



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

**Department of Environmental  
Conservation**

OFFICE OF THE COMMISSIONER

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February 2, 2015

The Honorable Bill Stoltze  
State Senate  
Alaska State Senate, Room 125  
Juneau, Alaska 99801

Dear Senator Stoltze:

Thank you for your invitation to work collaboratively with the Legislature on implementation of Ballot Measure 2 regarding the regulation of marijuana and its derivatives. The Department of Environmental Conservation (DEC or Department) is committed to using its authorities and resources as needed to implement any legislation passed by the Legislature and signed into law. We are also committed to working with the Legislature to identify areas that should be regulated by other state agencies or where gaps in DEC's authorities could be addressed. There are unknowns associated with the state's implementation of the ballot measure that could be clarified through legislation.

It is easiest to start the discussion of what DEC might do with a list of the Department's areas of current regulatory jurisdiction.

The Department already has authority to:

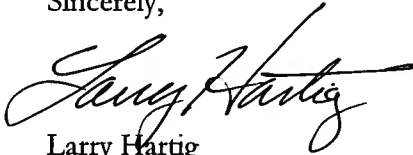
- issue permits for food service and food processing facilities;
- develop and implement standards for the sanitary handling, labeling, and packaging of food;
- inspect facilities;
- perform and/or require laboratory analysis of food for food safety;
- take actions necessary to enforce requirements, including recalls, quarantines, and embargoes;
- certify commercial (private) laboratories;
- regulate solid waste disposal;
- regulate pesticide application and applicators; and
- permit wastewater disposal and enforce permits.

For each of these areas of regulatory jurisdiction, DEC enforces a combination of federal laws, rules, regulations; state laws; and other commonly accepted scientific standards. The substantial challenge to regulating marijuana is the near total lack of regulatory guidance as marijuana remains illegal under federal law and in most states. Alaska law, taking into account the exact language of Ballot Measure 2, is contradictory and lacks the necessary specificity to adequately direct the Department's efforts. With this new industry, there are few if any commonly accepted scientific standards. For

example, the Department currently certifies private laboratories. It does so by applying approved scientific methods/standards to the processes conducted by these private laboratories. No such scientific standard exists for marijuana, so the Department has no standard to enforce through certification. These circumstances put the Department in uncharted territory. The Department has been working with other departments to assess what gaps exist and how they might be addressed collectively. At this point we have been assuming DEC's role will largely fall within the confines of our existing authorities listed above, but we may need legislation to address some of the substantive differences between regulating marijuana products and other products.

I look forward to working with you on this challenge in the best interests of the Alaskan people.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Hartig". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Larry Hartig  
Commissioner