

# TREELINE ANALYTICS

5373 Guide Meridian, Suite F-101  
Bellingham, WA 98226

*J. Burns, PhD*  
*Laboratory Director*  
[jay@treelineanalytics.com](mailto:jay@treelineanalytics.com)

13 Dec 2023

Treeline Analytics considers the draft rules for Accreditation of Cannabis Laboratories (173-55) to be reasonable. We are confident that the Department of Ecology has the experience and personnel to help ensure laboratories are producing accurate and reproducible data. Based on conversations with Ecology Staff, we are also confident that staff will assist the laboratories during the transition to the new accreditation program.

We appreciate the reduction in the fee; however, the cost remains too high and will result in labs closing their doors. It is clear from the limited SBEIS prepared by the Dept. of Agriculture that these new regulations will impose an additional high economic impact on the labs. It is important for Ecology to explore all options that will result in a true cost reduction and not rely on deferring cost to future years. We encourage the Department of Ecology to conduct a full SBEIS that examines all the cost mitigation options listed in RCW 19.85.

Below we have identified sections that we would like clarification on to understand how this will impact the labs and how these regulations will function in conjunction with existing and proposed regulations.

**Definition of matrix:** How would this be reflected in required validation and PTs? Would it be possible to define the matrices more clearly, for example, could flower, cannabis mix and cannabis mix packaged all be validated/PT as 1 matrix?

## **173-55-030 (13)**

When will the Manual for Cannabis Laboratory Accreditation Program be available?

## **173-55-040 Initial Application**

When submitting for initial accreditation for specific parameters, do labs need to specify specific analytes and matrices? Or can a reference be made to a WAC section?

Do labs need to be certified in all parameters to operate? Or can a lab choose to do only potency and mycotoxins, for example?

## **173-55-050 Renewal Application**

(3) Assuming all paperwork is in order, is it guaranteed that the renewal process can occur in 30 days?

What are the concerns if the renewal application takes longer than 30 days, due to circumstances beyond the lab's control? Will the lab be able to operate while the renewal process continues past the expiration date of their certification?

### **173-55-060 Review and approval**

(3)(b) If a lab is denied accreditation for one or more parameters, can the lab still operate and perform tests that are approved?

### **173-55-075 SOP**

(3) Does a revised SOP need to be approved by Ecology prior to implementation? Or can the SOP be used immediately? If approval is required, how long will that process take?

### **173-55-080**

3(e) Current records were kept for three years and may not be available. Does this requirement start with this rule?

### **173-55-90**

(1) What is the definition of a “passing PT”? Will it remain the same as currently stated in WAC 314-55-1025?

Will this regulation supersede WAC 314-55-1025 (in part or in whole) which does not have a provision similar to section 1 (a) and (b)?

(2) There does not appear to be an equivalent of this rule for environmental labs. Can there be a list of approximate matrices?

(4) Will Ecology maintain at least a partial list of approved vendors? Currently there are only a few PT vendors and this number is decreasing.

If a PT vendor meets the criteria in 4 (a) and 4(b), are all the PT offerings by that vendor automatically approved?

(5) What if a PT vendor meets the requirements above, but it is impossible for a PT sample to undergo “identical preparation”? Is that PT valid? What constitutes “identical preparation”?

### **173-55-100 Audits**

(5) Will audit findings result in an automatic violation (AVN from LCB or any state agency)? Or will there be a time for corrective action before the audit is finalized? For example, 30 days to make corrections.

### **173-55-110 Evaluation**

(5) Will there be a pathway for appeal of an accreditation decisions that exists outside of the Ecology accreditation unit? For example, a pathway similar to 173-50-210.

**173-55-120 Qualified Accreditation**

It was stated that LCB will be responsible for granting waivers for PTs that do not meet the specified requirements. Will a blanket waiver be provided since there are no PTs that meet this requirement currently available to the labs in Washington State? Is there a process being established to apply for waivers at LCB? Will this waiver also apply to matrices that may not be available, such as CO<sub>2</sub> Oil, non-solvent extract, etc?

**173-55-180 Fee**

What is the fee prior July 1, 2025?

If all the current labs were to dissolve, a new lab entering the system would require an application fee of \$335,000. Is this a reasonable cost for an application? Would Ecology maintain dedicated employees for this program until a lab(s) re-entered the space? How would these employees be paid during the interim period?

What is the estimate of the number of labs that will close due to the cost of application and continued certification? The additional cost resulting from the proposed WAC 16-309, which are directly linked to WAC 173-55 should also be included in the analysis.