

**LAW OFFICES OF THOMAS R. VAN NOORD**

3350 Country Club Drive, #202  
Cameron Park, CA 95682  
(530) 677-1025 FAX (530) 677-6580

Dear EDAC members:

As a participant to the meetings of the Ad Hoc Committee public zoom meetings re. a hemp ordinance, I have the following observations and comments to submit:

1. I have resided in El Dorado County for over 45 years. I am an attorney with offices in Cameron Park. I have owned and currently own other businesses and investment properties in the County. I have been involved with agriculture pursuits to some degree most of my years in the county, e.g., apple and pear orchard (Romer Ranch), vineyards, grazed cattle, and currently have several ranch/ag land parcels leased for cattle grazing.
2. I have had an active industrial hemp farm registered with the State of California and with the El Dorado County Ag Commissioner for the last two years of growing seasons. I have received no complaints while growing, harvesting, and drying my crop.
3. The California Business and Professions Code expressly states that “‘cannabis’ does not mean ‘industrial hemp’ as defined by Section 11018.5 of the Health and Safety Code.” Cal. Business and Professions Code § 26001(f). Hemp is expressly excluded from the Controlled Substances Act. See id.; § 12619, Agricultural Improvement Act of 2018, Public Law No. 115-334, 132 Stat 4490 (“2018 Farm Bill”). The Controlled Substances Act states that the “term ‘marijuana’ does not include . . . hemp, as defined in section 1639 of title 7.” 21 U.S.C. § 802.
4. The County Ag Commissioner confirmed that *all* the registered sites she supervised were successful and all were in full compliance. The Sheriff’s office made the observation that there were 13 registered sites: 3 did not plant, 2 were destroyed via search warrants *before* testing and harvest, 1 was eradicated after a fly over, and 1 was legitimate hemp farm but had a separate marijuana grow. According to the Sheriff’s Department, 100% of 3 or 4 illegal grows which were *registered* with the State and the County were identified and eradicated. Obviously, the Sheriff’s job of regulating illegal cannabis grows is much more difficult if the “bad actors” *do not* register. I do not know the number of illegal grows in the county but I assume the Sheriff did not eliminate 100% of the others. I do not know any legitimate

hemp farmer that does not support the Sheriff in identifying and eliminating illegal grows.

5. After the Sheriff's office did their job, there were 6 sites which the Ag Commissioner actually supervised which grew completely legal successful agricultural crops to completion, testing, and harvesting. All 6 were in complete compliance as verified by the Ag Commissioner, by approved third party testing laboratories, and as will be mentioned below – even by the Sheriff's office. The Ag Department did their job in a diligent and exceptionally professional manner. Good work Charlene and Ag Department!
6. The only registered site that had any complaints was the farm on Thompson Hill Road made by Jennifer Bloxham, the wife of one our Sheriffs. Unfortunately, Phil and Casey planted immediately adjacent to the property lines to maximize production. Even then, as I recall, Jennifer only complaint was that a hemp odor would sometimes linger in her horse barn. As Supervisor Palin stated to me, the issue of hemp regulation would not be on the radar but for this complaint.
7. I own the adjacent ranch and property immediately to the West of Jennifer's property, both properties being part of the original Elwin Veerkamp ranch. Jennifer's property was purchased by her father, Terry Stigal, several years after I purchased my property. To my knowledge the entire original Veerkamp ranch – my parcels, Terry's parcels, and Jennifer's parcel – have Ag zoning and are in separate Williamson Act contracts requiring active agricultural pursuits.
8. Odor can be a nuisance. However, the odor from the hemp farms I observed were temporary and nominal. Odor from raising hogs or cattle can be much more of a year around nuisance. However, all are legitimate agricultural pursuits.
9. Nuisances are often subjective. My neighbors recently leased their property for a 5G cell immediately adjacent to their residence and apparently do not find being in the shadow of a cell tower offensive or a nuisance. Many others would. I have neighbors who constructed a shooting range as far away as possible from their own residence but immediately adjacent to mine. It is interesting to note that EDC requires a noise study for exhaust fans for a CCUP while the County has no regulations or setbacks for *really* offensive noise nuisances such as those created by hours of gun shots. I have neighbors with a moto-cross track around the perimeter of their property creating loud motorcycle noise. I have guns and occasionally hunt. I have a

motorcycle. I appreciate guns and motorcycles and put up with the occasional nuisance they create. I am friends with my neighbors, and we often talk to help each other out.

10. We all are required to tolerate certain “nuisances” in our lives. The occasional minor odor from a legitimate agriculture crop on property with ag zoning is one of those “nuisances” to be tolerated. What may be offensive to someone with an overly sensitive smell, may not smell at all or smell pleasant to someone else.
11. Over the years I have spoken with numerous friends and acquaintances who are active farmers (grapes, cattle, citrus, etc.) about viable farming options. Not many have encouraging things to say. As one large vineyard owner complained to me recently: “I’m a businessman. It costs me \$6000/ac to produce a \$6000/ac crop”.
12. The 2018 Farm Bill removed hemp from Schedule 1 of the Controlled Substance Act, effective December 20, 2018. California soon followed with deregulations by treating hemp as a regular crop. As of April 30, 2019, The California Department of Food and Agriculture (“CDFA”) posted a registration form for commercial hemp cultivation to be submitted to the Agricultural Commissioner for each county. Applicants for commercial cultivation are required to pay a \$900 fee, disclose the location of the cultivation site and provide the name of an approved hempseed variety or cultivar a farmer plans to grow and the square footage and quantity of the crop. A pre-harvest laboratory test of numerous random samples is required not less than 30 days before actual harvest. All of this is required to be reviewed and approved by the Ag Commissioner and State. This legalization along with a State regulatory process opened new viable agricultural opportunities for farmers throughout the State and our County.
13. Unfortunately, ignorance, old biases, and prejudices still exist. The EDC Sheriff’s office obtained “secret” “night-time” search warrant for the farm on Thompson Hill Road, failing to make any mention that the site was a properly registered hemp farm. The farm was in complete compliance of all rules and regulations. This information had been provided by the Ag Commissioner to the Sheriff months before. The results of the Search Warrant and the Sheriff’s own testing confirmed that the hemp farm was in full compliance with all State and County regulations and the crop was indeed industrial hemp. If the Sheriff had wanted to test the farm – or any of the other farms – all they had to do was show up when the Ag Department does their tests. No dangerous secret nighttime search warrant with armed officers was necessary – especially since no basis existed for the warrant. This search and Sheriff testing also disproved the Sheriff’s belief that when law enforcement

does an independent test and investigation “without fail they all come in higher.”

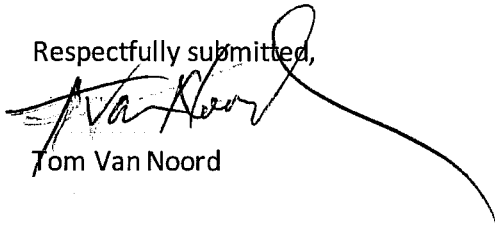
14. Commercial value of hemp: The hemp plant contains hundreds of chemicals, referred to as “cannabinoids.” Other than THC, these cannabinoids are not psychoactive and do not produce a “high” in users. They include cannabidiol (CBD), cannabinol (CBN), cannabigerol (CBG), and tetrahydrocannabivarin (THCV), among many others. Some of these chemicals are called “micro-cannabinoids,” a term referring to cannabinoids that appear in smaller concentrations than CBD and THC. There are hundreds of these chemicals. Aside from the various cannabinoids, the hemp plant also contains other useful and valuable components, including fats, oils, waxes, and terpenes. In recent years, the demand for non-THC cannabinoids has grown substantially. Much of this new interest has been focused on CBD specifically. CBD has been linked to several physiological benefits. For example, CBD has been approved by the Food and Drug Administration (FDA), in the form of the drug Epidiolex (an oral solution of CBD), for the treatment of certain forms of epilepsy. And research into the medicinal and dietary uses of cannabinoids more generally has blossomed in recent years. CBD is the primary active ingredient in a variety of oils, sprays, tinctures, and other products sold over the counter throughout the country. In recent years, an increased public awareness of potential benefits of these products has led to a surge in demand for CBD.
15. Testing/ Co-mingling: There were discussions at the zoom meetings regarding marijuana and hemp co-mingling and testing difficulties that could create. The State system of requiring each hemp site to be registered with exact geographical coordinates is designed to make it simple for law enforcement to ensure compliance. Industrial hemp growers are required: “... no more than 30 days before harvest,” to “obtain a laboratory test report” indicating the THC levels of a random sampling. California Health and Safety Code § 81006(d). Industrial hemp growers are required to destroy any plants that contain 1% THC after the first test showing that result, as well as any plants that contain more than 0.3% THC after two such tests. See Cal Health and Safety Code § 81006(d)(8). There is a specific protocol for taking samples and testing.
16. The Sheriff can be notified and be present during the random sample collection taken by the Ag department. They can use their \$3 presumptive test (mentioned in the Search Warrant affidavit) without any need for a warrant. If they do not trust the lab the grower uses, they can send it out and obtain for their own test, using the same state mandated protocols. Any test result differences could be resolved in a scientific manner.

17. All legitimate growers want to cooperate with law enforcement.
18. Co-mingling/practical problems for the grower: It is foolish to pay the fee to register your hemp cultivation location, buy expensive farming equipment, spend the money to buy certified registered hemp seed (it is not cheap-\$.30-\$1 per seed), spend the tens of thousands of dollars needed to germinate the seeds, prepare the soil, install irrigation and drip lines, develop water systems, plant the starts, walk and manage the crop on a daily basis, eliminate male plants that can cross-pollenate, check for mold or disease and soil moisture for months, etc.– and risk it all by co-mingling. Let us say I plant 1000 plants and think I will be “greedy” so plant 100 of those in marijuana. The odds of my entire crop being destroyed just went up to 10% for *each* random sample taken by the Ag Commission. They take at least 5 random samples. The more marijuana I plant the higher my odds are of getting caught. Hemp is like any commodity and prices vary during the year. If I have 1000 plants, they might produce 1# each or 1000 lb’s of finished crop. My finished product might be worth \$100/lb depending on many factors (its farming). If any of the 5 random samples is “hot”, the entire crop is destroyed and I just lost \$100,000+, plus the many months of work and \$10,000’s I spent to grow it. Farming is risky but co-mingling is an absurd risk. The added penalty of the *entire* hemp crop’s destruction makes it an exceedingly stupid to do it.
19. We had 6 legitimate registered hemp farmers with existing permits for registered cultivation locations. My own State permit and registered sites were good through July 2021 and I reapplied, but the Ag Department would not process the renewals because of the Moratorium. I have a substantial investment in this business. I have spent considerable sums preparing the cultivation sites, establishing a processing facility, creating a corporation (Lotus Valley Farms, Inc.), a logo and brand name (“Firehouse Hemp”), and acquiring related domain names and trademarks. I have an active county business license. My established business is in complete compliance with all county zoning ordinances and regulations. It is an existing legally established business. It has had no complaints. Nothing presented at the Ad Hoc Committee meetings presented any evidence to establish any factual basis to outlaw my existing permitted legal farming activity.
20. I was present at the zoom meeting when the Ad Hoc Committee attendees voted overwhelmingly to allow the existing operations to continue.
21. I would also encourage you to review and listen to the testimony at the Ad Hoc Committee meetings of April 15, 2021 by George Sellu, PhD, on the Sonoma County Hemp Ordinance and Santa Rosa College research programs. an expert on Hemp and advisor to Sonoma County. If the recording of that meeting is not

in the record already, I would ask it be incorporated into the record as part of this hearing.

Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tom Van Noord', with a long, sweeping horizontal line extending to the right.

Tom Van Noord