

WSR 25-07-049
PERMANENT RULES
LIQUOR AND CANNABIS
BOARD

[Filed March 12, 2025, 11:11 a.m., effective April 12, 2025]

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

Purpose: The purpose of these rule changes to WAC 314-55-097 is to implement SSB 5376 (chapter 243, Laws of 2024), regarding allowing sale of cannabis waste. These rule amendments allow for licensed cannabis producer licensees and cannabis processor licensees to sell non-hazardous cannabis waste containing a THC concentration of 0.3 percent or less to persons who are not cannabis licensees under the requirements set forth in WAC 314-55-097.

Citation of Rules Affected by this Order: Amending WAC 314-55-097.

Statutory Authority for Adoption: RCW 69.50.342 and 69.50.3255.

Other Authority: SSB 5376 (chapter 243, Laws of 2024).

Adopted under notice filed as WSR 25-03-080 on January 15, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.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: March 12, 2025.

Jim Vollendroff
Chair

OTS-5839.4

AMENDATORY SECTION (Amending WSR 22-14-111, filed 7/6/22, effective 8/6/22)

WAC 314-55-097 Cannabis waste disposal and sales—Liquids and solids. (1) Solid and liquid wastes generated during cannabis production and processing must be stored, managed, and disposed of in accordance with applicable state and local laws and regulations.

For purposes of this section, "sellable cannabis waste" means solid waste generated during cannabis production or processing that has a THC concentration of 0.3 percent or less and not designated dangerous or hazardous. Sellable cannabis waste does not include "hemp" or "industrial hemp," as defined in RCW 15.140.020. A portion of a cannabis plant that has a THC concentration greater than 0.3 percent is considered cannabis under RCW 69.50.101.

(2) Wastewater generated during cannabis production and processing must be disposed of in compliance with applicable state and local laws and regulations.

(3) ~~((Wastes from the production and processing of cannabis plants must be evaluated against the state's dangerous waste regulations (chapter 173-303 WAC))~~ Cannabis licensees and certified laboratories must evaluate cannabis waste consistent with chapters 70A.300 RCW and 173-303 WAC to determine if ((those wastes designate as dangerous waste. It is the responsibility of each waste generator to properly evaluate their waste to determine if it is designated as a dangerous waste)) the cannabis waste is designated as dangerous or hazardous as defined in those chapters.

(a) If a ((generator's)) licensee or certified laboratory generates waste ((does designate as a)) that is not designated as dangerous or hazardous waste, then that waste((s)) is subject to the ((applicable)) cannabis waste management standards ((found in chapter 173-303 WAC)) set forth in this section.

((a)) (i) Waste(s) that must be evaluated ((against the dangerous waste regulations)) to determine if it is dangerous or hazardous includes, but ((are)) is not limited to, the following:

((i)) (A) Waste from cannabis flowers, trim and solid plant material used to create an extract (per WAC 314-55-104).

((ii)) (B) Waste solvents used in the cannabis process (per WAC 314-55-104).

((iii)) (C) Discarded plant waste, spent solvents and laboratory wastes from any cannabis processing or quality assurance testing.

((iv)) (D) Cannabis extract that fails to meet quality testing.

~~((b) Cannabis wastes that do not designate as dangerous shall be managed in accordance with subsection (4) of this section.~~

(e)) (ii) A cannabis plant, useable cannabis, cannabis plant roots, trim, and other plant material ((in itself)) is not considered dangerous or hazardous waste as defined under chapter 70A.300 RCW or 173-303 WAC unless it has been treated or contaminated with a solvent.

((4)) (b) Cannabis waste that is designated as dangerous or hazardous as defined in chapter 70A.300 RCW or 173-303 WAC must be stored, managed, and disposed of consistent with chapters 70A.300 RCW and 173-303 WAC.

(4) Cannabis waste that is not designated as dangerous or hazardous waste as defined in chapter 70A.300 RCW or 173-303 WAC and is not sold as provided in this section must be rendered unusable before leaving the licensed premises or certified laboratory.

(a) The process for rendering cannabis waste unusable must involve grinding the waste and mixing it with other ground materials so that the resulting mixture is at least 50 percent noncannabis waste by volume. Other methods to render cannabis waste unusable may be proposed but must receive prior approval from the LCB before implementation. Acceptable materials for mixing with cannabis waste include, but are not limited to, the following:

(i) Compostable mixed waste, such as food waste, yard waste, vegetable greases or oils, or other compostable materials approved by the LCB;

(ii) Noncompostable mixed waste, with materials such as paper waste, plastic waste, cardboard waste, or other noncompostable materials approved by the LCB.

(b) Once rendered unusable, cannabis waste may, subject to approval by the local authority, be disposed of at a permitted solid waste facility, including composting facilities, anaerobic digesters, land-

fills, or incinerators. Compliance with (b) of this subsection may be accomplished by managing cannabis waste rendered unusable on-site by the licensee or certified laboratory in accordance with the standards of chapter 173-350 WAC.

(c) Licensees must maintain records documenting the final destination and method of all cannabis waste rendered unusable in the required format.

~~(5) Sellable cannabis waste ((that does not designate as dangerous waste (per subsection (3) of this section) must be rendered unusable following the methods in subsection (5) of this section prior to leaving a licensed producer, processor, or laboratory. Disposal of the cannabis waste rendered unusable must follow the methods under subsection (6) of this section.~~

~~Wastes that must be rendered unusable prior to disposal include, but are not limited to, the following)) may be sold by the producer or processor to a person who is not a licensed cannabis business under the following conditions:~~

~~(a) ((Waste evaluated per subsection (3) of this section and determined to not designate as "Dangerous Waste."~~

~~(b) Cannabis plant waste, including roots, stalks, leaves, and stems that have not been processed with solvent.~~

~~(c) Solid cannabis sample plant waste possessed by third-party laboratories accredited by the WSLCB to test for quality assurance that must be disposed of.~~

~~(d) Other wastes as determined by the WSLCB.~~

~~(5) The allowable method to render cannabis plant waste unusable is by grinding and incorporating the cannabis plant waste with other ground materials so the resulting mixture is at least 50 percent non-cannabis waste by volume. Other methods to render cannabis waste unusable must be approved by the WSLCB before implementation.~~

~~Material used to grind with the cannabis falls into two categories: Compostable waste and noncompostable waste.~~

~~(a) Compostable mixed waste: Cannabis waste to be disposed as compost feedstock or in another organic waste method (for example, anaerobic digester) may be mixed with the following types of waste materials:~~

~~(i) Food waste;~~

~~(ii) Yard waste;~~

~~(iii) Vegetable based grease or oils; or~~

~~(iv) Other wastes as approved by the WSLCB.~~

~~(b) Noncompostable mixed waste: Cannabis waste to be disposed in a landfill or another disposal method (for example, incinerator) may be mixed with the following types of waste materials:~~

~~(i) Paper waste;~~

~~(ii) Cardboard waste;~~

~~(iii) Plastic waste;~~

~~(iv) Soil; or~~

~~(v) Other wastes as approved by the WSLCB.~~

~~(6) Cannabis wastes rendered unusable following the method described in subsection (4) of this section can be disposed.~~

~~(a) Disposal of the cannabis waste rendered unusable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:~~

~~(i) Compostable mixed waste: Compost, anaerobic digester, or other facility with approval of the jurisdictional health department.~~

~~(ii) Noncompostable mixed waste: Landfill, incinerator, or other facility with approval of the jurisdictional health department.~~

~~(b) Disposal of the cannabis waste rendered unuseable may be managed on-site by the generator in accordance with the standards of chapter 173-350 WAC.~~

~~(c) A record of the final destination of cannabis waste rendered unuseable.)~~ The cannabis licensee must report the intended sale to the WSDA prior to completion of the sale;

(b) The cannabis licensee must notify the LCB of the intended sale prior to completion of the sale in the format specified by the board;

(c) The report includes at least the following information:

(i) The quantity of sellable cannabis waste;

(ii) The sale price; and

(iii) The name and contact information of the buyer;

(d) The sale of sellable cannabis waste must be conducted in a manner that is open and accessible to all members of the public without discrimination; and

(e) The cannabis waste will not leave the state of Washington as part of the sale or delivery.

(6) Sellable cannabis waste may be sold by the producer or processor to another producer or processor under the following conditions:

(a) Both the purchasing and selling cannabis licensees must notify the LCB of the intended sale in the format specified by the board;

(b) The notice to the board must include the following:

(i) The quantity of sellable cannabis waste;

(ii) The sale price; and

(iii) The intended use of the sellable cannabis waste.

(c) The sale must be conducted consistent with chapters 69.50 RCW and 314-55 WAC.

(7) (a) The LCB may conduct inspections and audits to ensure compliance with this section.

(b) Licensees found in violation of these rules may be subject to penalties.

(c) Licensees are responsible for keeping accurate and complete records of all sellable cannabis waste sales. Licensees and certified laboratories are responsible for keeping accurate and complete records of all evaluations, rendering, and disposal activities.

(d) All required records must be made available to the LCB upon request.

(e) All required records must be kept consistent with the requirements in WAC 314-55-087.

(8) Cannabis waste rendered unusable following the method described in this rule can be disposed of.

(a) Disposal of the cannabis waste rendered unusable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:

(i) Compostable mixed waste: Compost, anaerobic digester, or other facility with approval of the jurisdictional health department.

(ii) Noncompostable mixed waste: Landfill, incinerator, or other facility with approval of the jurisdictional health department.

(b) Disposal of the cannabis waste rendered unusable may be managed on-site by the licensee or certified laboratory in accordance with the standards of chapter 173-350 WAC.