

HOUSE BILL REPORT

HB 1911

As Reported by House Committee On:
Commerce & Gaming

Title: An act relating to authorizing the masking of odors by regulated marijuana facilities.

Brief Description: Authorizing the masking of odors by regulated marijuana facilities.

Sponsors: Representatives Holy, Ormsby, Volz and Condotta.

Brief History:

Committee Activity:

Commerce & Gaming: 2/7/17, 2/16/17 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Ecology's Clean Air Act rules to authorize the concealment or masking of odors from the premises of state-licensed marijuana producers and processors.

HOUSE COMMITTEE ON COMMERCE & GAMING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Barkis, Blake, Farrell, Jenkin, Kirby, Ryu and Young.

Staff: Peter Clodfelter (786-7127).

Background:

To implement the state Clean Air Act, the Legislature delegates authority to the Department of Ecology (DOE) to establish air quality and emissions standards and to prohibit emissions to the outdoor atmosphere of odors, dust, smoke, fumes, gas, and other emissions. The DOE is charged with enforcing the established air quality and emission standards throughout the state. The DOE's rules prohibit a person from causing, or allowing the installation or use of, any means that conceals or masks an emission of an air contaminant that would otherwise violate rules adopted to implement the Clean Air Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The state Liquor and Cannabis Board issues licenses to qualified individuals and businesses including a marijuana producer license, a marijuana processor license, and a marijuana retailer license.

Summary of Substitute Bill:

The DOE's rules adopted to implement the state Clean Air Act must authorize the concealment or masking of odors from the premises of a marijuana producer or a marijuana processor by means of the planting of forms of vegetation other than marijuana plants, by January 1, 2018.

Additionally, the DOE's rules must authorize the concealment or masking of odors from the premises of a marijuana producer or a marijuana processor by means of natural odor-masking mechanisms or natural odor-concealing mechanisms if, after studying odors and emissions from marijuana producers and marijuana processors' facilities and best management practices for concealing or masking such odors and emissions, the DOE determines that the benefits of authorizing the concealment or masking of odors by specific natural odor-concealing mechanisms or natural odor-masking mechanisms outweigh the costs.

"Natural" is defined as a substance or chemical compound that is produced by a living organism, is found in nature, and is not toxic.

The DOE may not charge a fee for a marijuana producer or marijuana processor to mask or conceal odors using approved methods.

Substitute Bill Compared to Original Bill:

The DOE's rules must authorize the concealment or masking of odors by the use of vegetation by January 1, 2018. The DOE must authorize the concealment or masking of odors from a marijuana producer or marijuana processor's facility by means of natural odor-masking mechanisms or natural odor-concealing mechanisms only if after studying odors and emissions and best management practices for concealing or masking such odors and emissions, the DOE determines that the benefits outweigh the costs.

"Natural" is defined as a substance or chemical compound that is produced by a living organism, is found in nature, and is not toxic.

The DOE may not charge a fee for a marijuana producer or marijuana process to conceal or mask odors by approved means.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 16, 2017.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) State-licensed marijuana producers and processors should be able to conceal or mask marijuana odors from their facilities, as a courtesy to their neighbors. Marijuana production and processing facilities can emit odor, and there have been complaints about the odors, especially from neighbors of some of the outdoor production facilities in Eastern Washington. It is a known technique that the smell of marijuana can be concealed or masked using vegetation, and other natural methods may also be available. Currently, the DOE's rules do not allow the masking of odors, so legislative action is necessary.

(Opposed) None.

(Other) The marijuana industry is a new industry in Washington, and more research to identify what is being emitted from marijuana production and processing facilities and the causes of emissions is needed in order to identify best management practices for controlling or eliminating odors. Research should also examine whether there are unintended consequences to human health or the environment from any odor-masking mechanisms considered for approval. Perhaps a task force could study this issue and make recommendations to the Legislature about appropriate practices and techniques to conceal or mask odors.

Persons Testifying: (In support) Representative Holy, prime sponsor.

(Other) Stuart Clark, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.