

From: [Amy O'Gorman Jenkins](mailto:amy@precisionadvocacy.co)
To: cac@Cannabis
Subject: Public Comment Submission on DCC Rulemaking Package – SB 622 Implementation
Date: Wednesday, September 18, 2024 3:50:39 PM
Attachments: [Public Comment Letter_CAC_Cultivation Regulations_September 2024.pdf](#)
[AttachA_CCIA_Draft Regulatory Language to Implement SB 622.pdf](#)
[AttachB_METRC Plant Tagging Clone to Harvest_CCIA_SB 622 Proposal.pdf](#)

[EXTERNAL]: amy@precisionadvocacy.co

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Good afternoon,

Please find attached a public comment letter on behalf of the California Cannabis Industry Association (CCIA) regarding the Department of Cannabis Control's (DCC) recent rulemaking package for cannabis cultivation, which appears as Item 8 on the CAC's September 19 agenda.

We wish to express our disappointment that the DCC did not incorporate the regulatory changes enacted through SB 622 (Allen, 2023) and have provided our recommendations for consideration.

Should you require any additional information or clarification, please do not hesitate to contact me.

Thank you for your attention to this matter.

Kind regards,

Amy

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September 18, 2024

Cannabis Advisory Committee
C/o Department of Cannabis Control
2920 Kilgore Road
Rancho Cordova, CA 95670

Sent via email: CAC@cannabis.ca.gov

Re: Public Comment: Agenda Item 8: Department of Cannabis Control's Rulemaking Package for Cultivation: Exclusion of SB 622 Implementation

Dear Members, Cannabis Advisory Committee:

I am writing on behalf of the California Cannabis Industry Association (CCIA) to express our disappointment that the Department of Cannabis Control (DCC) did not incorporate critical regulatory changes enacted through Senate Bill (SB) 622 (Allen, Chapter 496, Statutes of 2023) into the most recent rulemaking package for cannabis cultivation, which the Cannabis Advisory Committee will be discussing under Item 8 of its September 19 agenda.

SB 622 eliminated the unnecessary and redundant requirement that licensed cannabis cultivators affix a single-use plastic tag to each individual cannabis plant. Instead, it directed the DCC to determine, through regulation, how to record unique identifiers for cannabis plants. As of this letter, the DCC has not adopted any regulatory changes in alignment with SB 622, missing a vital opportunity to streamline operations, reduce environmental impact, and implement a more efficient lot-based tagging system.

Environmental Impact and Waste Reduction

Based on DCC's data dashboard, over 35 million cannabis plants were harvested in 2023. Under the current system, we estimate that approximately 2 million single-use plastic tags are introduced into California's waste stream each week. As these plastic tags are coated and embedded with RFID technology, they are not recyclable and end up in landfills, exacerbating the state's plastic waste issue.

Implementing SB 622 would significantly reduce the environmental footprint of cannabis cultivation. Moving from individual plant tagging to a batch-based system, as we outlined in our detailed proposal submitted to the DCC on June 10, 2024, would preserve the integrity of the track-and-trace system while dramatically lowering the number of plastic tags required for compliance. While plant tags would not be entirely eliminated, this change would notably reduce the amount of waste generated by the industry each year.

Operational Efficiency and Feasibility

In addition to the environmental benefits, the lot-based tagging system is already familiar to both cannabis industry participants and inspectors. Metrc, the state's track-and-trace provider, supports this system for immature plants. Expanding this methodology to mature plants would streamline operations, reduce compliance costs, and maintain enforcement capabilities.

For cultivators, the current tagging requirement represents an unsustainable burden. Operators must maintain teams specifically dedicated to tagging tens of thousands of plants weekly, a process that introduces unnecessary operational inefficiencies and financial strain. For example, a typical operation tags and enters over 24,000 mature plants and 270 batches of immature plants weekly. This requires a dedicated team, leading to increased labor and material costs, averaging 22 cents per plant. With a batch-based system, the same operation could operate with just 15 mature and 15 immature plant batches per week, utilizing 0.12% of the current plant tags, without sacrificing any of the data or traceability required for regulatory compliance.

Missed Opportunity for Regulatory Improvement

SB 622 provides the framework for a more sustainable and efficient tagging system, and we are confident that our proposed regulatory language demonstrates its feasibility. Excluding its implementation from the DCC's current rulemaking package is a missed opportunity to address both environmental concerns and industry inefficiencies. We urge the DCC to revisit this matter and incorporate SB 622 into its proposed regulatory changes, ensuring a smoother and more sustainable system for all stakeholders.

We respectfully request the DCC to reconsider our June 2024 proposal (*Attachment A*) and the comparative analysis between current and proposed processes (*Attachment B*). Incorporating these recommendations would greatly benefit the industry, the environment, and regulatory oversight.

Thank you for your attention to this matter. We look forward to further dialogue on the implementation of SB 622 and stand ready to assist with any additional information or support necessary.

Sincerely,



Caren Woodson | CCIA
President, Board of Directors

Cc: Senator Ben Allen

Attachment A: Proposed regulatory changes

Attachment B: Comparative analysis between current and proposed tagging processes

Draft Regulatory Language to Implement SB 622

Clean Language with Changes

Showing Changes from Original Text (underscore=new language, ~~strikeout~~= removed language)

§ 15000 (vvv)

“Unique identifier” or “UID” means an alphanumeric code or designation used for reference to a specific plant, or lot of plants and any cannabis or cannabis product derived or manufactured from that plant, or lot of plants.

§ 15048.4. Tagging of Cannabis Plants.

(a) Cannabis plants shall be tagged as follows:

(1) Each established lot of plants shall be assigned a plant tag. The number of plants in a lot is not limited, however, each lot of plants under a single plant tag shall be uniform in strain or cultivar. The lot plant tag shall be visible and within clear view of an individual standing next to the lot and kept free from dirt and debris. Each lot shall either:

(A) Have each plant in the lot labeled with the UID number and placed contiguous to one another to facilitate identification by the Department; or

(B) Be fully separated from other lots of immature or mature plants by a physical barrier. In such cases, each individual plant does not need to be labeled with the corresponding UID number.

(2) Immature plants transferred from a licensed nursery shall be transferred in a package with a package tag.

(A) Licensed retailers receiving immature plants shall remove the licensed nursery's package tag and assign a plant or package tag, as applicable, belonging to the receiving licensee within three (3) calendar days of receiving the immature plants.

(B) Licensed cultivators receiving immature plants shall remove the licensed nursery's package tag and assign a plant or package tag, as applicable, belonging to the receiving licensees within three (3) calendar days of receiving the immature plants.

(3) Licensees are prohibited from removing the plant tag from the mature plant lot to which it was assigned until the plant lot is harvested, destroyed, or disposed of.

Showing Changes from Original Text (underscore=new language, ~~strikeout~~= removed language)

§ 15000 (vvv)

“Unique identifier” or “UID” means an alphanumeric code or designation used for reference to a specific plant, or lot of plants and any cannabis or cannabis product derived or manufactured from that plant, or lot of plants.

§ 15048.4. Tagging of Cannabis Plants.

(a) ~~Immature~~ Cannabis plants shall be tagged as follows:

- (1) Each established lot of ~~immature~~ plants shall be assigned a plant tag. The number of plants in a lot is not limited, however, each lot of immature plants under a single plant tag shall be uniform in strain or cultivar and contain no more than 100 individual immature plants at any one time. The lot plant tag shall be visible and within clear view of an individual standing next to the ~~immature~~ lot and kept free from dirt and debris. Each lot shall either:
- (A) Have each ~~immature~~ plant in the lot labeled with the UID number and placed contiguous to one another to facilitate identification by the Department; or
- (B) Be fully separated from other lots of immature or mature plants by a physical barrier. In such cases, each individual plant does not need to be labeled with the corresponding UID number.
- (2) Immature plants transferred from a licensed nursery ~~for retail sale~~ shall be transferred in a package with a package tag.
- (A) Licensed retailers receiving immature plants shall remove the licensed nursery's package tag and assign a plant or package tag, as applicable, belonging to the receiving licensee within three (3) calendar days of receiving the immature plants.
- (B) Licensed cultivators receiving immature plants shall remove the licensed nursery's package tag and assign a plant or package tag, as applicable, belonging to the receiving licensee within three (3) calendar days of receiving the immature plants.
- ~~(3) A plant tag shall be applied to each individual plant in accordance with subsection (b) at the time the plant is moved to the designated canopy area or begins flowering.~~
- ~~(b) Mature cannabis plants shall be tagged as follows:~~
- ~~(1) Each mature plant shall be tagged with a plant tag. A plant tag shall be attached to the main stem at the base of each plant, placed in a position so it is visible and within clear view of an individual standing next to the mature plant, and kept free from dirt and debris.~~
- (32) Licensees are prohibited from removing the plant tag from the mature plant lot to which it was ~~attached and~~ assigned until the plant lot is harvested, destroyed, or disposed of.

For Reference: Current Regulatory Language and Language of SB 622

§ 15000 (vvv)

“Unique identifier” or “UID” means an alphanumeric code or designation used for reference to a specific plant and any cannabis or cannabis product derived or manufactured from that plant.

§ 15048.4. Tagging of Cannabis Plants.

(a) Immature cannabis plants shall be tagged as follows:

- (1) Each established lot of immature plants shall be assigned a plant tag. Each lot of immature plants under a single plant tag shall be uniform in strain or cultivar and contain no more than 100 individual immature plants at any one time. The lot plant tag shall be visible and within clear view of an individual standing next to the immature lot and kept free from dirt and debris. Each lot shall either:
- (A) Have each immature plant in the lot labeled with the UID number and placed contiguous to one another to facilitate identification by the Department; or

(B) Be fully separated from other lots of immature or mature plants by a physical barrier. In such cases, each individual plant does not need to be labeled with the corresponding UID number.

(2) Immature plants transferred from a licensed nursery for retail sale shall be transferred in a package with a package tag. The receiving licensee shall remove the licensed nursery's package tag and assign a plant or package tag, as applicable, belonging to the receiving licensee within three (3) calendar days of receiving the immature plants.

(3) A plant tag shall be applied to each individual plant in accordance with subsection (b) at the time the plant is moved to the designated canopy area or begins flowering.

(b) Mature cannabis plants shall be tagged as follows:

(1) Each mature plant shall be tagged with a plant tag. A plant tag shall be attached to the main stem at the base of each plant, placed in a position so it is visible and within clear view of an individual standing next to the mature plant, and kept free from dirt and debris.

(2) Licensees are prohibited from removing the plant tag from the mature plant to which it was attached and assigned until the plant is harvested, destroyed, or disposed of.

BPC 26069 (SB 622).

(a) (1) The department shall implement a unique identification program for cannabis and cannabis products.

(2) The unique identification program shall include the identification of permitted cannabis plants at a cultivation site during the cultivation period. A unique identifier shall be issued for each cannabis plant. The department shall ensure that unique identifiers are issued as quickly as possible to ensure the implementation of this division. The unique identifier shall be recorded in a manner as determined by the department by regulation.

(b) Unique identifiers shall only be issued to those persons appropriately licensed by this division.

(c) Information associated with the assigned unique identifier and licensee shall be included in the trace and track program specified in Section 26067.

(d) The department may charge a fee to cover the reasonable costs of issuing the unique identifier and monitoring, tracking, and inspecting each cannabis plant.

(e) The department shall take adequate steps to establish protections against fraudulent unique identifiers and limit illegal diversion of unique identifiers to unlicensed persons.

(f) A city, county, or city and county may administer unique identifiers and associated identifying information but a city, county, or city and county's identifiers shall not supplant the department's track and trace program.

(g) This section does not apply to the cultivation of cannabis in accordance with Section 11362.1 of the Health and Safety Code or the Compassionate Use Act.

Summary Current vs Proposed Tagging System

4,000 Plants of **Same Strain** Clone to Harvest

Current System
 Plant batches limit 100 plants
 Individual Mature Plants

Proposed System
 Plant batches unlimited size
 Batch Mature Plants

Creating Clones	<p>2-3 clones are cut from each immature plant. Each package limits 1 clone cutting per plant. Multiple packages can be created from the same immature plants. Packages are then combined into one large package of the entire group of clones created of the same strain at the same time. 6,000 clones.</p>	
	<p>62 package tags used</p>	<p>3 package tags used</p>
Creating Immature Plant Batches	<p>Roots are established and clones are planted into immature plant batches. Some plants have died. 4,100 immature plants</p>	
	<p>41 plant tags used</p>	<p>1 plant tag used</p>
Transferring Plants	<p>Package plants for transfer to cultivation license 4,000 plants</p>	
	<p>40 package tags used</p>	<p>1 package tag used</p>
Unpacking Plants	<p>Plants are unpacked in cultivation license 4,000 plants</p>	
	<p>40 plant tags used</p>	<p>1 plant tag used</p>
Change to Mature Plants	<p>Growth phase is changed plants switch from immature to flowering 4,000 plants</p>	
	<p>4,000 plant tags used</p>	<p>1 plant tag used</p>
Harvest Plants	<p>Plants are harvested into harvest batch and packaged for transfer</p>	
	<p>1 package tag used</p>	<p>1 package tag used</p>
Total Tags Used	<p>4,081 plant tags 103 package tags</p>	<p>3 plant tags 5 package tags</p>

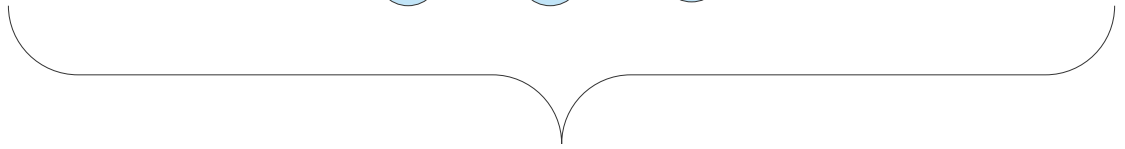
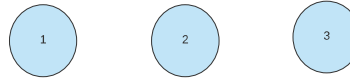
1 1 Package Tag

1 1 Plant Tag

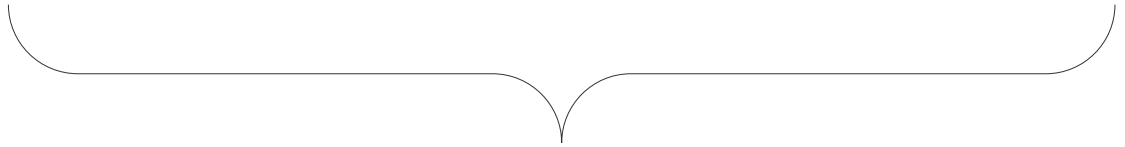
Proposed Tags Clone to Harvest

4,000 Plants Same Strain

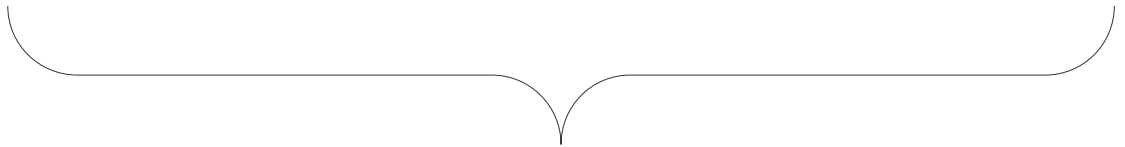
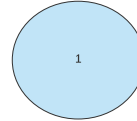
Clone cuttings are taken from plants in the nursery license. Veg plants are in unlimited batch sizes. Each group of cuttings becomes a package tag.



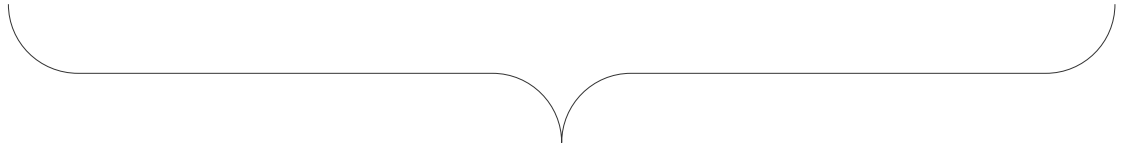
As roots are established, clones that survive are planted into immature batches of unlimited size. Each batch is assigned a plant tag.



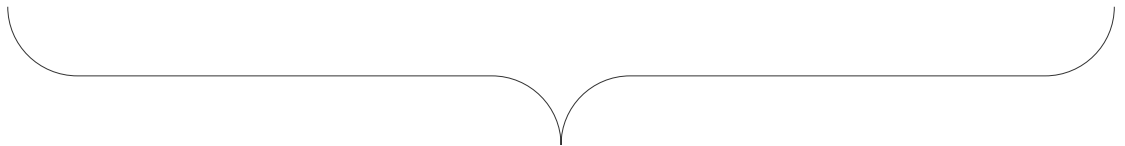
Plants phase out of nursery and need to be moved to a cultivation license. Each immature batch needs to be packaged into its own package for transfer



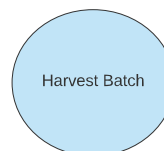
Plants arrive in the cultivation license and need to be unpacked from their packages into immature batches of unlimited size



Plants are then changed to mature plants and each batch is assigned a plant id tag.



All 4,000 plants are harvested into one batch and packaged for processing



Current Tags Clone to Harvest

4,000 Plants Same Strain

1 Plant Tag

1 Plant Tag

Clone cuttings are taken from plants in the nursery lot/room. Each veg plant is in a batch of 100 plants, limit one cutting per plant in each batch. Each group of cuttings becomes a package tag.

All clones are then combined into 1 package tag of 6,000 clones. Two tags are required here due to METRC limits on combining. Final package has all 6,000 clones of the same strain cut at the same time.

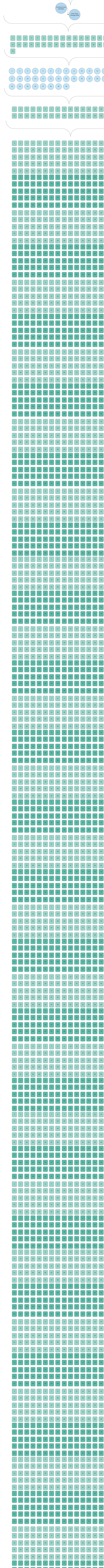
As roots are established, clones that survive are planted into immature batches of 100 plants and each batch is assigned a plant tag.

Plants phase out of nursery and need to be moved to a cultivation license. Each immature batch needs to be packaged into its own package for transfer.

Plants arrive in the cultivation license and need to be unpackaged from their packages into immature batches of 100 plants or less.

Plants are then changed to mature plants and each assigned an individual plant id tag.

All 4,000 plants are harvested into one batch and packaged for processing.



Combined clones packages

Final Clone 6000

Harvest batch