



Mendocino County Board of Supervisors
501 Low Gap Road
Ukiah, CA 95482

March 9, 2021

Re: **Item 5h on 3/09/2021** - Discussion and Possible Action Including Review, Adoption, Amendment, Consideration or Ratification of Legislation Pursuant to the Adopted Legislative Platform (Sponsor: Executive Office)

Honorable Supervisors,

MCA appreciates and supports the inclusion of a robust set of cannabis-related legislative priorities included in the Draft 2021 Legislative Platform. The bold acknowledgment of Mendocino County as a pre-eminent producer of cannabis products, and home to multi-generational cultivators, manufacturers, and other industry participants, is exciting.

At the Board of Supervisors meeting held on January 3, 2021, we presented the below suggestions as additions to the County's 2021 Legislative Platform. Response from the Board was unequivocal support for the proposals, and we sincerely hope that they will be added to the official Platform.

We request a report on the current County Legislative Platform for 2021, and we remain available to discuss any or all of the below with the Board.

1. *Advocate for the redesignation of cannabis as an agricultural crop, and cannabis cultivation, on-farm drying, processing, and packaging as an agricultural activity, in the CA Food and Agriculture Code, rather than its current designation as an agricultural product in the Business and Professions Code.*
 - a. On 12/8/2020, the Board of Supervisors moved to direct staff to explore redesignating cannabis as an agricultural activity. In our comments, we highlighted our support for this movement but specified that the redesignation at the County-level would not likely resolve the CEQA issue for Phase 1 operators without a complimentary change in designation at the state level.
2. *Advocate for the inclusion of licensed cannabis businesses in access to disaster relief and grant programs made available by the State to non-cannabis businesses.*

- a. *During this time when cannabis businesses are appropriately deemed essential in California, they are currently excluded from State programs designed to assist businesses cope with the challenges of our new reality.*
 - i. The [California Small Business COVID-19 Relief Grant Program](#) lists as an [Ineligible Business](#) any “Businesses engaged in any activity that is illegal under federal, state or local law,” which, on the Federal level, cannabis is illegal. Cannabis businesses deserve parity with other legal businesses in California.

Additionally, in December, MCA renewed our partnership with [Origins Council](#) (OC) and we continue to serve as one of five member organizations on the Regional Council along with other associations representing legacy producing regions. Together, we advocate for key objectives in state, national and international cannabis policy on behalf of the collective membership of our regions. In government relations, Origins Council is represented by [Mark Smith](#) of the Smith Policy Group. Many of the objectives in the Mendocino County Draft 2021 Legislative Platform align with Origins Council’s 2021 priorities, and we propose the inclusion of several additional objectives as indicated below:

1. The OC Regional Council recently completed our strategic planning process and the following were identified as our policy priorities for 2021. We request that the following objectives be added to, or revised in, the Mendocino County 2021 Legislative Platform:

- a. Provisional License Extension and CEQA Compliance.

1. Advocate for a statutory extension of cannabis provisional licenses, with an adequate timeline to ensure necessary policy reforms are implemented, allowing cannabis applicants to complete local permitting and state environmental requirements.

- a. *NOTE: OC has retained esteemed CEQA attorney James G. Moose of [Remy Moose Manly](#), co-author of *Guide to the California Environmental Quality Act* (11th ed. 2007, Solano Press Books), to support our analysis and representation related to environmental law, CEQA and land use policy - relative to rural cannabis production. We have provided, as a supplemental attachment to this memo, an overview of matters on which Mr. Moose either currently or recently acted as representation, and a complete list of his published cases.*

- b. Agency Consolidation and Regulatory Streamlining.

- i. *Advocate for the removal of barriers to regulatory entry for the rural legacy producing community, including: eliminating*

duplicative licensing requirements; reforming incongruous regulations; supporting realistic compliance timelines, reducing the cost of compliance and licensing.

c. Cannabis Appellations Program (CAP).

- 1. Advocate for the implementation of a world-class, legally sound cannabis appellations program premised on terroir-based causal link products as per the [Origins Council recommendations](#) to CDFA regarding CAP regulations.*
- 2. Advocate for CDFA to develop educational materials and guidelines to support producing communities interested in petitioning for appellations.*
- 3. Advocate for the promulgation of comprehensive labeling requirements for all cannabis geographical indications, including county of origin, city of origin, and appellation of origin designation.*

d. Board of Forestry Fire Safe Regulations.

- i. Advocate for parity between cannabis and ag crops within the development of the CA Board of Forestry Fire Safe Road regulations.*
 - 1. RCRC has formed a working group regarding these proposed regulations and provided [this comment](#) to the BoF.*

e. Cannabis/Hemp Land Use and Product Testing Standards.

- i. Advocate for the alignment of land use, pesticide, and product testing standards for Hemp produced for human consumption with current cannabis standards.*

f. Cannabis Tax Restructuring.

- i. Advocate for the restructuring of state cannabis taxes to support regulatory viability for rural legacy producing communities, and to increase consumer access to regulated cannabis products.*

g. Interstate commerce and Federal cannabis policy reform.

- i. Advocate for the formation of an interstate compact regulating commerce in cannabis between established producer states and*

legalizing consumer states, and federal congressional approval of such a compact. (Note: The U.S. Constitution recognizes these agreements.)

1. [Website for Alliance for Sensible Markets](#)

Thank you for the opportunity to provide our comments, and recommendations. We appreciate your careful consideration of the points we have raised.

Sincerely,
Mendocino Cannabis Alliance