



Industrial Hemp

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DEVELOPMENT

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Overview

- ▶ Background on Industrial Hemp (IH)
- ▶ Registration and Regulation
- ▶ Testing and Sampling
- ▶ Abatement and Enforcement
- ▶ Industrial Hemp Program Consideration and Options
- ▶ County Comparisons
- ▶ Policy Discussion
- ▶ Poll Questions

Background: Industrial Hemp

- ▶ 2018: The Agriculture Improvement Act of 2018 (2018 Farm Bill), paved the way for industrial hemp to be grown by citizens and commercially in US.
- ▶ 2017: The California Industrial Hemp Farming Act (Senate Bill 566)
- ▶ CA Senate Bill 1409 was approved by the Governor on September 30, 2018 and went into effect on January 1, 2019.
- ▶ 2019: Many of the regulations were in flux, therefor several counties including Mono, established a moratorium on cultivation: expires Nov 2020



CA Registration and Regulation

- ▶ CA Registration: Mandatory through the Ag. Commissioners office (*baseline requirement*)
 - ▶ Valid for one year, after which the registrant shall renew the registration and pay an accompanying renewal fee of \$900 (Section 81005).
- ▶ State mandated requirements: (CA)
 - ▶ Application with basic applicant and project information and \$900 fee
 - ▶ Approved cultivar
 - ▶ Testing and Sampling Plan
 - ▶ Abatement Plan

CA: Sampling and Testing

- ▶ Concern is to assure that Industrial Hemp cultivated is 0.3% > THC content, therefore all operations are subject to random sampling and testing per the county's Ag Commissioner
- ▶ The applicant must submit a Sampling and Testing Plan and is subject to the protocols and requirements of CA at a minimum.
- ▶ Samples must be tasting by the Ag Commissioners office or an approved sampling and testing laboratory
- ▶ Samples must be taken within 30 days of harvest

Abatement and Enforcement

- ▶ If the laboratory test report indicates a 0.3-1% concentration of THC = the registrant shall submit additional samples for testing of the industrial hemp grown.
- ▶ If the Lab report is 1%<: A registrant shall destroy the industrial hemp grown upon receipt of a first laboratory test report indicating a 1% < concentration of THC

OR

- ▶ a second laboratory test report indicating a percentage concentration of THC that exceeds 0.3 percent but is less than 1 percent. If the percentage concentration of THC exceeds 1 percent, the destruction shall begin within 48 hours, and be completed within seven days, after receipt of the laboratory test report. If the percentage concentration of THC in the second laboratory test report exceeds 0.3 percent but is less than 1 percent, the destruction shall take place as soon as practicable, but no later than 45 days after receipt of the second test report.

Industrial Hemp for Mono County: Program options

- ▶ Ban IH cultivation and processing altogether in Mono County
- ▶ Allow IH cultivation under the State of Ca regulations
- ▶ Allow IH under a Pilot Program
- ▶ Allow IH under State Regulations and Mono County requirements (for example: w/ a Use Permit from the Community Development Department (CDD))

Industrial Hemp: County Comparisons

Several counties are still under moratorium and have not yet decided
(*Calaveras, Mariposa, Mendocino, Yolo*)

- ▶ Ban IH cultivation and processing altogether:
 - ▶ Examples: Napa, Sacramento
- ▶ Allow IH cultivation under the State of Ca regulations:
 - ▶ Examples: Butte, Plumas, Santa Barbara, Ventura
- ▶ Allow IH under a Pilot Program:
 - ▶ Examples: Monterey, Stanislaus, Mendocino (trying to get BOS approval)
- ▶ Allow IH under State Regulations and additional County requirements (e.g. : w/ a Use Permit from planning)
 - ▶ Examples: Inyo, Merced, Stanislaus (drafting now)

Industrial Hemp for Mono County: Ban

- ▶ Ban Industrial Hemp cultivation in Mono County altogether

PROS

- ▶ It would not require any regulation or policy development for Mono County

CONS

- ▶ There would be no investments and economic benefit to Mono County for growing Industrial Hemp

Industrial Hemp for Mono County: State of CA regs

- ▶ Under this alternative IH would be allowed using the State regulations and a registration process under the Mono County Ag Commissioners office

PROS

- ▶ It would not require any additional regulation or policy development for Mono County

CONS

- ▶ There would be no additional requirements or regulations for Mono County and thus no opportunities for applying requirements to increase consistency with community plans, the General Plan etc.

Industrial Hemp for Mono County: Pilot Program

- ▶ Adopt a Pilot Program
- ▶ Could limit the number of projects, set time period, and allow in certain LUDs

PROS

- ▶ Allows for State and federal laws and regulations to stabilize
- ▶ Allows Mono County to assess costs of implementing and enforcing a program before permanent decision or adoption

CONS

- ▶ Requires a determination of implementing a permanent program or banning it at the end of the program
- ▶ Could disrupt investments from registrants and cultivators

Industrial Hemp for Mono County:

Add a Mono County permit and regulations

- ▶ Option to add additional requirements and oversight through a Use Permit from the Community Development Department in addition to Ag Commissioners registration (like commercial cannabis cultivation)

PROS

- ▶ Once a program and regulations are decided the program would be permanent unless or until a future Board of Supervisors change
- ▶ Investments in Industrial hemp cultivation would be encouraged

CONS

- ▶ Changes in state or federal regulations and framework would require Mono County to revisit and revise as necessary
- ▶ If the program is costly to implement those costs could be unrecoverable

LAND USE DESIGNATIONS for IH

- ▶ Keep consistent with commercial cannabis cultivation and nursery
- ▶ LUDs that allow cannabis cultivation:
 - ▶ Agricultural
 - ▶ Industrial
 - ▶ Industrial Park

Setbacks for LUDs

- ▶ Agriculture: 50 feet front, rear and side.
- ▶ Industrial: none
- ▶ Industrial Park: uses subject to Use Permit – 20 feet front, 10 feet rear, 10 feet side.

Setbacks

- ▶ Setbacks could address several concerns for IH (*such as odor, security and cross-pollination*)
- ▶ Consider the setbacks for IH cultivation
 - ▶ Adopt and implement the same setbacks as approved for cannabis cultivation
 - ▶ 600 feet from “sensitive receptors”
 - ▶ Consider other cannabis setbacks. For example Antelope Valleys consideration for various setbacks from residential designations for cannabis cultivation
 - ▶ Additional setbacks from existing cannabis cultivations to address potential cross-pollination

Odor

- ▶ Use setbacks to help with odor mitigation
- ▶ Require an Odor Mitigation Plan for outdoor and indoor cultivations (similar to or mirror requirements for Cannabis)



Questions and Policy Discussion

Poll Questions:

- ▶ Of the 4 possible program options for IH in Mono County- which do you prefer?
- ▶ Should requirements mirror commercial cannabis?
- ▶ Policy poll questions:
 - ▶ Setbacks
 - ▶ Odor
 - ▶ Others?

Thank you