

Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**  
A Certificate and Order for Filing Temporary Administrative Rules  
accompanies this form

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ARCHIVES DIVISION  
SECRETARY OF STATE

Oregon Health Authority, Public Health Division  
Agency and Division

333  
Administrative Rules Chapter Number

Modification of pesticide testing requirements for usable marijuana by OLCC licensees

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Temporary adoption of OAR 333-007-2000 pertaining to pesticide testing requirements or usable marijuana by OLCC licensees.

**Statutory Authority:**

ORS 475B.555

**Other Authority:**

**Statutes Implemented:**

ORS 475B.555

**Need for the Temporary Rule(s):**

The Oregon Health Authority establishes rules and standards for testing and labeling of marijuana items. Due to a continuing backlog in laboratory testing, the Oregon Health Authority is modifying the requirements for testing of marijuana to ensure that licensees are able to bring their product to market while lab capacity develops.

**Documents Relied Upon, and where they are available:**

METRC Data - Available from OLCC: 503-872-5136 or <http://www.oregon.gov/olcc/>  
ORS 475B.555 - [https://www.oregonlegislature.gov/bills\\_laws/ors/ors475B.html](https://www.oregonlegislature.gov/bills_laws/ors/ors475B.html)

**Justification of Temporary Rule(s):**

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and OLCC retailers and their customers. These rules need to be adopted promptly so that there is no barrier in getting marijuana items to market.

Currently, with only one-third of batches per harvest lot being tested for pesticides, it takes approximately 10 to 15 days on average for labs to complete pesticide testing (from sampling to results being posted). Although the number of labs accredited by ORELAP to test for pesticides has increased from four to six, the monthly supply of harvested marijuana is significantly higher than preliminary estimates. Raising the testing requirement to 100% of all batches would substantially increase the turnaround time for pesticide testing and may create a barrier to getting product to market.

If the Authority does not temporarily adopt OAR 333-007-2000, the newly licensed recreational marijuana businesses would be forced to test 100% of their usable marijuana through the ORELAP certified and OLCC licensed labs. Because lab capacity in Oregon is still developing, this may create a barrier to getting product to market and will negatively impact both retailers and their customers. The temporary rule gives OLCC flexibility to temporarily ease this barrier while lab capacity develops.

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