

WSR 22-17-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed August 19, 2022, 4:00 p.m.]

Subject of Possible Rule Making: The department is initiating rule making to establish a voluntary program for the certification of cannabis and cannabis products produced and processed in compliance with the National Organic Program standards (7 C.F.R. 205) and the department's organic program adopted under chapter 15.86 RCW. Rule making will include the identification of a marketing claim for qualifying products, the development of a fee schedule to provide for the recovery of the full cost of the program, and other rules necessary for the implementation and administration of the certification service.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.125.020; chapter 15.86 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2017, chapter 15.125 RCW was created, which authorizes the department to adopt rules establishing a self-sustaining and voluntary program to certify cannabis and cannabis products to a production standard consistent with 7 C.F.R. Part 205 and other rules as necessary for administration of this chapter. The authorizing statute requires the rules to include a fee schedule providing for the recovery of the full cost of the program, including, but not limited to, application processing, inspections, sampling and testing, notifications, public awareness programs, and enforcement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state liquor and cannabis board (WSLCB) and Washington department of health (DOH). Communication will be maintained and primary contacts established so marketing claims and enforcement activities are transparent to WSLCB, DOH, and the Washington state department of agriculture (WSDA).

Process for Developing New Rule: WSDA staff will discuss rule making with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will also be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brenda Book, WSDA Organic Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1805, TTY 800-833-6388 or 711, email organic@agr.wa.gov, website agr.wa.gov/organic.

August 19, 2022
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