2022 which does not reduce the overall cost of compliance.

The increase in lot size from 5 lbs to 10 lbs does not mitigate the impact for small craft producers either as most produce lots that are less than 5 lbs currently.

The WSLCB’s own Significant Rule Analysis states that the *“phase-in plan offers a reasonable time frame that provides both licensees and accredited labs the opportunity to adjust business models where necessary, and offers options to prepare for additional fields of testing.”* Providing time to adjust business models and prepare for significant costs increases is not the same as reducing costs.

Further, the WSLCB has not considered what those adjustments will mean to the diversity of ownership and products in the market, nor the impact adjustments may have on public health and equity.

We are happy to serve as a resource and support the WSLCB should you have any additional questions.

Highest Regards,

Crystal Oliver  
Executive Director  
Washington Sungrowers Industry Association



DATE: October 21, 2020

TO: Kathy Hoffman; WSLCB Rule Manager

CC: Casey Schaufler, WSLCB Rule Coordinator; Audrey Vasek, WSLCB Rule Coordinator; Bryan McConaughy, WSIA Lobbyist; Russell Hauge, WSLCB BOD Member; Jane Rushford, WSLCB BOD Member; Ollie Garrett, WSLCB BOD Member,

FROM: Washington Sungrowers Industry Association (WSIA)

RE: WSR 20-20-040 Supplemental CR 102 QC Rules; Remediation

Kathy et al,

The Washington Sungrowers Industry Association (WSIA) currently represents 54 businesses who hold more than 100 WSLCB producer and processor licenses.

One of the problems with the WAC 314-55-108 is that the action level table does not differentiate between legally allowed pesticides that appear on the WSDA PICOL list, disallowed pesticides that are approved for use on food crops and disallowed pesticides that are not approved for use on food crops.

We are supportive of disallowing remediation of pesticide failures association with illegal and disallowed pesticide however, products that test over the action limit for WSDA approved and allowed pesticides should be provided the opportunity to remediate.

We suggest the following insertion to the proposed pesticide remediation verbiage in both sections where it appears:

*“Remediation. Remediation is a process or technique applied to marijuana harvests, lots, or batches. Remediation may occur after the first failure of the lot, batch, or both depending on the failure, or if a retest process results in a second failure. Pesticide failures for illegal and disallowed pesticides may not be remediated.”*

We are happy to serve as a resource and support the WSLCB should you have any additional questions.

Highest Regards,

Crystal Oliver  
Executive Director  
Washington Sungrowers Industry Association

**Background:**

- Washington established excellent rules around allowable pesticides from day one. However, with a lack of enforcement, those rules are not being followed.
- Companies that are following the rules are at a disadvantage, since pesticide rules are rarely enforced.
- Products most likely to be contaminated are concentrates.
- The WSLCB has increased random pesticide testing in the last three months, however it appears they are targeting low hanging fruit instead of companies that will have the most effect on the entire industry.

**Identifying the problem:**

- Products are going to market that do not meet the action limits for pesticide testing.
- Companies are rewarded for not testing for pesticides.
- Producers and processors can pick their own samples.
- We do not know the ramifications of pesticide action levels and cannabis. The science is being developed and will not be conclusive for the foreseeable future.
- The goal is for the industry to create their own standards, so that we regulate ourselves.
- The Agency doesn't need to require pesticide testing to have the cleanest cannabis in the world; they just need to enforce the current rules they have and tweak a couple others. Strategically targeting players in the industry will trickle down increasing best practices for licensees without required, expensive rules.

**Solution:**

- Enforce the current rules using the WSDA contract, targeting strategic companies that will encourage the industry to change
  - You can hire a consultant to do this if you want to get the most bang for your buck.
- Do not change the pesticide and heavy metal testing requirements for adult use cannabis
- Allow for remediation if a product fails pesticide testing when pesticide testing of their own accord

The LCB has a contract with the WSDA for +\35 samples a month for all pesticides and +\35 for 1 specific pesticide.

1. Use this contract to pull 7 end product, cannabinoid concentrate samples from the top 5 **processors**. For example: 502data.com states that the top five are NWCS, Grow Op Farms, Rolling Farm/SPP, Cowlitz County and Harmony Farms.
2. At the beginning of each month, pull 7 samples from 5 separate finished product concentrates (i.e. oil in a cartridge).

- a. **Product randomly sampled should be packaged and ready to go for all marijuana infused concentrates for inhalation.** This is important. It doesn't matter where the pesticides are coming from, the final product is still being inhaled. Thus making sure to test product that is mixed with whatever else they are mixing it with (I.e. distillate, terpenes, polyethylene glycols, glycerin, medium-chain triglycerides, flavinoids, etc.) is important.
    - i. If you just pull the cannabinoid concentrate, a) you don't know if they are adding CBD isolate or THC isolate later and that needs to be tested as well and b) you don't know how the packaging may be affecting the product. We've seen products in CA failing Heavy Metal testing cuz they used cheap cartridges from China. If consumer safety is paramount, and we want to error on the side of caution, the end product, in the packaging, needs to be tested.
    - ii. I realize that the LCB is uncomfortable requiring recalls at the retail level, which is why testing end, packaged products from the processor is an appropriate compromise.
  - b. Ignore edibles for the time being, but later when we get concentrates that are inhaled under control, test the final cannabinoid product that is going into the edible.
  - c. Enforcement needs to check traceability and make sure that the sample they are picking from is representative of the sample in LEAF or the third party traceability program that the processor is using.
    - i. If the officer is shown 100 units to pick from, but LEAF states that there should be 10,000, enforcement needs to be able to recognize that they are not being given the opportunity to take a representative sample. The company is hiding something...
    - ii. Oregon requires the sample picker to match the weight/units in metric with the sample size they are given to pick from.
  - d. It needs to be two different units from the same batch so that the two separate units can be compared. If one fails you have another test immediately available.
  - e. Product should be on administrative hold until results are returned.
    - i. Concentrates last longer than flower, so the administrative hold will not affect the quality of the product.
  - f. Question – Can sale of tested batches be put on administrative hold? If it's legal to tell them not to sell, do it. If not, have enforcement encourage the processor to keep the product at their location (I.e. don't sell it) and increase the penalty or throw the book harder at them if they did sell it while waiting for results. At least scare them that if they sell it while waiting for results, **and they fail**, LCB will throw the book at them.
3. If they fail, use the other +/-35 samples to re-test for specific analytes in the same batch ideally the same month, however the next month would be fine too.

4. At the beginning of the following month, pull 7 samples from the next 5 processors. For example, 502data.com states that the next 5 are: Viva Cannabis, Saturn Group, Top Shelf, 7POINT Holdings, Phat and Sticky.
5. Repeat steps 2-5.

### **WHY THIS IS THE BEST SOLUTION**

- This uses the contract that is currently in place.
- Doesn't cost any additional money. To anyone. #WINNING
- WSDA are the only results the LCB cares about anyway.
- Scares the industry from the top down doing the most good to ensure public safety. The top processors are all buying from "feeder farms". The big guys will institute best practices and the feeder farms will all have to comply, meaning the fewest tests will have the largest impact.
- Encourages compliance without requiring more rules.
- It's "random", yet strategic.
- The LCB will go through the top 60 processors in 12 month...which is approximately 95% of gross sales.

### **NOTES:**

- It doesn't have to be in order from #1 down. Don't limit yourself like that. However, working from the biggest down will scare the industry straight. You will clean up most of the industry if the top 60 companies have been scarred into pesticide testing, and they will require the smaller farms to pesticide test as well, which then the smaller farms will start pesticide testing their products and clones.
- Remediation must be an option. If the product fails, whether from a private pesticide test or from a WSDA pesticide test, producers and processors should have the option to remediate the product, retest the product and sell it.
- WSDA and private labs need to be talking to each other. As an evolving science, the private labs have seen thousands of samples per month, while the WSDA has seen 75 per month. Max. They need to work together on establishing the science. We need a Lab Advisory Council, that includes private labs, WSDA, DOE and LSCB, that has teeth.
  - Industry members have volunteered their time to sit on several WSLCB workgroups, and most of their suggestions were ignored. No one wants to waste their time to help the agency if they are going to be ignored.
- QA Testing in general (not pesticide specific):
  - Third party sampler
  - Range on the package
  - Larger lots
  - Standards for testing...better checks on the system, not new rules.

- Rules need to be changed so that it is **against the rules to SELL products that have illegal amounts of pesticides in them.** We need to hold all licensees accountable, not just the farmers, so that there is an incentive by the processor and retailer to make sure they are purchasing and distributing clean product.



November 18, 2020

Washington State Liquor and Cannabis Board  
Via email

Dear Ms. Hoffman:

The Cannabis Alliance commends the Washington State Liquor and Cannabis Board (WSLCB) for your commitment to quality assurance and consumer protections. The complexities of the topic run deep, and we appreciate the multiple challenges in brokering agreement on a comprehensive rule set.

We believe the WSLCB has been thorough in their effort to seek stakeholder input. It has become increasingly evident that there are deep divides in what stakeholders would like to see in the completed rule set. I have attached an addendum with results from a survey we conducted in October 2020. The survey will provide some specific suggestions for language alterations to the rules as in its current form, however our primary recommendation is broader in scope. We had 42 licensed producers and processors respond to the survey, representing more than 53 producer/processor licenses. Our farmers all agree with a need for testing to ensure the safety of product, however we heard misgivings about the integrity of self-selected sampling. In general, much of the concern about the proposed rules boils down to apprehension regarding the scientific reliability of the proposed testing.

While it has been crucial to the process to rely on stakeholder input, product testing standards must be developed by dispassionate scientists and industry experts. Our recommendation at the time of approval is the development of a detailed implementation plan that addresses the need for third-party scientists to develop product testing standards and includes a detailed timeline for standards efficacy review. The Cannabis Alliance is asking the quality assurance testing standards be in a continued state of development immediately upon approval and we would like WSLCB to convene a taskforce of scientists and industry experts (not stakeholders) to provide a defensible answer to the question: What product testing do we require to meet reliable standards for safe product?

We are not asking for a delay, however we can not see an unbiased path forward without consulting non-stakeholder scientists and product testing experts. The Department of Ecology has convened a task force for the purpose of setting lab standards, but their work does not address the product testing level. The standards set by the WSLCB will continue to be embroiled in strife without engaging in a similar level of due diligence as the DOE taskforce.

While we are not asking for delay, we are aware of the timeline for implementation and we continue to harbor concern for the safety of product coming to market in the interim, for both the typical adult-use sector as well as availability of safe product for Washington's patient population. We'd like to make a few recommendations to address that concern:

1. We believe a strategic usage of the WSDA contract focused on processors by market share will provide a moderately comprehensive stop-gap for assessing product safety.
2. We would like to recommend a warning label for all products that do not meet (by way of failure or opting-out) the Department of Health list of non-allowable pesticides. This does not ensure safety, but it does provide transparency while reliable science-based product testing standards are developed.

As active participants in this process since the beginning of the conversation, we wish we were in the position to lend full-throated support at this time, however, we look forward to the further thoughtful development of product testing standards in the implementation plan. We deeply appreciate the work of everyone at WSLCB involved in this enduring effort and we continue to value our collaborative effort in service of a healthy adult-use cannabis market in Washington State..

With Gratitude,

Caitlein Ryan, PhD  
Pronouns: She/Her/Hers  
Interim Executive Director  
The Cannabis Alliance  
[www.thecannabisalliance.us](http://www.thecannabisalliance.us)  
425-314-9004

## Addendum: October 2020 Survey Results

	WAC	CURRENT VERBIAGE	NOTES FROM LICENSED PRODUCERS AND PROCESSORS	SUGGESTED VERBIAGE
1	314-55-101(2)(b)	To ensure the sample integrity, samples must be stored in a location that prevents contamination and degradation, such as a secure, low-light, cool and dry location.	<p>~These are recommendations that fall more on Good Manufacturing Practices as opposed to a rule.</p> <p>~This is up to the licensee, not the government. Strike useless information from the WAC.</p> <p>~Although we attempt to store all our products in the above described environment, it should not be a rule that has to be followed 100% of the time and can garner penalties for an infraction.</p> <p>~This is an overreach.</p> <p>~Cool is a relative term and some products simply do not need to be kept temperature controlled for the use of the end product. In addition secure storage has already been built by owners, this would require them to move (in some cases) storage areas and go through months of work to get it reinspected by the LCB</p> <p>~Should 100% be a business decision for quality of finished product. It will work itself out on the market.</p> <p>~Not enforceable.</p> <p>~Regulatory over-oversight</p> <p>~Not for the LCB to decide.</p>	To ensure the sample integrity, samples must be stored in a location that prevents contamination and degradation; <del>such as a secure, low-light, cool and dry location.</del>
1	314-55-101(2)(c)	The licensee must maintain the lot or batch from which the sample was deducted in a secure, low-light, cool and dry location to prevent the marijuana	SEE ABOVE	The licensee must maintain the lot or batch from which the sample was deducted in a secure; <del>low-light, cool and dry</del> location to prevent the marijuana

		from becoming contaminated or losing its efficacy.		from becoming contaminated or losing its efficacy.
4	314-55-1011(3)(a)	<p>Licensees or certified labs must collect a minimum of two separate samples consisting of eight separate subsamples from each marijuana flower lot up to ten pounds. Licensees or certified labs may collect more samples or subsamples than this minimum, but must not collect less. The subsamples must be of roughly equal weight not less than one gram each.</p>	<p>~I believe subsamples support the objective of collecting a true "representative sample". I agree with the "two separate samples consisting of eight separate subsamples from each marijuana lot". However, each subsample should be not less than 0.25 grams each. But I also believe "lot" sizes should be much bigger.</p> <p>~Why produce waste and reduce the amount of sellable marijuana we can take to market.</p> <p>~Labs don't need that much, ask them.</p> <p>~The quantity collected should be relative to the size of the harvest being tested. This large of a sample for 10lbs is not needed and is wasteful.</p> <p>~Labs do not need 16 grams for quality assurance testing. The vast majority of the samples would either be destroyed or returned to the licensee, causing unnecessary waste, cost and/or logistics. Furthermore, sending excessive products to labs is a financial burden to licensees.</p> <p>~Every gram is money.</p> <p>~I agree, samples should only be the size needed for testing. Why take more of our product than needed? It's just lost revenue for us. We don't need this to increase the cost of doing business.</p> <p>~So long as the sample is representative and the labs have enough to do their tests, the less the better.</p> <p>~So much money out the door for</p>	<p>Licensees or certified labs must collect a minimum of two separate samples consisting of eight separate subsamples <u>no less than three (3) grams each</u> from each marijuana flower lot up to ten pounds. Licensees or certified labs may collect more samples or subsamples than this minimum, but must not collect less. The subsamples must be of roughly equal weight not less than one (1) gram each.</p>

			<p>testing that is already very expensive and mandatory. By the time the weed is out the door the farmers are taking huge financial hits.</p> <p>~That's Lot of money lost to farmers, particularly when these lots fail.</p> <p>~double the lots size but quadrupled the samples size, no thanks.</p>	
5	314-55-1011(3)(a)	<p>Licensees or certified labs must collect a minimum of two separate samples consisting of eight separate subsamples from each marijuana flower lot up to ten pounds. Licensees or certified labs may collect more samples or subsamples than this minimum, but must not collect less. The subsamples must be of roughly equal weight not less than one gram each.</p>	<p>~Nugs are only needed for cannabinoid/terpene content. P&amp;HM testing can be done on waste matter that holds no to little value!</p> <p>~The entire sampling system is premised on lot testing. Inherently flawed for pesticide testing.</p> <p>~We are dealing with a natural non uniform product. There will be unavoidable variations.</p>	<p>Licensees or certified labs must collect a minimum of two separate samples consisting of eight separate subsamples <u>no less than three (3) grams each</u> from each marijuana flower lot up to ten pounds. Licensees or certified labs may collect more samples or subsamples than this minimum, but must not collect less. <del>The subsamples must be of roughly equal weight not less than one (1) gram each.</del></p>
7	314-55-1011(b)	The eight separate subsamples	<p>~No one actually does this. Licensees pick the best samples they can find as the sellability of their</p>	The eight separate subsamples

		must be taken from different octants of the flower lot. An octant is the division of the lot into eight equal parts. Dividing a lot into octants prior to sample collection must ensure the subsamples are collected from eight evenly distributed areas of the flower lot. This division may be done visually or physically.	product depends on it. ~NOBODY would do this. They will still just grab the best buds at "random" ~Silly, pointless, burdensome, unenforceable. ~It is an absurd rule. I have tested this process by taking one bud and separating it into 8 small portions and submitting two tests to the lab. One test result was a fail on microbiological testing and the other passed with no evidence of microbiological issues. The potencies were similar, but a couple of % points different. It seems to be a bit of a crap shoot on what your results will be. It is an aggregate over time that tells you the most about the growing operation and the strains potencies and terpene profiles.	<del>must be taken from different octants of the flower lot. An octant is the division of the lot into eight equal parts. Dividing a lot into octants prior to sample collection must ensure the subsamples are collected from eight evenly distributed areas of the flower lot. This division may be done visually or physically.</del>
8	314-55-102(1)(a)(ii)	Potency Analysis	"Potency" is not an accurate word to define the results of "potency analysis". The Cannabis Alliance suggests removing the word "potency", and replacing it with "cannabinoid concentration" throughout the WAC.	Potency <u>Cannabinoid Concentration</u> Analysis
8	314-55-102(3)(a)	Potency Analysis	SEE ABOVE	Potency <u>Cannabinoid Concentration</u> Analysis
8	314-55-102(3)(b)	Potency Analysis	SEE ABOVE	Potency <u>Cannabinoid Concentration</u> Analysis

<b>10</b>	314-55-102(3)(b)(iii)	Any psychoactive cannabinoids intentionally added to the formula of a product must be tested for potency.	SEE ABOVE	Any psychoactive cannabinoids intentionally added to the formula of a product must be tested for <u>cannabinoid concentration</u> potency.
<b>9</b>	314-55-102(1)(a)(v)	Mycotoxin Screening	<p>Licensees were told in 2017 that if the LCB removed a test, they "had" to replace it with another test. This is where mycotoxin screening came from, an inherently expensive test. Licensees were also told that the LCB would review the necessity of mycotoxin screening, evaluating failure rates, and thus whether this test was really necessary. Unless the WSLCB can prove with the last 3 years of data that mycotoxin screening is necessary for public health and safety (ie X% of samples have failed for unsafe levels of Mycotoxins) The Cannabis Alliance would like to remove mycotoxin screening.</p> <p>~There have been no mycotoxins found in cannabis products in WA. There are known interferences with mycotoxins and cannabinoids. Now that there are years of data throughout many labs this could be validated out mathematically.</p> <p>~Testing is costly. Testing should be primarily for customer safety, then info customers will use for decision making. Don't see a lot of tests demanded by market - maybe require for designated</p>	Mycotoxin Screening

			<p>medical. Curious what other farm products or tobacco get tested for...</p> <p>~This test only ensure the samples sent to the labs are clean, it does not ensure the end product to the user is.</p> <p>~What are the results of mycotoxin testing? How many lives did we save, at what cost to the farms?</p>	
9	314-55-102(3)(c)(iv)	Mycotoxin screening	<p>~Alpha toxins do pose a risk in hemp. I think this can be done per strain or larger lot, or perhaps per harvest.</p> <p>~I would be open to removing this if there was significant evidence showing that failure rates were low OR toxicity was far higher in concentration than what we've seen to date. I'm all for getting rid of more testing but want to make sure we're protecting our consumers.</p> <p>~We have never failed this test in the five years we have been licensed. It is a waste of money and effort.</p> <p>~not a useful test. False positives in high CBD flower.</p> <p>~The less testing required the better, but mycotoxins are, in fact, potentially dangerous.</p> <p>~has anyone ever failed a mycotoxin test...we haven't!</p>	REMOVE THE ENTIRE SECTION
10	314-55-102(3)(b)(iii)	Any psychoactive cannabinoids intentionally added to the formula of a product must be tested for potency.	<p>~By not requiring pesticide and heavy metal testing for imported products, but required for products grown inside 502, creates a disadvantage to growing products within 502.</p> <p>~This hurts the 502 farmers, while supporting less regulated products.</p> <p>~Any ingredients added to products should be tested for harmful compounds like pesticides and heavy metals.</p> <p>~Additives should be subject to at least the same testing as cultivated</p>	Any psychoactive cannabinoids intentionally added to the formula of a product must be tested for potency, <u>pesticides</u> , and <u>heavy metals</u> .

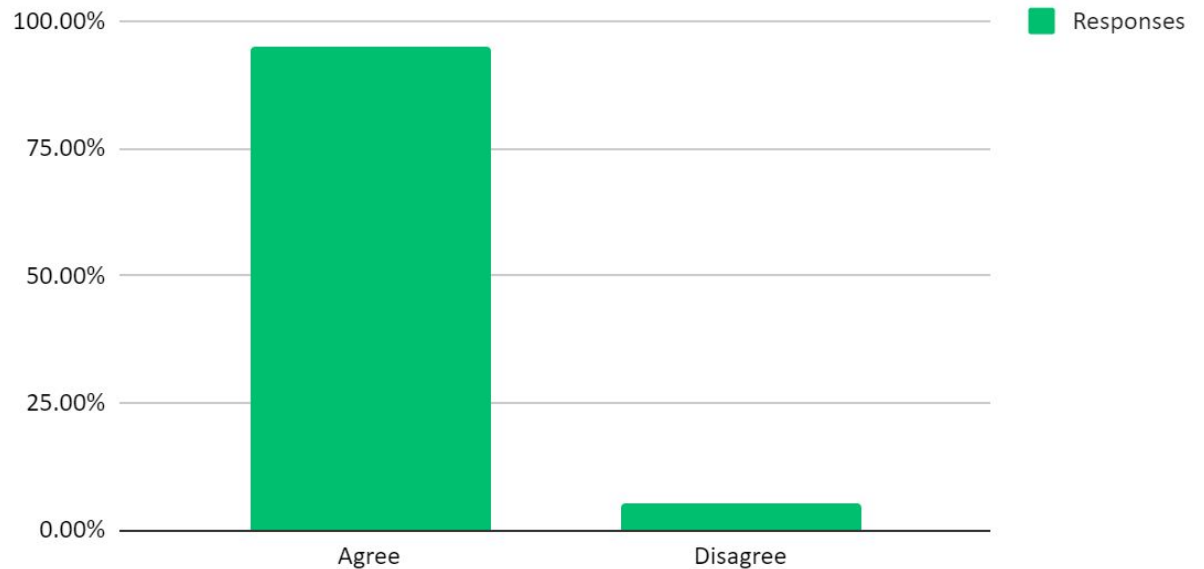
			<p>cannabis.</p> <p>~products should be tested for pesticides and heavy metals but there needs to be bigger lot sizes</p> <p>~if cannabinoids are grown outside 502, then in order to come into 502 they need to be handle to the same regs. 502 farmers cannot compete with industrial hemp for all cannabinoids except THC.</p>	
1 1	314-55-102(6)(c)	<p>Remediation is a process or technique applied to marijuana harvests, lots, or batches.</p> <p>Remediation may occur after the first failure of the lot, batch, or both depending on the failure, or if a retest process results in a second failure.</p> <p>Pesticide failures may not be remediated.</p>	<p>~There are processes that remediate pesticides. Why not allow them if the end product is safe to the consumer?</p> <p>~There are ways to remediate for pesticides. How are we supposed to remediate unless we know it's there? If it fails, it should be able to be remediated but MUST Be tested again to ensure full remediation and must seek approval by the board to ensure transparency.</p> <p>~Why is approval necessary? What discretion does the board have here? If remediation is performed and the material tests clean, they should be allowed to sell. If it doesn't, they can't sell it. All this does is set up an area of subjective evaluation that can be abused.</p> <p>Science...it works bro.</p> <p>~It's called science.</p> <p>~I agree, that pesticides should be able to be remediated but it should not just be a blanket retest. There should be a list of pesticides that if found no retest is available due to their toxicity.</p> <p>~Why add in the approval part? If the methods work and the product is retested after remediation for potency, pesticides, and heavy metals we should not have to get approval for process they probably don't understand.</p>	<p>Remediation is a process or technique applied to marijuana harvests, lots, or batches.</p> <p>Remediation may occur after the first failure of the lot, batch, or both depending on the failure, or if a retest process results in a second failure.</p> <p>Pesticide failures may <del>not</del> be remediated <u>if approved by the board</u>.</p>

Other comments from producer and processor licensees:

- I like the way Colorado does it and gives a range for THC content. I would like to see this for flower.
- We can not allow for mandatory terpene analysis for any product that has terpenes added to it. This would make terpene testing required for all distillate products and many hydrocarbon extracts and CO2 extracts. Now that terpene will be a defined term in the new vapor rules, terpene includes cannabis derived and non cannabis derived flavoring.
- We have to push back against these rules. They need to start over with a farm/harvest level approach to testing for pesticides. Allowable and disallowable should be treated differently. They should change the rules on micro to a harvest level test at the same time to offset costs. Lot based testing is not helping anyone, even on potency and micro.
- This entire WAC proposal needs struck - Request WITHDRAW CR102S1 so we can start with a fresh slate!
- Please consider how over worked P/P already are. Make this simple and easy to do, not difficult and expensive.
- Entrobac. should NOT be a pass/fail. This is a quality indicator as flower is tested for the harmful Gram Negative Bile Bac. E.coli & Salm.
- I disagree with heavy metals. Where did that come from? More expensive regulation. I think of it like: I have my tested flower lot that I add kief to it. I do an additional potency test...why would I need a heavy metal test?
- Only final products should be tested.

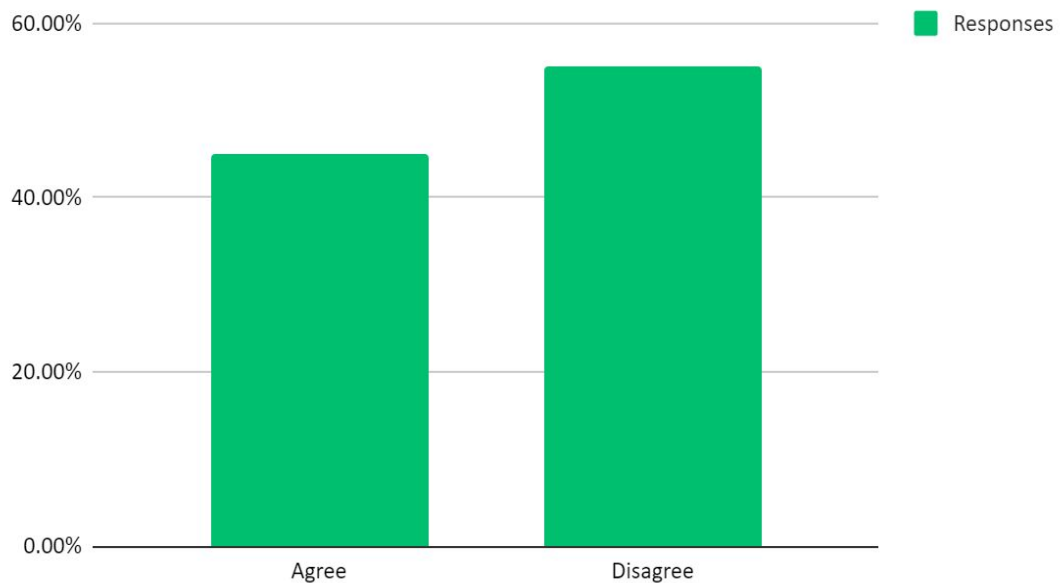
1. WAC 314-55-1011(2)(b) and (c) state products must be kept in a "low-light, cool and dry location". This is a business decision; the WSLCB should not mandate such things. We suggest striking "low-light, cool and dry location" from the WAC.

WAC 314-55-1011(2)(b) and (c) state product must be kept in a "low-light, cool and dry location". This is a business decision; th...



2. Samples should be collected by a third party.

Samples should be collected by a third party.

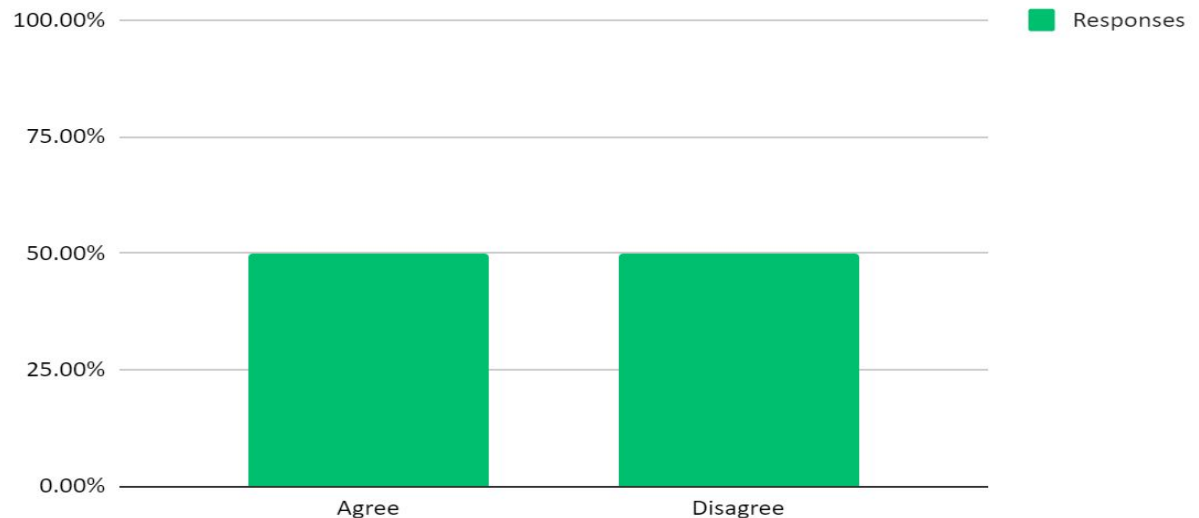


- a. I am against this until Covid is not an issue. Then I would agree that a third party lab could sample.
- b. Because we don't want outside people coming inside our garden. Especially if they'd been to any other farm.
- c. If we're going to claim public safety is a consideration for these rules you can't have self selected samples. We need farm/harvest level testing by a third party. Less tests, better sampling, better tests.
- d. I don't want random people in my farm. I don't know where they have been, what they are dragging along with them from other people's grows. My ability to test my product with a lab that is communicative is just as worthy.
- e. To finally have samples taken in the same manner at each farm and so a farm can't use a "honey pot" sample.
- f. We can not belabor the testing process and be dependent on a third party to come to our facility 2 to 3 times per week to collect samples.
- g. So many farms fake stuff. Perhaps it would be a level playing field for farmers to compare apples to apples. Some farmers play the game better and do shady things to pass microbial.
- h. The objective here should be to bolster these rules and increase the credibility of product QA testing. The single most impactful way that could improve the credibility of these tests would be to have a 3rd party collect the sample for final QA testing. This reduces the likelihood of non-representative samples being taken by the licensee. I also believe testing should be done randomly by a 3rd party to spot cross reference labeling with COAs from products that are on retail shelves.
- i. Nothing else matters if we pull our own samples.
- j. If the collection was only to be for pesticide and heavy metal testing then we are o.k. with a third part collection, but it should not be at an additional expense to the farm. It should be done 2 - 4 times a year by the LCB. That would control costs for the producers and still protect the public. The collection visit should not be used as an infraction visit either. It should be a special collection team dedicated to sample collection only.
- k. This will inevitably increase costs.
- l. This is very impractical.
- m. More expense, more hassle, harder to get your product to market. Maybe if it was per harvest, but even that would need to have consideration for Tier 1 grows.
- n. I would be fine if LCB had a trained representative do it, but third party works. Producers are never going to objectively evaluate their crops.
- o. There's less opportunities for cheating this way. Or at least it's harder because you have to convince a third party to cheat with you.
- p. We are not rule breakers. We are competing against rule breakers. We would prefer to have the playing field leveled. I would much rather there be a "secret shopper" type of policy where the LCB can assure the P/P are telling the truth about their products.

- q. Only if it is farm level testing
- r. This should be a simple deal. End user product should be tested period.
- s. Self sampling will always be subject to bias, and or manipulation.
- t. 3rd party are more likely to be honest in their sampling

### 3. The third party may be a lab.

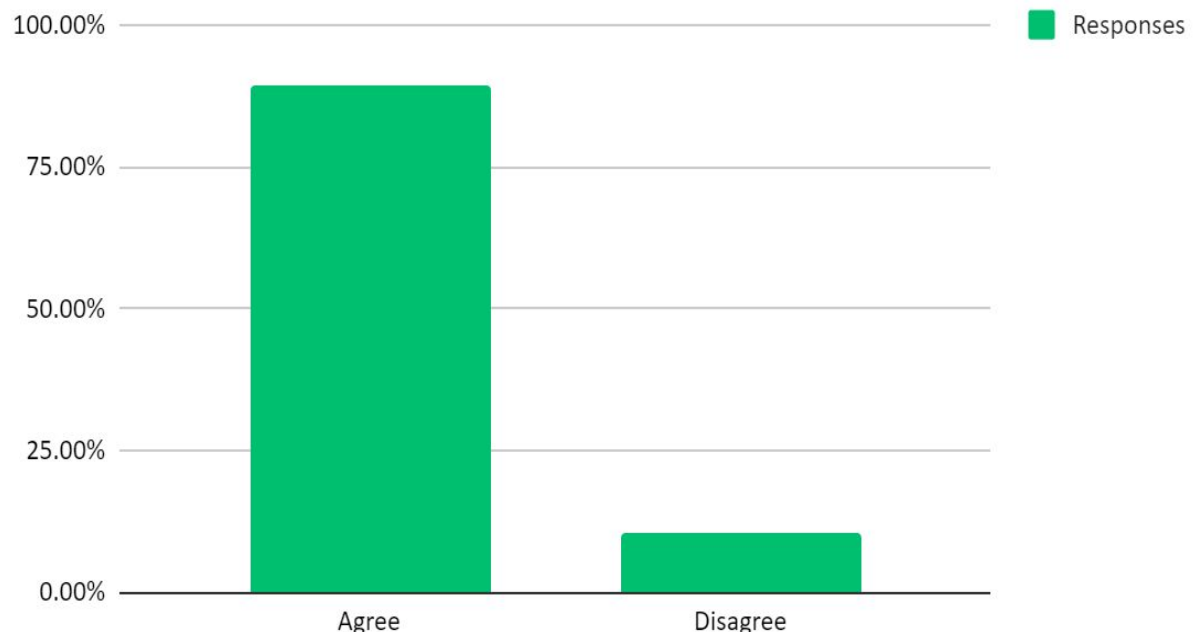
#### The third party may be a lab.



- a. It may be a lab if the WSDA is in charge of the testing with protocols in place to assure non-biased sample collection
- b. I have no problem with the labs collecting the samples.
- c. It should be the state. They are collecting tens of millions in tax dollars, they can afford to take samples.
- d. If we must move forward with third party collection (strongly disagree with), having the lab would be an okay option as they could most likely get out to the farms faster than a government agency.
- e. This is acceptable in the hemp space, why not all forms of Cannabis?
- f. Analytical labs should be pursuing credibility in the industry and are already well trained on proper handling of QA samples. It would seem logical that they be permitted to be an authorized 3rd party sampler.
- g. I realize that labs can be paid off too, but at least it's the most affordable to do a third party sample.
- h. Added expense of the lab sending someone out to do the collections would be even more prohibitive than the already crushing costs of endless testing requirements.
- i. This is a common occurrence in Ag testing.
- j. Best if 3rd party is WSDA
- k. More hassle, More regulation

- l. Just keep it the way it is, it's convenient and the product is already being sampled for other testing requirements.
  - m. They don't know enough about cannabis
  - n. Why not? If they are doing the testing, it is better to have them take the samples.
  - o. I don't want random people in my grow areas at all
  - p. The labs have too much power in this industry to begin with. If labs are taking the samples, the third party honesty I mentioned above would be null and void.
  - q. Don't agree with this previous question. Also, the cost would go up p/test to accommodate for the increased labor to collect and would lead to long turn around times.
  - r. Laboratories are impartial third party systems by WA law.
4. Labs do not need 16 grams for quality assurance testing. The vast majority of the samples would either be destroyed or returned to the licensee, causing unnecessary waste, cost and/or logistics. Furthermore, sending excessive product to labs, is a financial burden to licensees. We suggest "must collect a minimum of two separate samples consisting of eight separate subsamples no less than three (3) grams each."

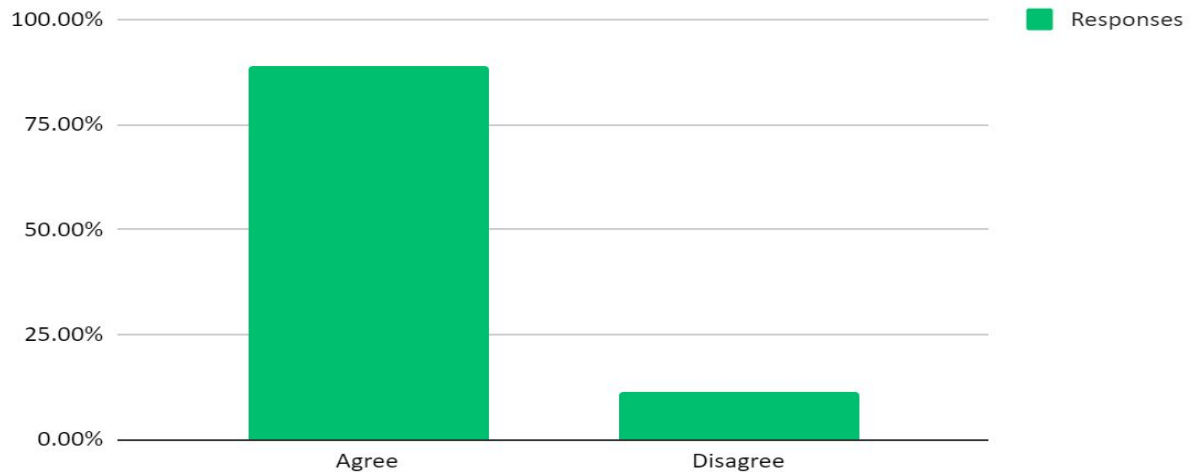
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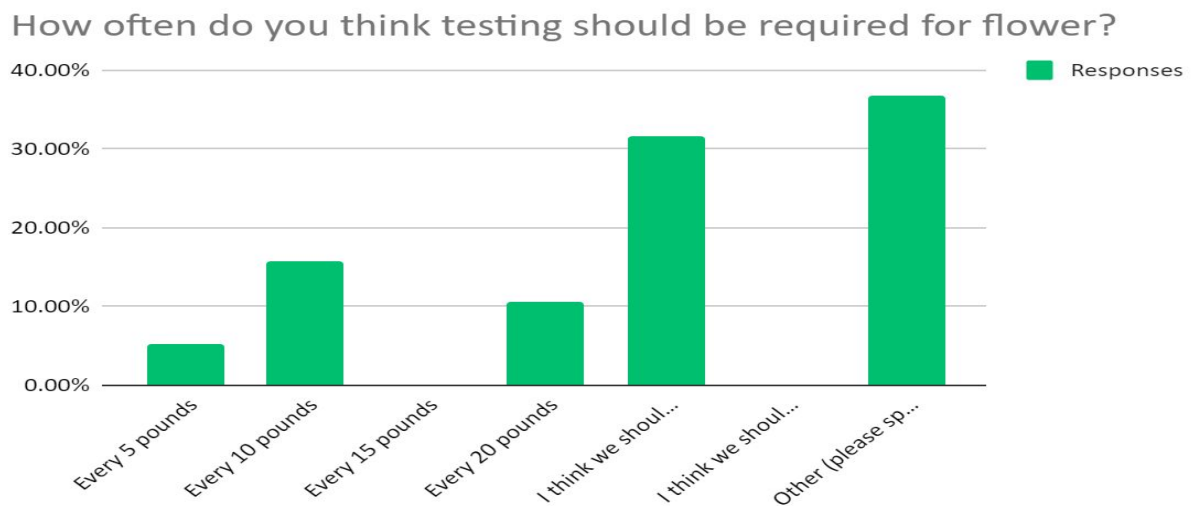
5. Lots vary in quality, thus requiring the subsamples "at least one gram each" may be under-representing the lot OR over representing the lot. The Cannabis Alliance

recommends striking the entire sentence. "The subsamples must be of equal weight. not less than one gram each."

Lots vary in quality, thus requiring the subsamples "at least one gram each" may be under-representing the lot OR over represe...



6. How often do you think testing should be required for flower?



Options:

Every 10 pounds

Every 15 pounds

Every 20 pounds

I think we should test once per strain per harvest.

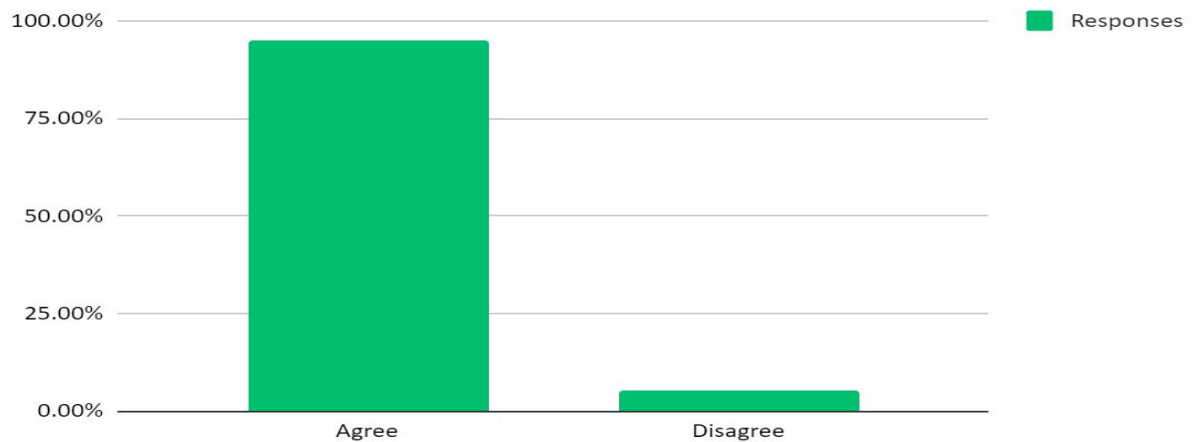
I think we should test once per harvest.

Other (please specify)

- a. I don't feel equipped to answer this question, but believe using a specific weight is not a good method. Maybe one subsample per plant is sufficient? IDK it just needs to be bigger!! I'm leaning towards lot sizes being allowed to be UP TO 20-30lbs
- b. I think the 5 lb requirement for potency and contamination that is in place now is fine. However, requiring frequent repeated testing for pesticides and heavy metals is unreasonable and unnecessary. It takes plants about 6 months to go from clone to harvest. The pesticides used and soil or media used does not change during that time. If a farm is using illegal pesticides or growing in a heavy metal contaminated media, having a 3rd party collect a test sample 2 - 3 times a year would prevent farms doing work-a-rounds on their test samples and it would also identify any pesticide use or existence of heavy metals in the plant material. This would be the most cost effective way to achieve the goal of a clean safe product to the consumers.
- c. Harvest level testing for allowable pesticides, WSDA random inspections for disallowed pesticides.
- d. At the maximum - 1x per harvest. One time per YEAR at the farm by 3rd party to include water source and soil is preferred like in Organic food farming.
- e. Random, third-party, on-site inspections and collection of samples. Entire facility is tested once every year or two.
- f. It depends on what is being tested. If it's QA without pesticides and heavy metals, then I'm fine with keeping it as is. Pesticides and heavy metals must be a harvest level test. Happy to provide 16 grams in the manner they described for this.
- g. I would like to see one test p/strain p/harvest p/grow environment. For us, we have 3 different environments that produce different levels of terps & cannabinoids. Indoor, Greenhouse, outdoor.
- h. It is important to state what testing the question is regarding. If it is for cannabinoids, than a strain harvest should have multiple tests and those should ave. to represent the harvest, thus allowing plus/minus.
- i. Yipes. I believe the practices should also take into account farm size, Whether the strains and harvests are separated? Some strains are definitely susceptible to molds than other strains. It is a quagmire.
- j. Consider it almost a biz decision - testing larger lots less costly, but carries risk of more failed product.
- k. I think the test should apply to the strain for length the grower has it. A significant sample, or entire plant could be used to provide enough to be accurate. The grower should be able to retest if they desire, or when a new strain is acquired. I see this similar to alcohol, as I do not see the % on those varying at all.
- l. Once per strain per harvest for potency. Once per harvest for pesticides

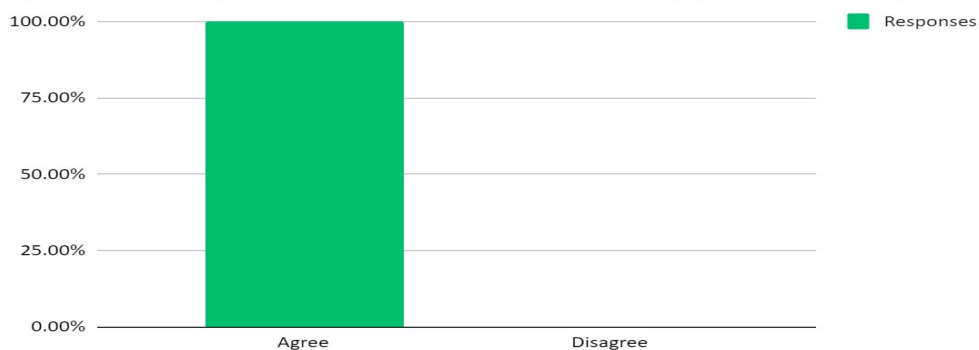
7. WAC 314-55-1011(b) states "the eight separate subsamples must be taken from different octants of the flower lot. An octant is the division of the lot into eight equal parts. Dividing a lot into octants prior to sample collection must ensure the subsamples are collected from eight evenly distributed areas of the flower lot. This division may be done visually or physically".No one actually does this. Licensees pick the best samples they can find as the sellability of their product depends on it.The Cannabis Alliance recommends striking this section. "the eight separate subsamples must be taken from different octants of the flower lot. An octant is the division of the lot into eight equal parts. Dividing a lot into octants prior to sample collection must ensure the subsamples are collected from eight evenly distributed areas of the flower lot. This division may be done visually or physically".

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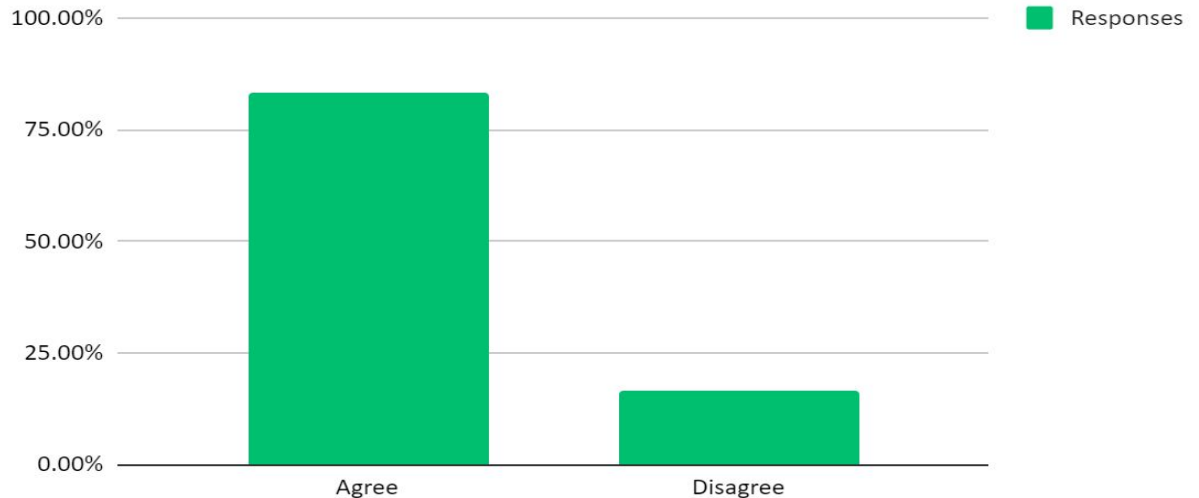
8. "Potency" is not an accurate word to define the results of "potency analysis". The Cannabis Alliance suggests removing the word "potency", and replacing it with "cannabinoid concentration" throughout the WAC.

"Potency" is not an accurate word to define the results of "potency analysis". The Cannabis Alliance suggests removing th...



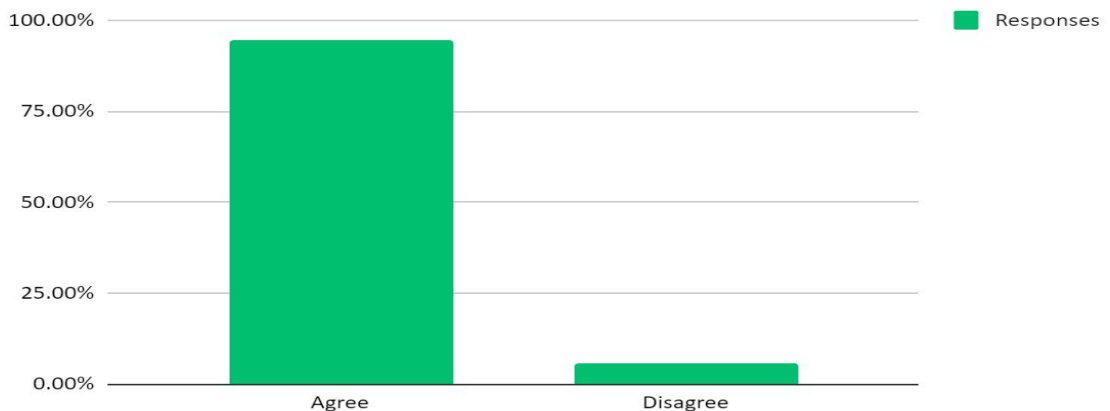
9. Licensees were told in 2017 that if the LCB removed a test, they "had" to replace it with another test. This is where mycotoxin screening came from, an inherently expensive test. Licensees were also told that the LCB would review the necessity of mycotoxin screening, evaluating failure rates, and thus whether this test was really necessary. The Cannabis Alliance would like to remove mycotoxin screening.

Licensees were told in 2017 that if the LCB removed a test, they "had" to replace it with another test. This is where mycotoxin s...



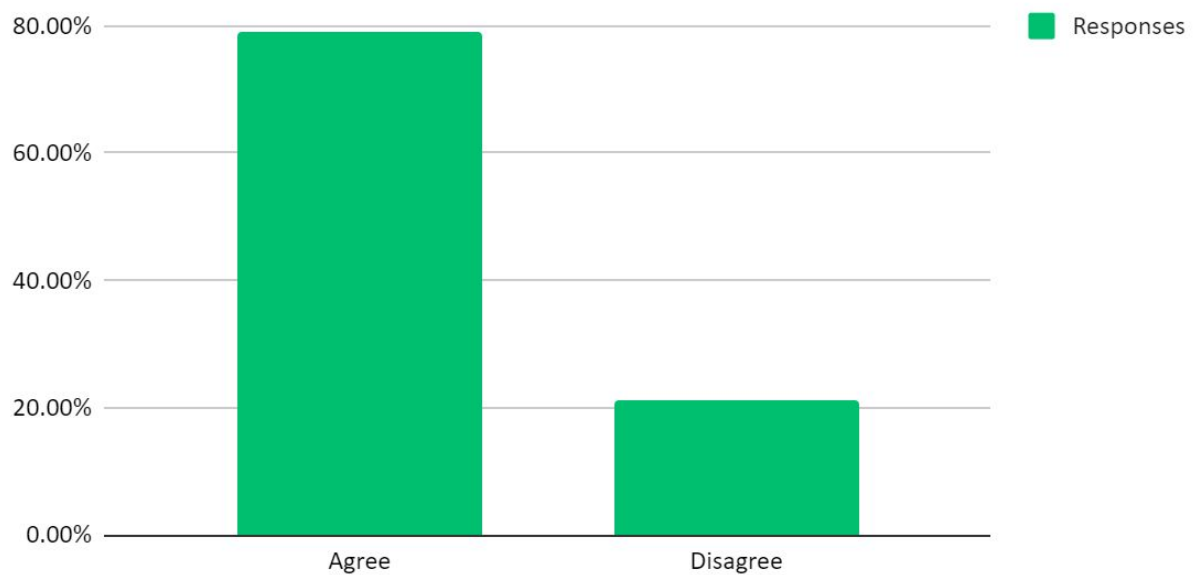
10. 314-55-102(3)(b)(iii) states "Any psychoactive cannabinoids intentionally added to the formula of a product must be tested for potency." The Cannabis Alliance recommends "Any psychoactive cannabinoids intentionally added to the formula of a product must be tested for potency, pesticides, and heavy metals."

314-55-102(3)(b)(iii) states "Any psychoactive cannabinoids intentionally added to the formula of a product must be tested..."



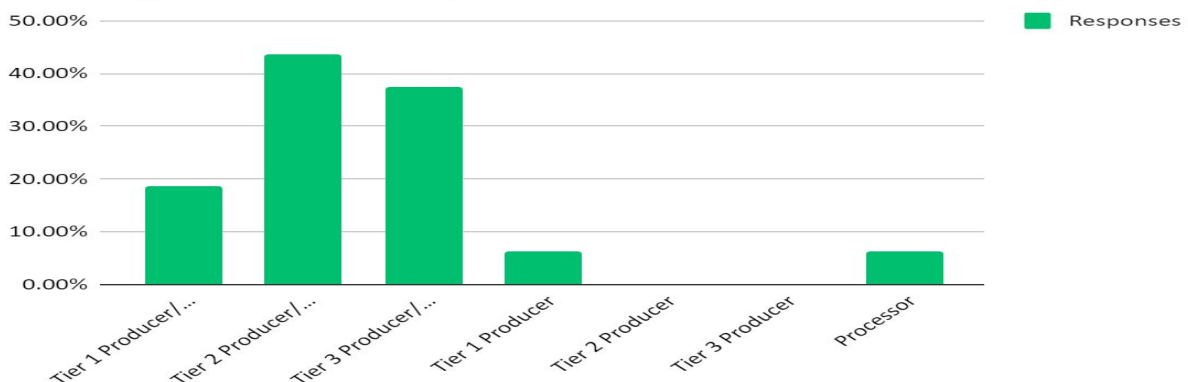
11. WAC 314-55-102(6)(c) states "Remediation is a process or technique applied to marijuana harvests, lots, or batches. Remediation may occur after the first failure of the lot, batch, or both depending on the failure, or if a retest process results in a second failure. Pesticide failures may not be remediated." There are processes that remediate pesticides. The Cannabis Alliance suggests "Remediation is a process or technique applied to marijuana harvests, lots, or batches. Remediation may occur after the first failure of the lot, batch, or both depending on the failure, or if a retest process results in a second failure. Pesticide failures may not be remediated if approved by the board."

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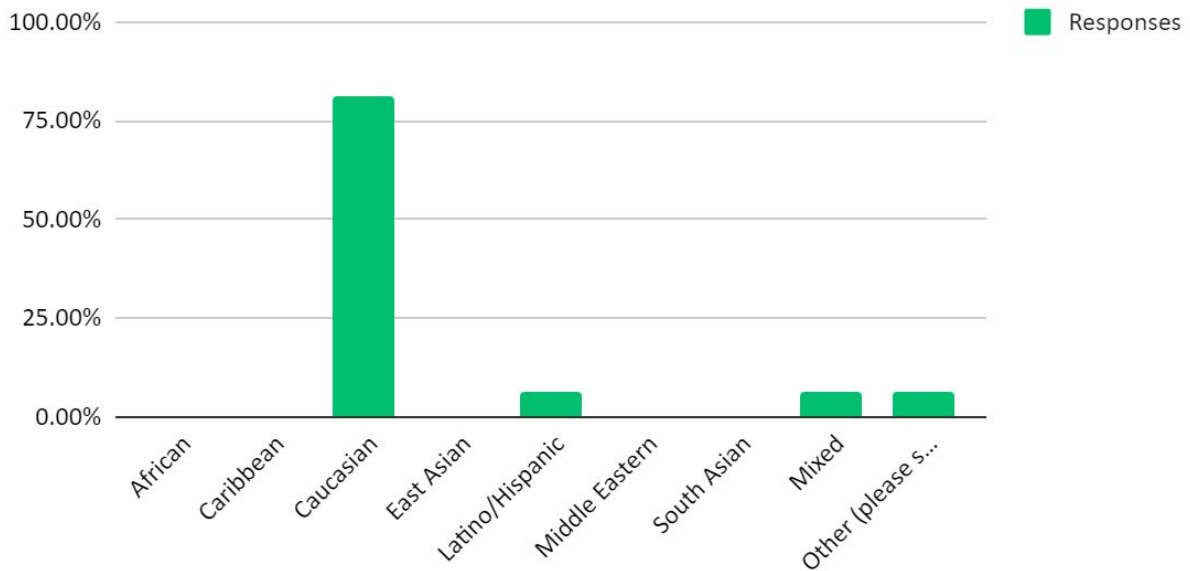
12. What type of license do you hold? Please check all that apply.

What type of license do you hold? Please check all that apply.



13. While this information does not impact QA, we are trying to collect reliable demographic information regarding ownership. If you are willing, please indicate your ethnicity.

While this information does not impact QA, we are trying to collect reliable demographic information regarding ownership. ...



## Step 1: Quick Action

The goal of step one is to move quickly to address public safety concerns.

### Option 1: Mandated Label Claims

Board Interim Policy or Emergency Rule requiring “**NOT TESTED FOR PESTICIDES**” in capital bold letters for all products that have not been tested for pesticides. Ideally this would be implemented immediately, but at a point no later than December 31, 2020.

- This warning to be required on all cannabis products **unless** the product meets the following requirements:
  - The product is tested, **per harvest/batch**, at an LCB approved lab for the 15 pesticides required by DOH, or
  - Current pesticide tests, per lot/batch, are sent to the retailer and are available for the consumer upon demand
- Until all product labels at retail meet the testing requirement, retailers will post signs on their shelves and menus labeling appropriate products “**NOT TESTED FOR PESTICIDES**” in capital, bold letters.

#### Pros

- No bottle neck at the labs.
- As of 09/22/2020, the following labs are approved for pesticide testing as well as others who would offer the test if it were a requirement (Confidence Analytics, Testing Technologies, Dragon Analytical Laboratory, Medicine Creek Analytics, and Praxis Laboratory)
- Brings awareness to consumers, purchasing managers and budtenders that product is not pesticide tested.
- Helps with future liability claims. “Hey, at least we told you!”
- This option has been used in Oregon successfully while they were waiting for more permanent rules to take effect.

#### Cons

- Product available to consumers isn’t any safer, just more transparent.
- Some cost associated with labeling.

### Option 2: Adopt DOH Pesticide Requirements

Board Interim Policy or Emergency Rule requiring all flower harvests and concentrate batches to be tested for the 15 pesticides required by DOH effective immediately.

- Retailers have until 12/31/2020 to get rid of all the product on their shelves that has not been tested, but non-tested product must be labeled “**NOT TESTED FOR PESTICIDES**” in capital, bold letters on the retailers shelves and menus.
  - 12/31/2020 is a good date as most retailers are trying to decrease inventory by this date for tax and business purposes
- Products that fail and the producer/processor would like to contest the results, will notify the LCB. The sample will be set aside at the lab. The LCB may pick up a portion of the leftover sample, test them per their current contract with the WSDA to confirm results. The WSDA will test for all the pesticides that they “normally” test for (+/-200) or one failed pesticide that stands out and the findings of the WSDA’s results will be binding.

- Failed products, may follow the WSLCB's remediation process outlined in WAC 314-55-102:
  - (c) **Remediation.** Producers and processors may remediate failed harvests, lots, or batches so long as the remediation method does not impart any toxic or deleterious substance to the usable marijuana, marijuana concentrates, or marijuana-infused product. Remediation solvents or methods used on the marijuana product must be disclosed to a licensed processor the producer or producer/processor transfers the products to; a licensed retailer carrying marijuana products derived from the remediated harvest, lot, or batch; or consumer upon request. The entire harvest, lot, or batch the failed sample(s) were deducted from must be remediated ~~using the same remediation technique~~. No remediated harvest, lots or batches may be sold or transported until the completion and successful passage of quality assurance testing as required in this section.

## Pros

- Public safety is more immediately addressed
- Overproduction will most likely decrease
- Compliant, rule following licensees are immediately rewarded
- WSDA is more involved based on the existing contract that they already have with the LCB.
- Remediation options are available for licensees in a practical, real world way, while consumer safety is still paramount

## Cons

- There may be a bottleneck at the labs as there are currently only five that are certified for pesticides.
- The cost will ultimately be held by the farmers. However, this may be mitigated by supply and demand, since there will be less product available, the prices farmers will receive will go up.
- Pesticides testing ranges from \$75-\$325. If a farmer has a:
  - 10 pound harvest, it costs them \$.07 per gram.
  - 50 pound harvest, it costs them \$.01 per gram.
  - 2000 pound harvest, it costs them \$.0003 per gram.\*
    - \*2000 pound harvests, or large harvests are usually sungrowers, so they will have the least financial impact regarding the cost of testing per harvest.

## Step 2: Long Term strategy

The goal of step two is to provide a starting point of additional rules that should be discussed regarding draft rules for Quality Assurance Testing and Product Requirements with qualified scientists and non-invested experts.

### Convene a Workgroup

#### Formation

A workgroup is formed made up of scientists, industry experts, government agencies, patients and other affected groups.

#### Procedure

This workgroup follow Roberts Rules of Order, discusses a topic, vote on said topic and then whatever is voted on is implemented. The work group's decisions MUST be implemented in order to insure the best participation.

## Decisions

Some things the workgroup will need to decide, include, but not limited to:

- Action limits
- Which pesticides and heavy metals are tested for
- The requirements for how labs test product
- Sample procedures
- Remediation
- How is testing paid for
- Implementation timeline
- Heavy metals
- Terpenes
- When tested for pesticides
- Rules around “pesticide free” claims



November 18th, 2020

To:

Kathy Hoffman

Policy and Rules Coordination

Washington State Liquor and Cannabis Board

From:

Vicki Christophersen

Executive Director

Washington CannaBusiness Association

The Washington CannaBusiness Association (WACA) represents Washington's licensed and regulated cannabis and hemp businesses. As the most established trade association for cannabis and hemp businesses in the state we are committed to establishing a safe, quality-controlled, well-regulated system that keeps cannabis out of the hands of children. We value our collaborative relationship with the WSLCB and appreciate the opportunity to work together and to provide feedback on the Supplemental CR 102 - Marijuana Quality Control proposed rules. We recognize the importance of this ruleset and acknowledge its complexity. WACA also appreciated the increase in lot size from which subsamples are collected to 10lbs in order to mitigate some of the financial burdens on struggling producers.

We have deliberated these rules with our members in a comprehensive way and there continues to be an array of priorities and concerns. Many of our smaller farm members have expressed serious concern with these rules as a whole and believe that costs associated with this new testing regime could be devastating to their business. Other members, while they still have concerns, believe that we should continue moving forward. WACA is a democratically-run organization and in this instance, it was very difficult to identify a single, unified position. To ensure WSLCB heard from the variety of stakeholders on this issue, we have encouraged our members with a strong point of view to provide feedback as individual companies. Although WACA is not advocating for these rules to be withdrawn or delayed any further, we request that the agency continue to work with licensees and revisit issues as the rules are implemented over time.

Over the years we have worked collaboratively with the agency to implement many complex rulesets that have since been reworked several times. Once adopted, we anticipate a similar process and are ready to engage again and work together to shape and improve this ruleset, as needed. At this time, we have a few technical requests for your consideration.

**WAC 314-55-1011 Section 3(a) - sample collection for flower lots**

Although the lot size was increased to 10lbs, the new language also doubles the number of samples to be provided for each lot. In order to address the original economic concerns expressed by the industry we make the following recommendation:

*(a) Licensees or certified labs must collect a minimum of one sample consisting of eight separate subsamples from each marijuana flower lot up to ten pounds.*

**WAC 314-55-102 Section (3)(g) - Terpenes**

At this point in time we do not believe that testing terpenes for potency is necessary to protect public health and safety. Additionally, our members have expressed concerns related to sharing proprietary information of special terpene blends. We believe that this is something that could be added later if it does present a public health concern but removing it could help relieve some of the financial impact this ruleset has on producers/processors. We recommend striking this section.

**WAC 314-55-102 Section 11**

While we understand the importance of making sure all ingredients meet the quality control standards of this section we believe that this will be achieved through end product level testing. Also, it is unclear why this section additionally requires testing of prohibited products. Requiring testing of all non-marijuana ingredients to the same or similar standards as marijuana ingredients -- which as written includes every edible ingredient, every solvent, and terpene blend -- will be extremely cost prohibitive to producers/processors. We request to strike this section and to rely on end product testing.

**WAC 314-55-1022 Quality assurance and quality control**

This section does not become effective until January 1, 2022, and will require heavy metal testing for all marijuana products by February 2022. While we are hopeful that more labs in Washington state will offer heavy metal testing by this date, it is our understanding that as of now there is only one lab that is accredited to do so. Although there are labs currently working on receiving their heavy metal accreditation, it is not a quick process to obtain the proper instrumentation, obtain accreditation and create SOPs. If there are not more labs that can offer heavy metal testing by February 2022, WACA requests a delay in the requirement until the shortage of labs better aligns with the demand, or the establishment of a grace period that recognizes there is limited access to accredited labs.

We anticipate these rules will continue to cause concern and we ask that the agency take this into consideration as the rules are implemented over the next couple of years. Additionally, we hope these rules will be revisited when the DOE completes their work related to lab accreditation. As always, we appreciate the opportunity to work with you and share input on the proposed rules and we look forward to ongoing collaboration.

Sincerely,  
Vicki Christophersen

## Quality Control Testing Standards – Supplemental CR-102

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### **WAC 314-55-1011 Quality control sampling.**

#### **(3) Sample collection for flower lots.**

By concurrently doubling the number of samples and the lot size in this proposed rulemaking, the LCB compound the economic burden and failed to address the bulk of stakeholder concerns that led to the supplemental CR-102. We request the following change to address the economic impact of this ruleset:

*(a) Licensees or certified labs must collect a minimum of **one** sample consisting of eight separate subsamples from each marijuana flower lot up to ten pounds.*

### **WAC 314-55-102 Quality assurance and quality control.**

#### **(3) Quality control fields of testing.**

This section is lacking in clarity and, as it's written, obfuscates the requirements and the intention of the ruleset. The contradictions and confusion include the fact that point (3) specifies the entire section applies only to samples of marijuana flower, then (a) and (b) differentiate between "potency analysis" and "potency analysis for flower lots". We request removing the block of text after the bolded text in (3) and having point (3) describe all the fields of testing, and stipulating anything that is specific to flower explicitly in the text.

It's also unclear why (a)(iv) is present, but the same sentence is not carried under section (b), when it would clearly still apply. We suggest scrapping part (b) entirely and incorporating any differences between flower lot potency analysis and general potency analysis as a subpoint of (a) (both of which are still under the heading of "samples of marijuana flower").

For clarity, we also request switching (a)(iii) and (a)(iv) as that makes more logical sense in order of the content presented.

Additionally, we request removal of subpoint (c) entirely and have (i) Moisture analysis. (ii) Foreign matter screening. (iii) Microbiological screening. & (iv) Mycotoxin screening. move up into (c), (d), (e), & (f) respectively, with (f) Pesticide screening & (g) Terpenes moving (h) and (i).

These changes will help clarify that section (3) is a description of the Quality control fields of testing, and is not specific to flower lots, except where explicitly stated.

We also request specific clarity on (g) Terpenes. Because of the convoluted nature of this section, it is unclear as stakeholders specifically for what products this test would be required. If terpene testing is only required for usable marijuana and marijuana mix (i.e. flower only), then we request that be clearly stated. If the intention is for terpene testing to be required for any product that has added terpenes, that needs to be clearly stated and we feel this would be unnecessary, adding additional substantial burden onto P/P's, and would require the disclosure of proprietary information through the presence and specific concentrations of terpenes used to make our products.

A summary of our requests for 314-55-102 (3):

- *Remove the text in point (3) after Quality control fields of testing.*
- *Remove section (b) entirely, incorporate necessary differences into a subpoint of (a)*
- *Change the current order of (a)(iii) and (a)(iv), so that the line requiring added cannabinoids be tested for potency comes last, and the line regarding potency testing comes after the other lines about potency testing.*
- *Remove section (c) entirely and shift the fields of testing up a level in the list.*
- *Clarify required terpene testing.*
- *Implement these changes consistently over 1021 & 1022*

**(6) Failed test samples.**

(c) (iv) contradicts directly with (b). Depending on the true intention of these points, we would request a specific timeline be added to (b), so it reads (and we request consistent implementation of this change across 1021 & 1022):

***(b) Retesting.*** *A producer or processor must request retesting. The board may authorize on a case-by-case basis. The producer or the processor requesting the retest must pay for the cost of all retesting. If the producer or processor does not request a retest of a failed lot or batch within 12 calendar months of the initial quality control tests, the lot or batch cannot be retested unless it is remediated or reprocessed.*

We request extensive clarity on point (11) of this section. First, we don't understand the stipulation for quality control tests on prohibited products. If the product is prohibited, why would it be subject to testing? Secondly, this point indicates that every edible ingredient, every solvent (pre-extraction?) and purchased terpene blends would be subject to quality control testing. The type of quality control testing that would be required for "any additive, solvent, ingredient or compound used in the production and processing of marijuana products" is not clear. Additionally, it should be noted there is no definition in the WAC or RCW for "marijuana products". As adding a definition may skew older rulesets, we recommend specifically for this ruleset that deals with what is required for different types of products, that the term 'marijuana products' is replaced consistently throughout the rule set with the specific products being referred to. Additionally, if additives such as purchased isolated terpenes or terpene blends are required to be tested independently from the products they are incorporated into, what is the frequency of testing required? Many rare isolated terpenes are expensive and often purchased in small volumes.

We are a bit disappointed with the changes in the supplemental CR102. We feel it failed to address the points that necessitated the supplemental CR102 in the first place. We also feel the formatting and layout of the ruleset is presented in such a manner that is very difficult to assess and ascertain what the new requirements would be and when they would be applicable. We feel our suggestions help to address this lack of clarity and reduce the economic burden on industry stakeholders, therefore addressing the concerns that led to this supplement.

## Redlined Section for Clarity

### **WAC 314-55-102 Quality assurance and quality control.**

(3) **Quality control fields of testing.** ~~The following fields of testing are only required for samples of marijuana flower that have not been previously tested, or that have failed quality control testing. The following fields of testing are required for products as listed in (4) of this section.~~

**(a) Potency analysis.** The following fields of testing are only required for samples of marijuana flower that have not been previously tested, or that have failed quality control testing.

(i) Certified labs must test and report the following cannabinoids to the board when testing for potency:

- (A) THCA;
- (B) THC;
- (C) Total THC;
- (D) CBDA;
- (E) CBD; and
- (F) Total CBD.

(ii) Calculating total THC and total CBD.

(A) Total THC must be calculated as follows, where M is the mass or mass fraction of delta-9 THC or delta-9 THCA:  $M \text{ total delta-9 THC} = M \text{ delta-9 THC} + (0.877 \times M \text{ delta-9 THCA})$ .

(B) Total CBD must be calculated as follows, where M is the mass or mass fraction of CBD and CBDA:  $M \text{ total CBD} = M \text{ CBD} + (0.877 \times M \text{ CBDA})$ .

~~(iii) Any psychoactive cannabinoids intentionally added to the formula of a product must be tested for potency.~~

~~(iii)(iv)~~ Regardless of analytical equipment or methodology, certified labs must accurately measure and report the acidic (THCA and CBDA) and neutral (THC and CBD) forms of the cannabinoids.

~~(iv)(iii)~~ Any psychoactive cannabinoids intentionally added to the formula of a product must be tested for potency.

~~(b) Potency analysis for flower lots.~~

~~(i) Certified labs must test and report the results for the required flower lot samples as described in WAC 314-55-101(3) for the following required cannabinoids:~~

- ~~(A) THCA;~~
- ~~(B) THC;~~
- ~~(C) Total THC;~~
- ~~(D) CBDA;~~
- ~~(E) CBD; and~~
- ~~(F) Total CBD.~~

~~(ii) Calculating total THC and total CBD.~~

~~(A) Total THC must be calculated as follows, where M is the mass or mass fraction of delta-9 THC or delta-9 THCA:  $M \text{ total delta-9 THC} = M \text{ delta-9 THC} + (0.877 \times M \text{ delta-9 THCA})$ .~~

~~(B) Total CBD must be calculated as follows, where M is the mass or mass fraction of CBD and CBDA:  $M \text{ total CBD} = M \text{ CBD} + (0.877 \times M \text{ CBDA})$ .~~

~~(c) Certified labs must test each flower lot identified in WAC 314-55-101(3) for the following:~~

**(b)(i) Moisture analysis.** The sample and related lot or batch fails quality control testing for moisture analysis if the results exceed the following limits:

**(i)(A)** Water activity rate of more than 0.65 aw; or

**(ii)(B)** Moisture content more than fifteen percent.

**(c)(i) Foreign matter screening.** The sample and related lot or batch fail quality control testing for foreign matter screening if the results exceed the following limits:

**(i)(A)** Five percent of stems 3 mm or more in diameter; or

**(ii)(B)** Two percent of seeds or other foreign matter; or

**(iii)(C)** One insect fragment, one hair, or one mammalian excreta sample.

**(d)(iii) Microbiological screening.** The sample and related lot or batch fail quality control testing for microbiological screening if the results exceed the following limits:

[see table]

**(e)(iv) Mycotoxin screening.**

For purposes of myco-toxin screening, a sample shall be deemed to have passed if it meets the following standards:

[see table]

**(f)(i) Residual solvent screening.** Except as otherwise provided in this subsection, a sample and related lot or batch fail quality control testing for residual solvents if the results exceed the limits provided in the table below. Residual solvent results of more than 5,000 ppm for class three solvents, 50 ppm for class two solvents, and 2 ppm for class one solvents as defined in United States Pharmacopoeia, USP 30 Chemical Tests / <467> - Residual Solvents (USP <467>) not listed in the table below fail quality control testing. When residual solvent screening is required, certified labs must test for the solvents listed in the table below at a minimum.

[see table]

**(g)(i) Pesticide screening.** For purposes of the pesticide screening, a sample shall be deemed to have passed if it meets the standards de-scribed in WAC 314-55-108 and applicable department of agriculture rules.

**(h)(i) Terpenes.** Testing for terpene presence and concentration is required for usable marijuana, marijuana mix and infused marijuana mix if:

(i) The producer or processor states terpene content on any product packaging, labeling, or both; or

(ii) The producer or processor adds terpenes to their product.

## Clean Section for Clarity

### **WAC 314-55-102 Quality assurance and quality control.**

(3) **Quality control fields of testing.** The following fields of testing are required for products as listed in (4) of this section.

**(a) Potency analysis.** The following fields of testing are only required for samples of marijuana flower that have not been previously tested, or that have failed quality control testing.

(i) Certified labs must test and report the following cannabinoids to the board when testing for potency:

- (A) THCA;
- (B) THC;
- (C) Total THC;
- (D) CBDA;
- (E) CBD; and
- (F) Total CBD.

(ii) Calculating total THC and total CBD.

(A) Total THC must be calculated as follows, where M is the mass or mass fraction of delta-9 THC or delta-9 THCA:  $M \text{ total delta-9 THC} = M \text{ delta-9 THC} + (0.877 \times M \text{ delta-9 THCA})$ .

(B) Total CBD must be calculated as follows, where M is the mass or mass fraction of CBD and CBDA:  $M \text{ total CBD} = M \text{ CBD} + (0.877 \times M \text{ CBDA})$ .

(iii) Regardless of analytical equipment or methodology, certified labs must accurately measure and report the acidic (THCA and CBDA) and neutral (THC and CBD) forms of the cannabinoids.

(iv) Any psychoactive cannabinoids intentionally added to the formula of a product must be tested for potency.

**(b) Moisture analysis.** The sample and related lot or batch fails quality control testing for moisture analysis if the results exceed the following limits:

- (i) Water activity rate of more than 0.65 aw; or
- (ii) Moisture content more than fifteen percent.

**(c) Foreign matter screening.** The sample and related lot or batch fail quality control testing for foreign matter screening if the results exceed the following limits:

- (i) Five percent of stems 3 mm or more in diameter; or
- (ii) Two percent of seeds or other foreign matter; or
- (iii) One insect fragment, one hair, or one mammalian excreta sample.

**(d) Microbiological screening.** The sample and related lot or batch fail quality control testing for microbiological screening if the results exceed the following limits:

[see table]

**(e) Mycotoxin screening.**

For purposes of myco-toxin screening, a sample shall be deemed to have passed if it meets the following standards:

[see table]

**(f) Residual solvent screening.** Except as otherwise provided in this subsection, a sample and related lot or batch fail quality control testing for residual solvents if the results exceed the limits provided in the table below. Residual solvent results of more than 5,000 ppm for class three solvents, 50 ppm for class

two solvents, and 2 ppm for class one solvents as defined in United States Pharmacopoeia, USP 30 Chemical Tests / <467> - Residual Solvents (USP <467>) not listed in the table below fail quality control testing. When residual solvent screening is required, certified labs must test for the solvents listed in the table below at a minimum.

[see table]

(g) **Pesticide screening.** For purposes of the pesticide screening, a sample shall be deemed to have passed if it meets the standards de-scribed in WAC 314-55-108 and applicable department of agriculture rules.

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- (i) The producer or processor states terpene content on any product packaging, labeling, or both; or
- (ii) The producer or processor adds terpenes to their product.

To: WSLCB, Rules Coordinator, Director

From: Shawn DeNae Wagenseller

Subj: CR102S1 on Quality Assurance

*Good morning, I am Shawn DeNae Wagenseller, CEO of WA Bud Co a T2 P/P in Snohomish County.*

*The health of Washington cannabis consumers is paramount, and I applaud the agency for opening yet not rushing this complicated rulemaking. While I understand the great political pressure you're under to develop pesticide and heavy metal rules.*

That is how I'd planned to open my testimony to you all today but after 2.5 hrs on the line, the opportunity came and went without my chance to speak. I can not express enough how terribly frustrating that was while I understand the technically challenging landscape in which we have to meet. (My side showed I was unmuted while the side bar continued to show me muted.) I counted 47 attendees to testify and 19 who did not or could not do so, like me. However, of those that testified, there was not one who support this proposed rule language. Basically, I support the over-all message that this rule proposal has problems and we need another opportunity to make it right. Kathrine Hoffman has shared that three supplementals are not unheard of so let's go to CR102S2, please.

However, this does give me a chance to answer to some of what I heard today:

Casey's overview of the history on this rule making was extremely defensive and insulting to those of us who have been paying attention to this process. The \$700 quote was extremely misleading and corrected in testimony so pay attention to that. I know of multiple people including me that have "offered substantive language" in the code writing format that you are demanding of us, yet Casey quoted only one had been received after all this time. The statement that 'craft' is not defined and cannot be acknowledged was also misleading. Craft, artisan, small business – it is all the same in this context so please do not continue that stance. There was also a statement that we are not considered agriculture (so ag methods do not apply?!) I remind you that the DOR was directed to not treat us as agriculture for tax purposes only while other agencies categorize under agricultural designations so that reference is also mis-leading. As far as the statement that 98% of us meet the definition of small business, that may be true in the literal sense as applied to all business in the state, however, there is massive and significant differences in the business structures and sales across small vs med vs large producer licensees that must be considered. Look at LEAF, it will be a quick study on the huge disparities among us that should not be ignored in the SBEIS.

I find myself at loss for the words that will ensure major changes to this rule proposal but I will again try my damndest to communicate to you.

I was one of the stakeholders that requested we have mandatory pesticide and heavy metal testing (P&HM) but it began much earlier than the stated 8/1/18 date Casey mentioned.

Five years ago we became the first company to voluntarily test for pesticides and heavy metals at the harvest level under the Dept of Health program. We believe in testing to back up the "Pesticide Free" claims that still appear on packaging. Farm practices and end products should be proven safe for consumers no matter if one consumes for purpose or for pleasure.

And so I've participated in this rulemaking since before it's inception; joined by a few other producers who are keen on the subject. We have traveled to listen and learn, met four years of deadlines and submitted so many iterations of suggestions that the file on the subject is fat. Four years of explaining that lot level testing for pesticides and heavy metals **by strain** is too burdensome on the artisan grower. Four years of pointing out the need to spot test concentrates in their final packaging - the most likely source of heavy metals but, from what I can tell, it's fallen on deaf ears. Four years trying to drive home the fact that flower cannot be homogenized thus the labels should show a range of cannabinoids versus a mis-leading single number to the 100th percentile. Four years of wanting process that patients will trust. Being extremely familiar with harvest level testing, I have submitted an entire rewrite of WAC 246-70-050, the medically compliant testing program, and altered it for recreational testing.... But....so far....crickets.....

And if this rule language moves forward, how does that effect WSDH rules that are supposed to be stricter than recreational testing rules? Will growers have a choice of how we test between the two agencies? I foresee lots of conflict and confusion here.

Last December my company supported the WA SunGrowers Industry Asso. white paper; a thorough, multi-pronged, scientifically based approach to testing with supporting evidence that addresses these points and many you heard today with other's testimony. It de-couples the cannabinoid tests from tests for safety. It addresses the issue with pyrethrums, the non-issue of mycotoxins, action levels for allowed and illegal pesticide residues, selection methods, safe application issues, supporting furtherance of the Dept of Ag testing arrangement and more, yet this rule change has not taken any of this into account. The WSIA is the only organization to take the deep dive needed to fully understand and advise on this issue yet none of their recommendations have been incorporated, to date.

So, who are you listening to? It is not me and my group of associates familiar with this topic.

The industry organizations over-all represent far too few small business producers to put heavy reliance on their input. My opinion, their opinion, your opinion, lab opinions – they all need vetted by impartial scientists schooled in this topic; not by popular vote or who has the strongest voice or who pays the highest membership dues.

The largest companies, who all do extractions, will not be as affected by this rule proposal but I suspect they are the ones LCB has deemed as the few you have consulted with since lot level testing has remained the basis of measure. You must understand that they can grow or buy hundreds of pounds of untested cannabis, treat it however they wish and extract it into unlimited batch weights, scrubbing out any unwanted contaminants, then cover it with one test per batch. Our company, under the current proposal, would have to pay for 8 to 10 tests every four weeks from a limited 1250sf room when one test is sufficient to prove the room is clean. Do we lay off a trimmer or cut our salaries because raising prices any further will slow our sales down, we know this from experience.

Passing the costs onto the stores and consumers is tricky because we are already among the top priced flower available. Raising our prices to cover the added cost will triple that raise to the consumer and put our brand beyond reach for many which will slow our sales. That is not included in the SBEIS. Not is the fact that 16 1g buds

I understand the LCB wants the industry to respond with substitute rule language to address solutions. I remind everyone we are pot farmers, not code writers or paralegal types with that skillset. I feel it is unreasonable to expect us to come up with specific language with the i's dotted and the T's crossed. We are still an infant industry with less than 10% of us growers belonging to any industry organization that typically would do that level of work. But that should not dilute our input.

While recognizing that public safety trumps impacts to business, the economic impact to us smaller growers is a huge concern. The proposed rules will mostly impact us small farmers that harvest several strains at a time with less than 10lb per strain. Personally, this rule will cost us an additional \$42,000 and the proposed phase in approach will not mitigate that huge financial impact. We have based our entire brand on providing the freshest of flower and we have built our buildings and created our processes to accomplish that. We are too far down the road and too deeply invested in our current approach to alter our production facility to mitigate the financial impact of this proposed rule. Even if we had the funds needed to make such drastic changes, the building code limitations would further hamper our ability to mitigate these costs.

If this rule continues as written, it will put many artisan growers that harvest several strains at a time under, while leaving huge loop holes for cheaters. If that is NOT the intention, this rule either needs withdrawn or extended to another supplement with the anticipation of **major improvements**. As LCB rules coordinator Kathy Hoffman has said, "Slow rule making is better rule making."

The legislature has since taken action to require the Dept of Ecology to establish testing standards and accreditation of labs. Moving pesticide and heavy metal testing into permanent rule prior to developing testing standards and accrediting labs is now premature and could be considered imprudent. Cart before the horse and all that.

So, rather than go on, I ask the LCB some clarifying questions: (We really do want the answers!)

Our company had a surprise visit by LCB agents in Sept. Their sole purpose was to collect samples to send to Dept of Ag for pesticide and heavy metal testing.

Thus, we obviously have an active testing program in play. Could not this check the box for testing the industry while we work on this rule? What is the arrangement between Liquor and Cannabis Board and the Dept of Agriculture? What can the industry expect out of this testing process? What are the industry results so far? When will we get our results? Have any recalls, fines, violations, or other actions been taken for failed samples collected in this manner?

Thank you for your help to get this rule right – I hope this time the message lands that we need rules based upon established science.

Respectfully,

*Shawn DeMae*



206-919-6755

[www.wabudco.com](http://www.wabudco.com)



# CONFIDENCE ANALYTICS

## CANNABIS. CERTIFIED.

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TO: Kathy Hoffman, WSLCB Rule Coordinator  
1025 Union Avenue SE  
Olympia, WA 98504

2020-11-19

CC: Russell Hauge, WSLCB BOD Member; Jane Rushford, WSLCB BOD Member; Ollie Garrett, WSLCB BOD Member; Rick Garza, WSLCB Director; Kendra Hodgson, Cannabis Examiner Manager; Dustin Dickson, Executive Assistant

RE: Supplemental CR-102 Filed as WSR #20-20-040: Quality Control Testing and Products Requirements  
VIA: Email

Dear Kathy Hoffman et. al.,

As the operator of an independent and certified testing laboratory under the scope of the Washington cannabis industry, I write this letter concerning the currently proposed Quality Control rule revisions pursuant to the public hearing scheduled November 18th, 2020.

Confidence Analytics is certified in good standing with the WSLCB for all testing regimens currently required under rule. Additionally, Confidence Analytics is certified for the optional tests "terpenes" and "pesticides." Furthermore, Confidence Analytics is voluntarily accredited by the widely recognized American Association for Laboratory Accreditation (a2la) a member of the International Laboratory Accreditation Cooperation (ilac) under the International Standards Organization (ISO) 17025 quality management system. Our laboratory maintains these additional accreditations voluntarily and at our own expense for all testing performed in our laboratory as a demonstration of our continued commitment to good, honest science in support of the Washington cannabis industry.

For your consideration, Confidence Analytics has in-house capabilities for heavy metals testing. In our May 2020 audit by the RJLee group, the instrument we use for heavy metals analysis (ICP-MS) was observed in its operational configuration by the audit team. Our lab has submitted validation reports to RJLee to complete the addition of this test to our scope. We are currently operationally ready for heavy metals testing, and expect to have this test added to our LCB accreditation by the end of 2020, more than a year in advance of the proposed testing requirements for this assay.

Attached you will find a photo of our ICP-MS. We additionally have in-house three LC-MS/MS instruments, which are used for pesticide testing. I mention this in my effort to assure you that the capacity needed to carry out the proposed rules is already deployed and ready in waiting.

With kind regards,

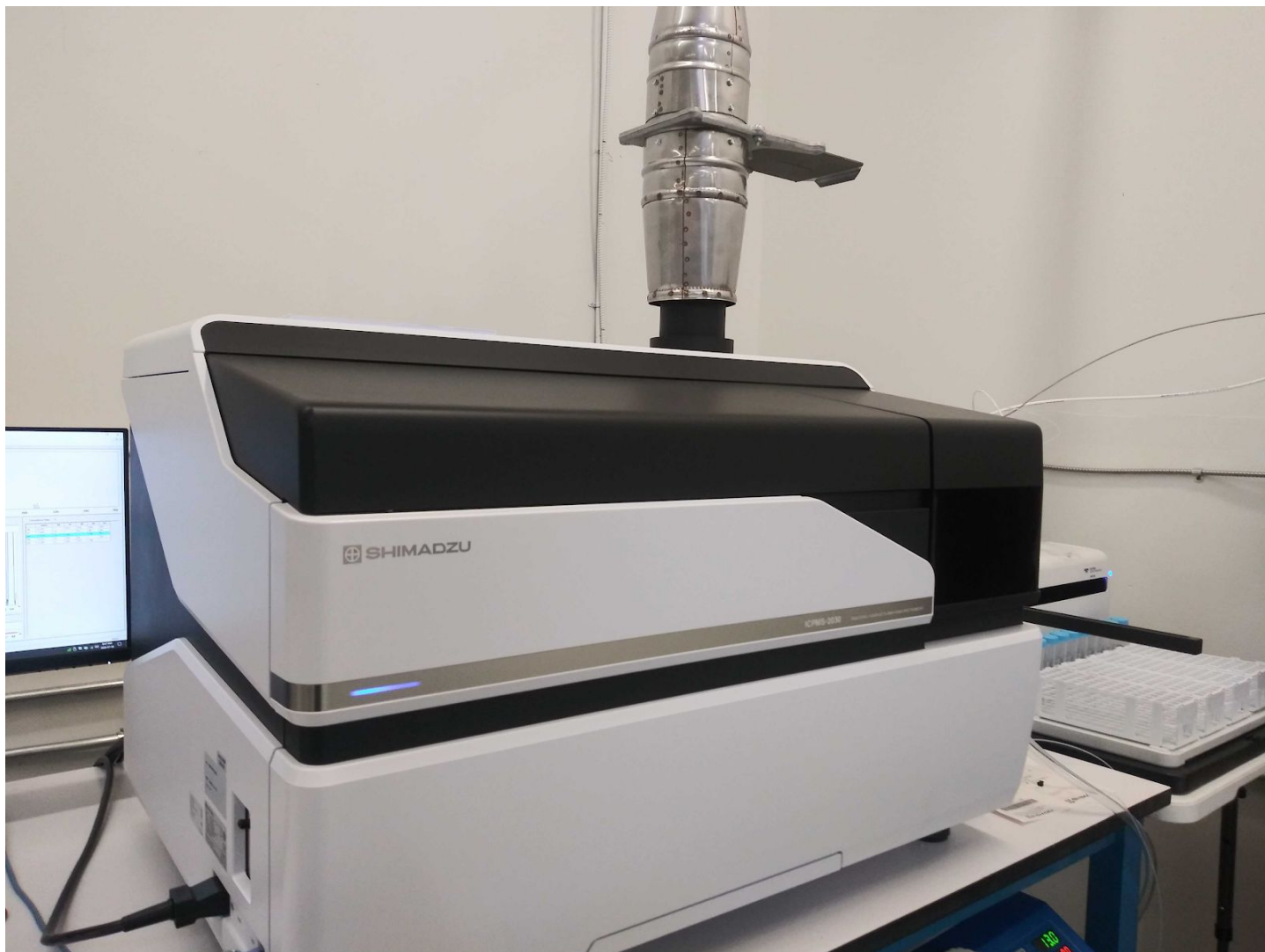


**Nick Mosely, M.S.**

*Chief Executive Officer*

**Confidence Analytics**





*Figure 1. Inductively Coupled Plasma Mass Spectrometer (ICP-MS) from Shimadzu Scientific. Picture taken at Confidence Analytics in Redmond Washington on July 6th, 2020. The unit can test up to 20 samples per hour for heavy metals analysis. This unit alone has enough capacity to test over 10,000 samples per month, giving it plenty of capacity to meet future demand. Confidence Analytics will be submitting a validation report to the RJLee Group in the coming weeks.*

[END]



Washington  
State Department of  
Agriculture

# Hemp Production Pre-harvest Sampling Protocol

*This document is based on language from USDA's interim final rule establishing a U.S. Domestic Hemp Production Program, with adjustments to align to Washington State's RCW 34.05.353.*

Email: [hemp@agr.wa.gov](mailto:hemp@agr.wa.gov)

Visit [agr.wa.gov](http://agr.wa.gov) and click on **Hemp Info** in the "What do you need today?" box.

---

**AGR PUB 501-810 (N/12/19)**

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## Purpose

1. Standard sampling guidelines are specified for field and greenhouse sampling of hemp.
2. Samples are taken to obtain specimens for the measurement of tetrahydrocannabinol (THC) content, which determine whether the specimens are hemp or marijuana. The measurements are intended to be representative of the THC content in a "lot" of hemp crop acreage as identified by the producer. Hemp producers may not harvest hemp prior to the hemp being sampled and tested for THC concentration. Testing procedures are provided in a separate document.

## Scope

1. Samples collected under this procedure are acceptable for submission to a qualified, DEA-registered laboratory for determination of THC in hemp.
2. Since the THC content of hemp generally peaks as the plant ripens, the timing of when sampling occurs is important to accurately measure THC concentration and monitor compliance with the WSDA hemp production program.
3. Samples must be collected by a WSDA inspector. It is the responsibility of the licensed producer to pay any fees associated with sampling.

## Summary of Practice

1. This practice provides procedures for entering a growing area and collecting the minimum number of plant specimens necessary to represent a homogeneous composition of the "lot" that is to be sampled. An authorized representative enters a growing area, strategically examines the growing area, establishes an approach for navigating the growing area, and collects individual specimens of plants in order to obtain a representative sample of hemp in the designated lot.
2. Cuttings from each "lot" of hemp crop acreage, as identified by the producer, shall be organized as composite samples. For the purposes of these procedures, a "lot" is a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout. In addition, "lot" refers to the batch of contiguous, homogeneous whole of a product being sold to a single buyer at a single time. "Lot" is to be defined by the producer in terms of farm location or field acreage.

## Equipment and Supplies

1. Garden pruners/shears (Cleaned prior to and following each composite sample. Some examples of appropriate cleaning agents and supplies to use on garden pruners/shears are bleach, rubbing alcohol, steel wool, and/or sandpaper.)

2. Sample bags, paper.
  - 2.1. The size of the bags will depend upon the number of clippings collected per lot.
  - 2.2. The bags should be made from material known to be free from THC.
3. Security tape
4. Permanent markers
5. Sample collection forms
6. GPS Unit
7. Disposable gloves – Nitrile

## Sampling Guidelines

1. The licensee or designated employee shall accompany the inspector throughout the sampling process.
2. Surveillance of the growing area
  - 2.1. The inspector shall verify the GPS coordinates of the growing area as compared with the GPS coordinates submitted by the licensee to WSDA.
  - 2.2. The inspector shall estimate the average height, appearance, approximate density, condition of the plants, and degree of maturity of the flowering material, meaning inflorescences (flowers/ buds).
  - 2.3. The inspector shall visually establish the homogeneity of the stand to establish that the growing area is of like variety.
3. Time of Sampling
  - 3.1. Within 15 days prior to the anticipated harvest of cannabis plants, a WSDA inspector shall collect representative samples from such cannabis plants for THC concentration level testing.
4. Field Sampling
  - 4.1. For purposes of determining the number of individual plants to select for sampling, the size of the growing area shall be considered. For sampling purposes, samples from separate "lots" must be kept separate and not be comingled.
  - 4.2. For lots of less than one acre, including greenhouses, select a minimum of 1 plant, then take a cutting from the plant to form a sample. For lots of 2 to 10 acres, including greenhouses, select a minimum of one plant per acre, then take cuttings of each plant, then combine to form a composite sample.
  - 4.3. For growing areas larger than ten (10) acres, including greenhouses, the number of plants that will be selected to form a composite sample is based upon the Codex Alimentarius Recommended Methods of Sampling for the Determination of Pesticide Residues for Compliance with MRLS CAC/GL 33-1999.
    - 4.3.1. The sample size is estimated in a two-step process. The first step is to estimate the number of primary plants to be sampled. The second step is to adjust the estimate of primary plants by the acreage under cultivation.

4.3.2. The initial number of primary plants is estimated using

$$n_0 = \frac{\ln(1-p)}{\ln(1-i)}$$

where  $p$  is the confidence level to detect hemp plants having THC content greater than the acceptable hemp THC level and  $i$  is the proportion of hemp plants having THC content greater than the acceptable hemp THC level. The values for  $i$  are based on past experience in the same or similar growing areas.

4.3.3. The initial primary plants estimate is adjusted by the number of acres to calculate the minimum number of primary plants for composting as follows:

$$n = \frac{n_0}{1 + \frac{(n_0-1)}{N}}$$

where  $n$  is the minimum number of primary plants to be selected for forming a composite sample,  $n_0$  is the initial number of primary plants, and  $N$  is the number of acres under cultivation.

4.3.4. Example 1 : The initial primary plant sample size is 299 with a confidence level of 95% to detect hemp plants having THC content greater than the acceptable hemp THC level and a proportion of hemp plants having THC content of greater than the acceptable hemp THC level equal to 0.01 is considered appropriate. The adjusted primary plant sample sizes for fields from 11 to 173 acres in size are shown in the following table:

Number of acres	Sample Size "n"	Number of acres	Sample Size "n"	Number of acres	Sample Size "n"	Number of acres	Sample Size "n"
11	11	40	36	75-76	61	119-120	86
12	12	41-42	37	77	62	121-122	87
13	13	43	38	78-79	63	123-124	88
14	14	44	39	80-81	64	125-126	89
15	15	45-46	40	82	65	127-128	90
16	16	47	41	83-84	66	129-130	91
17	17	48	42	85-86	67	131-132	92
18-19	18	49-50	43	87	68	133-134	93
20	19	51	44	88-89	69	135-136	94
21	20	52	45	90-91	70	137-138	95
22	21	53-54	46	92	71	139-140	96
23	22	55	47	93-94	72	141-143	97
24	23	56	48	95-96	73	144-145	98
25-26	24	57-58	49	97-98	74	146-147	99
27	25	59	50	99	75	148-149	100
28	26	60-61	51	100-101	76	150-152	101
29	27	62	52	102-103	77	153-154	102
30	28	63-64	53	104-105	78	155-156	103
31-32	29	65	54	106-107	79	157-158	104
33	30	66-67	55	108	80	159-161	105
34	31	68	56	109-110	81	162-163	106
35	32	69-70	57	111-112	82	164-166	107
36	33	71	58	113-114	83	167-168	108
37-38	34	72-73	59	115-116	84	169-170	109
39	35	74	60	117-118	85	171-173	110

Example 2: The adjusted primary plant sample sizes for fields from less than 1 to 10 acres in size are shown in the table to the right:

Number of acres "N"	Sample Size "n"
Less than 1	1
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10

## 5. Collecting Samples from each lot

- 5.1. Inspectors shall always walk at right angles to the rows of plants, beginning at one point of the lot and walking towards another point on the opposite side of the lot.
- 5.2. While walking through the growing area, the inspector shall cut at least "n" flowering material, meaning inflorescences (the flower or bud of a plant) at random but convenient distances. Avoid collecting too many specimens from the borders of the field/greenhouse.
- 5.3. The cut shall be made just underneath a flowering material, meaning inflorescence (the flower or bud of a plant), located at the top one-third  $\{1/3\}$  of the plant. (See figure below.) The sample size must be of adequate volume to accommodate laboratory tests.



- 5.4. Utilize a paper sample bag for collecting sample cuttings. Ensure that each bag has the minimum number of cuttings, n, as calculated by 4.3.3, or in the Example Tables 1 and 2.
- 5.5. Seal each bag and record the sample number.

## 6. Sample identification

- 6.1. The inspector shall seal each bag and record the sample identification number. The sample shall also be identified with the following information:
  - (1) The sample ID shall include: Inspector contact information; name and contact information of the producer; producer hemp license or authorization number; date of sample; and "lot" ID as provided by the USDA Farm Service Agency; any other information that may be required by States, Tribes, Law Enforcement Authorities, mail delivery services, customers or groups of customers.



DATE: November 19, 2020

TO: Kathy Hoffman; WSLCB Rule Manager

CC: Casey Schaufler, WSLCB Rule Coordinator; Audrey Vasek, WSLCB Rule Coordinator; Bryan McConaughy, WSIA Lobbyist; Russell Hauge, WSLCB BOD Member; Jane Rushford, WSLCB BOD Member; Ollie Garrett, WSLCB BOD Member,

FROM: Washington Sungrowers Industry Association (WSIA)

RE: WSR 20-20-040 Supplemental CR 102 QC Rules; Testing General Comments

Kathy et al,

The Washington Sungrowers Industry Association (WSIA) currently represents 54 businesses who hold more than 100 WSLCB producer and processor licenses.

We are supportive of efforts to implement a program for testing for disallowed and illegal pesticides that is, effective, uses scientifically sound sampling methodologies, and includes a meaningful approach that protects consumers and workers.

We have previously submitted a paper offering a full critique of the current testing as well as recommendations.

The latest CR 102 unfortunately, still includes lots and requires excessive testing of each lot. We believe that the WSLCB should de-couple pesticide testing from cannabinoid testing and implement a program that focuses on identifying pesticides at the farm level using a third party for sample collection.

Washington's labs are still not accredited by the Department of Ecology (DOE). The legislature identified that there were concerns surrounding the integrity of our labs which is why they passed HB 2052 in 2019. Farmers continue to report significant issues with the consistency and reliability of results from the labs and report being unable to leverage the data they provide with confidence to make business decisions. Until the DOE has put into place their standards, methods, protocols & criteria to improve the performance and proficiency of our labs it's unfair and irresponsible to require farms to significantly increase spending with them. The WSLCB should delay implementation of new testing requirements until the issues with lab integrity are addressed.

The rules continued reliance on self-selected samples to identify those who disregard pesticide regulations is problematic. An honor-based system will not catch bad actors nor will it adequately protect employees from pesticide exposure.

It is also non-sensical to have heavy metal testing of flower. Heavy metals are generally introduced from soil, water or fertilizers. To date very few failures from heavy metals have been

reported by labs in states where it is required. Washington already evaluates heavy metal content of commercially available fertilizers so heavy metal testing should focus on soil, water and vapor product cartridges at the most likely source of contamination. A better system would have annual testing of soil and water and batch-based testing of vape cartridges.

These rules also rely on the Action levels from WAC 314-55-108 which don't distinguish between pesticides that appear on the WSDA PICOL list and are allowed for use on marijuana, disallowed pesticides that are approved for use on food crops and disallowed pesticides that are not approved for use on food crops. The rules should treat the presence of disallowed and WSDA approved pesticides differently.

We still contend that the WSLCB should not be defining any lot or batch size. Lot & batch size should be a business decision left to the licensee. The WSLCB presently allows concentrate manufacturers to define their batch size, farmers should be provided the same flexibility. Sample size could then be increased depending on lot or harvest size. For example the farmer could be required to provide 16 gram samples for every 10 lbs. of product in the harvest.

The proposed limit of 10 lbs. for lots in Washington represents the smallest defined lot size of all legal states. The WSLCB asserts that they are attempting to get Washington ready for interstate trade, however, California sets their lot size at 50 lbs. which will give their farmers a significant competitive advantage cost wise if Washington's farmers are limited to a 10 lb. lot size and required to test each lot.

We recommend the following:

Testing Type	What Should be Tested	Comments
Potency/ cannabinoid concentration analysis	Strain Harvest Level & Concentrate Batch Level	Multiple tests taken depending upon size of harvest allowing cannabinoid concentration to be reported as a range on packaging rather than a single number.
Microbiological screening: Enterobacteria (bile-tolerant gram negative)	Harvest Level or Not at All since this is redundant to the pathogenic specific testing already conducted for E.coli & salmonella	Enterobacteria should be an indicator test not a pass-fail test as many types of non-harmful bacteria exists in living soils. If a failure is experienced further analysis should be done to identify if harmful bacteria such as E.coli and salmonella is present.
Microbiological screening: e. coli (pathogenic strains) and Salmonella spp	Harvest Level & Concentrate Batch Level	
Mycotoxin screening: total of aflatoxin B1, aflatoxin B2, aflatoxin G1 and aflatoxin G2 & Ochratoxin A.	Harvest Level or Consider Elimination	Very few failures for this have occurred. Medicine Creek has indicated that this test may be unnecessary.
Residual Solvents	Concentrate Batch Level	
Pesticides	Farm Level	Samples should be taken at the farm on a quarterly or bi-annually using protocol similar to WSDA Hemp sampling.

Heavy Metals	Vapor Hardware on per batch/lot basis, Soil & Water annually.	
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Harvest Level could be defined as “the marijuana plant material derived from plants that were brought into cultivation at the same time, grown in the same manner and physical space, and gathered at the same time.”

Strain Harvest Level could be defined as “the marijuana plant material derived from plants of the same strain that were brought into cultivation at the same time, grown in the same manner and physical space, and gathered at the same time.”

Highest Regards,

Crystal Oliver  
Executive Director  
Washington Sungrowers Industry Association



DATE: November 18, 2020

TO: Kathy Hoffman; WSLCB Rule Manager

CC: Hauge, WSLCB BOD Member; Jane Rushford, WSLCB BOD Member; Ollie Garrett, WSLCB BOD Member, Christy Curwick Hoff Governor's Interagency Council on Health Disparities Manager

FROM: Washington Sungrowers Industry Association (WSIA)

RE: WSR 20-20-040 Supplemental CR 102 QC Rules; Equity & Systemic Racism

Kathy et al,

The Washington Sungrowers Industry Association (WSIA) currently represents 54 businesses who hold more than 100 WSLCB producer and processor licenses.

The moment of history where we find ourselves demands that all policy be evaluated and analyzed using an equity lens. This is especially true of cannabis policy given the disproportionate impact prohibition has had on communities of color and other marginalized groups.

Washington State has recently made a commitment to promote greater equity in the cannabis industry through the passage of E2HB 2870 during the 2020 legislative session and establishment of the Social Equity in Cannabis Task Force which met for the first time on October 26th 2020.

While the WSLCB's Small Business Economic Impact Statement (SBEIS) states that interviews were conducted "with a cross section of licensed processors and producers" who "included a sun grower and several indoor processor/producers across all three tiers". There is no indication that any effort was made to interview licensees who identified as women, minorities, economically disadvantaged, or licensees who had been convicted of a cannabis offense or were located in disproportionately impacted areas.

At the WSLCB's hearing today Casey Schaufler commented that the board had received hundreds of comments but *"No actual language proposals supported by an analysis of costs or verifiable data have been received and as of this morning less than 10 of those comments offer language..."*

The WSLCB's statements that comments must include legalese and verified data to be considered valid further underscores the agencies struggle to identify and acknowledge the systemic prejudice and racism that permeates its people, procedures, and practices. Disadvantaged groups seldom graduate from law school and are often economically disadvantaged in such a way that hiring an attorney and economist to provide such content is not feasible.

It's disgraceful that the WSLCB cannot acknowledge the racism that permeates their existing rules, proposed rules, and treatment of comments received from disadvantaged stakeholders.

The WSLCB should not adopt any new rules until those proposals have been analyzed using an equity lens.

Highest Regards,

Crystal Oliver

Executive Director

Washington Sungrowers Industry Association