

Agricultural department meeting 9/29/22

Commissioners,

My Name is Lee Tannenbaum, and I am the CEO of Cybele Holdings. We were a part of the county hemp program in 2020 prior to the temporary ban of hemp in EDC and the sole CCUP applicant who has made it through the county process for cannabis.

Before I go into the details, I want to make a general statement. As a cannabis and hemp farmer, I was never consulted with, or had any discussions around this hemp pilot program, nor was anyone from the farming community. All decisions in the ordinance have been made by the county and EDSO. I'm not sure how this came to be, but as a farmer of hemp and cannabis, who would be best to work with to write an ordinance that works for farmers and the county? County employees and EDSO who either don't really care or do really care about ensuring that any plant related to hemp or cannabis is never planted. We're not monsters as we are portrayed. We're common folks like all of you who want to farm our land, legally. I know I have 3 minutes but may run just a little long because no one from the farming community was consulted with regarding this ordinance. Please indulge me. I will not go over by much if I do.

I'd like to address a few items re the proposed pilot program in front of you today. The three primary topics are:

- 1) It is your duty to protect the farmers of this community
- 2) The right to farm my land within the confines of state and federal law
- 3) EDSO cannot be involved in the basic farming and inspections of our county's farmers or the writing of county ordinances.

I will address the last topic first.

EDSO has been misstating facts throughout this entire process and has also stated they do not believe that any hemp farmer can be an honest farmer. So, we're all guilty before being given the chance to be a tax paying citizen of the community and remain that way forever in the eyes of EDSO. The misstating of facts are as follows:

- 1) During the Hemp Ad-Hoc committee meetings, EDSO stated that there were significant crime statistics around Hemp. The report submitted was 150 pages in PowerPoint with 69 unique cases that talked about hemp crimes throughout the US. The misstatements here are that the statistics were 3-4 years old and current crime statistics show there is almost no crime involving Hemp globally. As an example, there are large hemp farms in Oregon with minimal signage, no fences, etc. Hemp is a federally designated agricultural crop, like grapes or apples and needs to be treated as such.
- 2) EDSO has stated that there were bad actors during the 2020 Hemp season. Well, this is not true. There were 13 licensees issues, of which only 10 planted. EDSO stated that 3 of these licensees were growing cannabis. But let's look at facts. Two cannabis growers

who were caught did not actually have hemp licenses but told EDSO they were licensed hemp growers. So not part of the program. The third grower who EDSO stated was a bad actor and growing cannabis was really growing hemp that tested hot. So, not a bad actor, just bad luck with their crop. The THC levels tested were above acceptable levels for hemp, but below the state threshold for cannabis.

- 3) EDSO has stated they tested juvenile plants and found high levels of THC at hemp farms. From a plant biology perspective, and a scientific perspective, neither hemp nor cannabis produce noticeable levels of THC until they begin to flower. A juvenile plant has no flowers, so therefore cannot have THC.
- 4) When challenged on these topics, EDSO has given no proof, just an officer speaking with conviction and misleading the public and the county officials.

Now I'd like to address what EDSO wants and why it is not healthy for our farming community. EDSO would like to 'assist' the AG department in their inspections. There are several issues with this.

- 1) EDSO is not certified to assist in the inspection as defined by CDFR and they are unwilling to become fully certified to do these code enforcement inspections.
- 2) EDSO has stated that the only reason they are going to a farmers site is to look for cannabis or other crimes, so EDSO are going with the intent of finding a crime and not to inspect anything. No farmer of any agricultural crop is subjected to this.
  - a. Pursuant to this, allowing EDSO to do their own inspection at will, or accompany the AG department is a violation of 4<sup>th</sup> amendment rights. I can provide case law if you'd like. The net of this is EDSO has one purpose and that is to use the AG inspection to violate farmers 4<sup>th</sup> amendment rights to unreasonable search and seizure. This cannot happen to our farming community.
  - b. The other issue with EDSO joining AG or going in on their own is there is a CDFW established procedure and policy for the testing of hemp, which allows for multiple testing's, etc. or potential violations. If AG comes in and does testing and finds the crop at an acceptable level, and EDSO finds hot hemp, EDSO with their addition to the ordinance can eradicate the entire crop before a second test has been given. This is a violation of due process and gives EDSO the right to be judge, jury and executioner. EDC has already had a tentative ruling against EDSO for violations of this nature around cannabis because it is a violation of an individual's constitutional rights to due process.
- 3) EDSO wants to treat hemp as if it were cannabis. Again, hemp is a federally legal, right to farm agricultural crop. It is not criminal to grow hemp, and so our farmers should not be treated like criminals.

Item number 2 from the list above... re EDSO and the ordinance. There is language stating that a hemp farmer cannot be a cannabis farmer and vice versa on the same property. This language will prevent a farmer from working their land. The state provides for different sites on a single APN all delineated by a site plan for the specific site. So, a farmer can do any combination of hemp and cannabis on their land if they follow the rules. As an example, I have 206 acres which the county has limited my cannabis production to 2 acres. That means I must

allow 204 acres to do nothing, when I could possibly plant hemp on some of the land. The language was placed into the ordinance, in my opinion by EDSO because they don't understand the differences between hemp and cannabis, or they think a licensed cannabis grower would risk their land and livelihood to sneak more cannabis into their hemp fields. Based on how much money I have invested into my property, I would never take this kind of risk, and neither would anyone else. So please let me work my land in the fashion I see fit.

Now to my first point. Based on the above and the willingness of EDSO to misstate facts as well as their very loud voice against this program, it is incumbent of this commission to remove all recommendations of EDSO and the AG commissioner regarding EDSO from the proposed ordinance to protect our farming community. Hemp is a right to farm crop and it is your duty to protect these rights.

Thank you for your time.