

WSR 22-13-051
PERMANENT RULES
LIQUOR AND CANNABIS
BOARD

[Filed June 8, 2022, 11:02 a.m., effective July 9, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The Washington state liquor and cannabis board adopted amendments to WAC 314-55-108 to update technical chemical isomer information for some types of pesticides included in cannabis quality control testing, and to clarify the number of significant digits testing laboratories are expected to use for reporting numerical pesticide testing results.

Other amendments were completed to ensure consistency with WAC 314-55-102 concerning remediation of marijuana products that have failed quality control testing, remove redundant rule language contained [in] subsections (4) and (5), and to update the term "quality assurance testing" to "quality control testing."

Citation of Rules Affected by this Order: Amending WAC 314-55-108.

Statutory Authority for Adoption: RCW 69.50.345 and 69.50.348.

Other Authority: RCW 69.50.345 and 69.50.348.

Adopted under notice filed as WSR 22-08-038 on March 30, 2022.

Changes Other than Editing from Proposed to Adopted Version: The term "marijuana" was replaced throughout WAC 314-55-108 with the term "cannabis" for conformance with 2SHB 1210 (section 168, chapter 16, Laws of 2022).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 8, 2022.

David Postman
Chair

OTS-3688.3

AMENDATORY SECTION (Amending WSR 17-12-032, filed 5/31/17, effective 8/31/17)

WAC 314-55-108 Pesticide action levels. (1) Only pesticides allowed under WAC 314-55-084 may be used in the production of (~~marijuana~~) cannabis, and they must be registered by the Washington state department of agriculture (WSDA) under chapter 15.58 RCW.

(2) Pursuant to WAC 314-55-102, if the WSLCB, WSDA, other designee of the WSLCB, or certified lab identifies a pesticide that is not allowed under subsection (1) of this section and is above the action levels provided in subsection (3) of this section, that lot or batch from which the sample was deducted has failed quality ((assurance)) control testing and may be subject to a recall as provided in WAC 314-55-225.

(3) The action levels for pesticides are provided in the table below. The action level for all other pesticides that are not listed in the table below or not allowed under subsection (1) of this section is 0.1 ppm.

| ((Analyte | Chemical Abstract Services (CAS) Registry Number | Action-Level ppm |
|---------------------|---|-------------------------|
| Abamectin | 71751-41-2 | 0.5 |
| Acephate | 30560-19-1 | 0.4 |
| Aeequinoctyl | 57960-19-7 | 2 |
| Acetamiprid | 135410-20-7 | 0.2 |
| Aldicarb | 116-06-3 | 0.4 |
| Azoxystrobin | 131860-33-8 | 0.2 |
| Bifenazate | 149877-41-8 | 0.2 |
| Bifenthrin | 82657-04-3 | 0.2 |
| Boscalid | 188425-85-6 | 0.4 |
| Carbaryl | 63-25-2 | 0.2 |
| Carbofuran | 1563-66-2 | 0.2 |
| Chlorantraniliprole | 500008-45-7 | 0.2 |
| Chlorfenapyr | 122453-73-0 | † |
| Chlorpyrifos | 2921-88-2 | 0.2 |
| Clofentezine | 74115-24-5 | 0.2 |
| Cyfluthrin | 68359-37-5 | † |
| Cypermethrin | 52315-07-8 | † |
| Daminozide | 1596-84-5 | † |
| DDVP (Dichlorvos) | 62-73-7 | 0.1 |
| Diazinon | 333-41-5 | 0.2 |
| Dimethoate | 60-51-5 | 0.2 |
| Ethoprophos | 13194-48-4 | 0.2 |
| Etofenprox | 80844-07-1 | 0.4 |
| Etoxazole | 153233-91-1 | 0.2 |
| Fenoxycarb | 72490-01-8 | 0.2 |
| Fenpyroximate | 134098-61-6 | 0.4 |
| Fipronil | 120068-37-3 | 0.4 |
| Flonicamid | 158062-67-0 | † |
| Fludioxonil | 131341-86-1 | 0.4 |
| Hexythiazox | 78587-05-0 | † |
| Imazalil | 35554-44-0 | 0.2 |
| Imidacloprid | 138261-41-3 | 0.4 |
| Kresoxim-methyl | 143390-89-0 | 0.4 |

| ((Analyte | Chemical Abstract Services (CAS) Registry Number | Action Level ppm |
|---------------------------------|---|-------------------------|
| Malathion | 121-75-5 | 0.2 |
| Metaxyl | 57837-19-1 | 0.2 |
| Methiocarb | 2032-65-7 | 0.2 |
| Methomyl | 16752-77-5 | 0.4 |
| Methyl parathion | 298-00-0 | 0.2 |
| MGK-264 | 113-48-4 | 0.2 |
| Myelobutanil | 88671-89-0 | 0.2 |
| Naled | 300-76-5 | 0.5 |
| Oxamyl | 23135-22-0 | 1 |
| Paclbutrazol | 76738-62-0 | 0.4 |
| Permethrins ^a | 52645-53-1 | 0.2 |
| Phosmet | 732-11-6 | 0.2 |
| Piperonyl butoxide ^b | 51-03-6 | 2 |
| Prallethrin | 23031-36-9 | 0.2 |
| Propiconazole | 60207-90-1 | 0.4 |
| Propoxur | 114-26-1 | 0.2 |
| Pyrethrins ^{bc} | 8003-34-7 | 1 |
| Pyridaben | 96489-71-3 | 0.2 |
| Spinosad | 168316-95-8 | 0.2 |
| Spiromesifen | 283594-90-1 | 0.2 |
| Spirotetramat | 203313-25-1 | 0.2 |
| Spiroxamine | 118134-30-8 | 0.4 |
| Tebuconazole | 80443-41-0 | 0.4 |
| Thiacloprid | 111988-49-9 | 0.2 |
| Thiamethoxam | 153719-23-4 | 0.2 |
| Trifloxystrobin | 141517-21-7 | 0.2 |

^aPermethrins should be measured as cumulative residue of cis- and trans-permethrin isomers (CAS numbers 54774-45-7 and 51877-74-8 respectively).

^bAction level applies to marijuana concentrates, marijuana extracts, intermediate products, and imported cannabinoids.

^cPyrethrins should be measured as the cumulative residues of pyrethrin 1, cinerin 1, and jasmolin 1 (CAS numbers 121-21-1, 25402-06-6, and 4466-1-2 respectively).))

| Analyte | µg/g (ppm) | CAS# |
|-------------------------------|-------------------|-------------|
| Abamectin (Sum of Isomers) | 0.50 | 71751-41-2 |
| • Avermectin B1a | | 65195-55-3 |
| • Avermectin B1b | | 65195-56-4 |
| Acephate | 0.40 | 30560-19-1 |
| Acequinocyl | 2.0 | 57960-19-7 |
| Acetamiprid | 0.20 | 135410-20-7 |
| Aldicarb | 0.40 | 116-06-3 |
| Azoxystrobin | 0.20 | 131860-33-8 |
| Bifenazate | 0.20 | 149877-41-8 |

| <u>Analyte</u> | <u>µg/g (ppm)</u> | <u>CAS#</u> |
|---|-----------------------|--------------------|
| <u>Bifenthrin</u> | <u>0.20</u> | <u>82657-04-3</u> |
| <u>Boscalid</u> | <u>0.40</u> | <u>188425-85-6</u> |
| <u>Carbaryl</u> | <u>0.20</u> | <u>63-25-2</u> |
| <u>Carbofuran</u> | <u>0.20</u> | <u>1563-66-2</u> |
| <u>Chlorantraniliprole</u> | <u>0.20</u> | <u>500008-45-7</u> |
| <u>Chlorfenapyr</u> | <u>1.0</u> | <u>122453-73-0</u> |
| <u>Chlorpyrifos</u> | <u>0.20</u> | <u>2921-88-2</u> |
| <u>Clofentezine</u> | <u>0.20</u> | <u>74115-24-5</u> |
| <u>Cyfluthrin</u> | <u>1.0</u> | <u>68359-37-5</u> |
| <u>Cypermethrin</u> | <u>1.0</u> | <u>52315-07-8</u> |
| <u>Daminozide</u> | <u>1.0</u> | <u>1596-84-5</u> |
| <u>DDVP (Dichlorvos)</u> | <u>0.10</u> | <u>62-73-7</u> |
| <u>Diazinon</u> | <u>0.20</u> | <u>333-41-5</u> |
| <u>Dimethoate</u> | <u>0.20</u> | <u>60-51-5</u> |
| <u>Ethoprophos</u> | <u>0.20</u> | <u>13194-48-4</u> |
| <u>Etofenprox</u> | <u>0.40</u> | <u>80844-07-1</u> |
| <u>Etoxazole</u> | <u>0.20</u> | <u>153233-91-1</u> |
| <u>Fenoxycarb</u> | <u>0.20</u> | <u>72490-01-8</u> |
| <u>Fenpyroximate</u> | <u>0.40</u> | <u>134098-61-6</u> |
| <u>Fipronil</u> | <u>0.40</u> | <u>120068-37-3</u> |
| <u>Flonicamid</u> | <u>1.0</u> | <u>158062-67-0</u> |
| <u>Fludioxonil</u> | <u>0.40</u> | <u>131341-86-1</u> |
| <u>Hexythiazox</u> | <u>1.0</u> | <u>78587-05-0</u> |
| <u>Imazalil</u> | <u>0.20</u> | <u>35554-44-0</u> |
| <u>Imidacloprid</u> | <u>0.40</u> | <u>138261-41-3</u> |
| <u>Kresoxim-methyl</u> | <u>0.40</u> | <u>143390-89-0</u> |
| <u>Malathion</u> | <u>0.20</u> | <u>121-75-5</u> |
| <u>Metalaxyl</u> | <u>0.20</u> | <u>57837-19-1</u> |
| <u>Methiocarb</u> | <u>0.20</u> | <u>2032-65-7</u> |
| <u>Methomyl</u> | <u>0.40</u> | <u>16752-77-5</u> |
| <u>Methyl parathion</u> | <u>0.20</u> | <u>298-00-0</u> |
| <u>MGK-264</u> | <u>0.20</u> | <u>113-48-4</u> |
| <u>Myclobutanil</u> | <u>0.20</u> | <u>88671-89-0</u> |
| <u>Naled</u> | <u>0.50</u> | <u>300-76-5</u> |
| <u>Oxamyl</u> | <u>1.0</u> | <u>23135-22-0</u> |
| <u>Paclobutrazol</u> | <u>0.40</u> | <u>76738-62-0</u> |
| <u>Permethrins (Sum of Isomers)</u> | <u>0.20</u> | <u>52645-53-1</u> |
| • <u>cis-Permethrin</u> | | <u>54774-45-7</u> |
| • <u>trans-Permethrin</u> | | <u>51877-74-8</u> |
| <u>Phosmet</u> | <u>0.20</u> | <u>732-11-6</u> |
| <u>Piperonyl butoxide</u> | <u>2.0</u> | <u>51-03-6</u> |
| <u>Prallethrin</u> | <u>0.20</u> | <u>23031-36-9</u> |
| <u>Propiconazole</u> | <u>0.40</u> | <u>60207-90-1</u> |
| <u>Propoxur</u> | <u>0.20</u> | <u>114-26-1</u> |

| <u>Analyte</u> | <u>µg/g (ppm)</u> | <u>CAS#</u> |
|--|-----------------------|--------------------|
| <u>Pyrethrins (Sum of Isomers)</u> | <u>1.0</u> | <u>8003-34-7</u> |
| • <u>Pyrethrin I</u> | | <u>121-21-1</u> |
| • <u>Pyrethrin II</u> | | <u>121-29-9</u> |
| <u>Pyridaben</u> | <u>0.20</u> | <u>96489-71-3</u> |
| <u>Spinosad (Sum of Isomers)</u> | <u>0.20</u> | <u>168316-95-8</u> |
| • <u>Spinosyn A</u> | | <u>131929-60-7</u> |
| • <u>Spinosyn D</u> | | <u>131929-63-0</u> |
| <u>Spiromesifen</u> | <u>0.20</u> | <u>283594-90-1</u> |
| <u>Spirotetramat</u> | <u>0.20</u> | <u>203313-25-1</u> |
| <u>Spiroxamine</u> | <u>0.40</u> | <u>118134-30-8</u> |
| <u>Tebuconazole</u> | <u>0.40</u> | <u>80443-41-0</u> |
| <u>Thiacloprid</u> | <u>0.20</u> | <u>111988-49-9</u> |
| <u>Thiamethoxam</u> | <u>0.20</u> | <u>153719-23-4</u> |
| <u>Trifloxystrobin</u> | <u>0.20</u> | <u>141517-21-7</u> |

(4) For the purposes of this section, limits have been written to the number of significant digits that laboratories are expected to use when reporting to the board and on associated certificates of analysis.

(5) Except as otherwise provided in this section, licensed ((~~marijuana~~) cannabis producer or processor that provided a sample that fails quality ((~~assurance~~) control testing must dispose of the entire lot or batch from which the sample was taken as provided by ((~~marijuana~~) cannabis waste disposal requirements in WAC 314-55-097 and document the disposal of the sample pursuant to traceability requirements in WAC 314-55-083(4) and recordkeeping requirements in WAC 314-55-087. A licensee's sample that does not test above the pesticide action levels under this section where test results show the presence of a pesticide that is not allowed under subsection (1) of this section may still be subject to an administrative violation if the disallowed pesticide was applied.

~~((5) Except as otherwise provided in this section, a licensed marijuana producer or processor which provided a sample that fails quality assurance testing must dispose of the entire lot or batch from which the sample was taken as provided by marijuana waste disposal requirements in WAC 314-55-097 and document the disposal of the sample pursuant to traceability requirements in WAC 314-55-083(4) and recordkeeping requirements in WAC 314-55-087.))~~

(6) Pursuant to WAC 314-55-102, at the request of the producer or processor, the WSLCB may authorize a retest to validate a failed test result on a case-by-case basis. All costs of the retest will be borne by the producer or the processor requesting the retest.

~~(7) ((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 retailer 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 and WAC 314-55-102.~~

(8)) Pursuant to WAC 314-55-102, upon request a ((~~marijuana~~)) cannabis licensee must disclose and make available all quality ((~~as-~~urance)) control tests and retest results for the lot or batch of usable ((~~marijuana, marijuana~~)) cannabis, cannabis concentrates, or ((~~marijuana-infused~~)) cannabis-infused products to the ((~~marijuana~~)) cannabis licensee or retail customer who is considering purchasing the usable ((~~marijuana, marijuana~~)) cannabis, cannabis concentrates, or ((~~marijuana-infused~~)) cannabis-infused products.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 17-12-032, § 314-55-108, filed 5/31/17, effective 8/31/17.]