

April 18, 2021

Board of Supervisors
County of Mendocino

Dear Supervisors Gjerde, Haschak, McGourty, Mulheren and Williams:

In my work with the Redwood Valley Municipal Advisory Council's Cannabis Policy committee (though I speak only for myself in this letter), I have been tasked with a lot of reading and conversations to try to get up to speed on the enormous decision you face today. It is my understanding that the County's current cannabis ordinance is unworkable, in that it is in conflict with State requirements. We have only until June 30, 2021 to establish an updated ordinance or default to the State's much more rigorous program including requirements for an Environmental Impact Report and site-specific CEQA. Some Mendocino County residents feel that following the State's program is the best option, believing that our natural environment is what makes Mendocino County special; believing that there is value in preserving it—not for its economic value, but for itself. Others feel that we must use this choice as an opportunity to create new economic development, and leverage it to address our county's historic poverty, and the very real need for families to support themselves as small cultivators or as employees of large cultivators.

While considering this dilemma, I remembered a concept I had encountered years ago in my work in the sustainable built environment industry—the Precautionary Principle, a philosophical and legal framework widely used around the world to make decisions such as this. According to Wikipedia¹, *“the principle is often used by policy makers in situations where there is the possibility of harm from making a certain decision (e.g. taking a particular course of action) and conclusive evidence is not yet available.”* According to the World Health Organization², the Precautionary Principle suggests *“that where there is an identifiable risk of serious or irreversible harm, including, for example, extinction of species, widespread toxic pollution in major threats to essential ecological processes, it may be appropriate to place the burden of proof on the person or entity proposing the activity that is potentially harmful to the environment. It is*

¹ https://en.wikipedia.org/wiki/Precautionary_principlehttps://en.wikipedia.org/wiki/Precautionary_principle

² https://www.euro.who.int/__data/assets/pdf_file/0003/91173/E83079.pdf

also explained that if the environmental risks being run by regulatory inaction are in some way "uncertain but non-negligible", then a regulatory action is justified. This will lead to the question as to what is the 'non-negligible risk'. In such a situation, the burden of proof is to be placed on those attempting to alter the status quo. They are to discharge this burden by showing the absence of a 'reasonable ecological or medical concern'. That is the required standard of proof. The result would be that if insufficient evidence is presented by them to alleviate concern about the level of uncertainty, then the presumption should operate in favor of environmental protection."

The reason I bring the Precautionary Principle to your attention today is because it is a widely used tool to make decisions when there is a conflict of interest to be legislated. I hope it will inform the decision you make today. If it is possible that a course of action will create future harm to our environment (and thereby human health and safety), the wise decision is to say no. If the proponents of allowing large cannabis cultivation into our rangelands and drought-threatened agriculture valleys are certain there will be no environmental harm, let the burden of proof be on them.

The last point I want to make is that we have more than two months before the June 30th deadline. I strongly believe it is possible and imperative to craft a better ordinance within that time. I urge you to vote no on Agenda Item 3b, the Commercial Cannabis Activity Land Use Development Ordinance. We can and must do better for our environment and our people—the people here now, and those who will live in a future Mendocino County we are designing with our decisions today.

Thank you sincerely for your service and your leadership.

Sattie Clark
Redwood Valley