

CANNABIS FARMERS COUNCIL

Recommendations to Spokane Clean Air Agency

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5/23/2016



Recommendations to the Spokane Clean Air Agency regarding prevention & minimizing of offsite marijuana odors and development of a program to collect fees from cannabis production & processing businesses.

About the Council: Cannabis Farmer’s Council is an unincorporated non-profit association dedicated to bringing the voices of cannabis farmers in Washington together to speak as one. The Cannabis Farmer’s Council’s is supported by some 300 cannabis farmers throughout the state.

About the Author: Crystal Oliver owns and operates Washington’s Finest Cannabis, a WSLCB licensed outdoor cannabis farm, located in Spokane County. She also serves as Executive Assistant for Washington NORML (National Organization for the Reform of Marijuana Laws) and presently sits on the Executive Board for the Cannabis Farmer’s Council. She currently represents cannabis farmers on the Washington State Building Code Council’s Cannabis Issues Technical Advisory Group as well as Spokane Clean Air’s Marijuana Advisory Committee.

Introduction: While the Cannabis Farmer’s Council is grateful to have had representation on the Spokane Clean Air Marijuana Advisory Council and have the opportunity to provide our comments and recommendations there are a number of concerns and reservations we have about Spokane Clean Air’s approach and we wish to formally share these concerns prior to presenting our recommendations.

Concerns Related to Spokane Clean Air’s Marijuana Advisory Council:

- **Representation of Impact:** We have concerns regarding Spokane Clean Air’s representation of the data associated with odor complaints and the actual impact licensed cannabis farmers are having on their neighbors and the agency. In total 107 calls have been placed over the last two years to the agency, of those 21, or 19%, were NOT associated with a licensed business, and 54, that’s 50%, were associated with a single licensee, Bang’s Cannabis Company, who has several neighbors who morally object to marijuana and have identified Spokane Clean Air Agency as a responsive agency that can be effectively used as a tool to harass Bang’s Cannabis Company. This leaves a total of 32 odor complaints associated with the legal cannabis industry over the past 2 years. In addition Spokane Clean Air Agency has responded to the complaints and been out to the Bang’s property many times and confirmed offsite odor on only a single occasion (on this occasion the Bangs allowed the clean air agent to walk through the greenhouse & then afterward the agent believed they smelled the marijuana offsite, however the odor can cling to one’s clothing so it’s possible that was the case on this occasion.) Based on the actual data it seems to us that to state that the marijuana industry as a whole has “heavily impacted” the agency is an overstatement of the actual impact.
- **Make-up of the Council:** The makeup of the Marijuana Advisory Council is also concerning as members were hand selected and individuals who represent agencies who benefit from excessive regulations with accompanying fees and persons who morally object to cannabis legalization make up the majority of the members.
- **Facilitation of the Council Meetings:** The meetings have not adhered to Robert’s Rules of Order and individuals who morally object to cannabis legalization, as well as individuals who represent agencies benefiting from fee collection have been provided greater opportunity to speak & present. This was especially true of the March 23rd 2016 meeting where council members were invited to provide short presentations. Carl Caughran, representing the “impacted public”, was permitted to speak for more than the stated allotted time without interruption from the other council members while Crystal

Oliver, representing outdoor cannabis farmers, and Josh Zaretsky, representing greenhouse cannabis farmers, were repeatedly interrupted and not allowed to exceed the stated time allotment. The need for more in depth conversation was even acknowledged at the following meeting on April 27th 2016, but only members representing Spokane Clean Air were permitted to present additional information.

- **Misrepresentation of Fact by Council Members:** On several occasions Carl Caughran, representing impacted public, has misrepresented facts to the council. At the first meeting he claimed to live next door to a 30,000 square foot cannabis facility, however his neighboring farm is only a tier two licensee, thus limited to 10,000 square feet and at the time of our first meeting had not built out to their full canopy capacity. Carl also asserted that his neighbors burned the chaff or stalks of their cannabis in their home's wood stove. This would be a violation of WSLCB rules governing disposal of waste as the WSLCB has not approved any licensee to utilize burning as a method of destruction and removal of waste from the secured access area is not permitted. This assertion was determined to be untrue after the WSLCB enforcement division reviewed 45 days of security camera footage from Bang's Cannabis Company and could not identify any time where this took place. Carl also brought in essence of skunk to demonstrate the impact and odor associated with cannabis cultivation, however skunk odor is an organic sulphur compound and its chemical make-up is significantly different than the essential oils and terpenes present in cannabis.
- **Failure to Recognize Cannabis Cultivation as an Agricultural Activity:** New crops and new opportunities do not often come to rural America. The failure to accurately recognize and treat cannabis like agriculture negatively impacts farmers in rural Washington who seek to supplement their farm's revenue via cannabis cultivation and encourages industrialization of cannabis production.

As requested at the last meeting held April 27th 2016 we submit to you this information regarding odors & cannabis farming and processing.

Activities that can result in odor on a cannabis farm:

- Flowering Cannabis; during the last couple weeks of flowering cannabis terpene aromas are more noticeable. (approx. 5-14 days)
 - Over 200 different terpenes have been found in cannabis and they occur in a diverse range of combinations, no one terpene is found in all cultivars of cannabis.
 - Common terpene profiles include pinene (also found in pine trees), limonene (also found in lemon & citrus plants), linalool (also found in mint & cinnamon), geraniol (also found in geraniums & rose), and alpha bisabolol (also found in chamomile).
 - Indoor cannabis farmers often continuously have plants in the flowering stage.
 - Greenhouse cannabis farmers can, with enough investment in equipment and infrastructure (i.e. supplemental lighting, heating, & cooling), also continuously flower cannabis plants, however, most greenhouse cannabis farmers at this time have plants in flower 2-3 times a year; generally in May, July, & October.
 - Outdoor cannabis farmers generally flower once during the fall, however with the use of hoop houses and light deprivation covers, they can induce earlier flowering, increasing this to 2 times a year. With light deprivation flowering will typically occur in July & October.
- Harvesting Cannabis; when cannabis flowers have reached maturity they are cut from their stalks and fan leaves are removed. The flowers are then further trimmed and placed on racks to dry or they may be left on stems and hung to dry.
 - Depending on the number of plants to be harvested and number of employees assisting, harvesting can take hours, days or a couple weeks to complete.
 - The action of harvesting & handling the cannabis flowers releases essential oils and terpenes into the air, making the aroma of cannabis most noticeable at this stage in the process.
- Packaging Cannabis; once cannabis has dried & cured it may be further trimmed, separated from stems and weighed for packaging. While the terpene aroma is still present at this stage it is not as strong and would be unlikely to be noticeable offsite.

Best Practices for odor prevention & mitigation:

- **Indoor & Greenhouse Cannabis Farming:**
 - Carbon Filtration,
 - Sealing,
 - Venting,
 - Ozone Treatment,
- **Outdoor Cannabis Farming:**
 - Vegetative Screening; Planting of other odiferous plants around cannabis cultivation site.

Recommendations by the Cannabis Farmer's Council:

1. Cannabis Farmers qualify for the agricultural exemption outlined in RCW 70.94.640; and no fee should be assessed on cannabis farms located on parcels greater than 5 acres, that are zoned as rural, forest, agricultural or mineral lands.
2. The Cannabis Farmer's Council does not support the assessment of any fees on cannabis farmers in general as we believe the actual impact of our businesses has been overstated to support collection of fees from our businesses by Spokane Clean Air Agency.
3. While we do not support the assessment of any fees on cannabis farms, we recognize that Spokane Clean Air Agency is highly interested in collecting them, that being said , we recommend that tier one production operations not qualifying for the agricultural exemption due to their location not be assessed a fee at all as the size of their operations (no more than 2,000 square feet) does not result in significant odor production which is supported by the lack of Spokane Clean Air odor complaints associated with tier one operations. This would also be more equitable as the sizes of their facilities are similar to collective gardens and home cultivations sites which will not be assessed a fee by Spokane Clean Air.
4. While we do not support the assessment of any fees on cannabis farms, we recognize that Spokane Clean Air Agency is highly interested in collecting them, that being said, we recommend that tier two and tier three operations not qualifying for the agricultural exemption due to their location be assessed different sized fees as a tier two operation of 10,000 square feet or less will have less impact than a tier three operation of 30,000 square feet.
5. Again, while we do not support the assessment of any fees on cannabis farms, we recognize that Spokane Clean Air Agency is highly interested in collecting them, that being said, we recommend that any fees assessed be consistent with fees assessed on similar businesses and align with fees associated with the least impactful existing business types regulated by Spokane Clean Air. (Other industries associated with 32 or fewer complaints over a 2 year period).

Other Comments:

As this is a new industry and regulations developed now will inform state-wide and international regulations we believe it is important for regulators to consider the full impact of rules they impose.

We as a group grow increasingly worried about the failure of policy makers to promote outdoor and greenhouse cultivation, both of which result in less energy consumption and waste and encourage the removal of carbon from the air and its return to the soil. Our state's governor has asked regulators to consider environmental impact in development of regulations and the forced industrialization of cannabis cultivation does not align with that mandate.

We believe that opportunities for cannabis cultivation and participation in this industry by individuals living in rural Washington should be protected and promoted. Opportunities don't frequently come to rural Washington which is evidenced by our children's need to move away from our communities for work and the aging of our populations. The nascent cannabis industry has brought much-needed jobs back to rural Washington which should be protected.

The impact over regulation has on small business owner's ability to participate in this market should also be considered. While many regulators and policymakers cite concerns regarding 'Big Marijuana' as justification for strict and burdensome regulations the reality is that stringent regulations and policies often create additional barriers to entry for small business owners and do nothing to prevent or address issues associated with huge corporations. In addition small business owners are generally more connected to their communities; purchasing equipment and supplies locally from other small business owners and focusing on more than just profits. It would be very unfortunate for not just the entrepreneurs who entered this market but also the communities these businesses are based in if cottage cannabis cultivation was forced into extinction through over regulation & excessive fees.