

Public Comment Regarding Cannabis Ordinance and  
Program Update

Received April 2022

**Subject:** RE: Draft cannabis ordinance, EIR and prop 65 carcinogen  
**Date:** Wednesday, April 6, 2022 9:06:12 AM

**From:** Deborah Eppstein <deppstein@gmail.com>  
**Sent:** April 05, 2022 6:54 PM  
**To:** Scott Orr <Scott.Orr@sonoma-county.org>; Crystal Acker <Crystal.Acker@sonoma-county.org>  
**Cc:** Tennis Wick <Tennis.Wick@sonoma-county.org>  
**Subject:** Draft cannabis ordinance, EIR and prop 65 carcinogen

## EXTERNAL

Hi Scott and Crystal,

### Wildfire Analysis

I appreciated the framework you presented for the new ordinance. As I did not see it listed, I want to confirm that you will include the risk of new ignitions under wildfire analysis, which is known to be increased by man. Indoor and greenhouse grows use lots of electricity. For example, the CUP approved at 2000 Los Alamos Rd for 6600 sf of indoor/greenhouse cannabis cultivation is calculated (using county numbers) to use the electricity of 160 new homes, yet the increased risk of fire ignition due to this was not studied.

### Prop 65

Another important point that needs to be studied and addressed is environmental dispersal of the **carcinogen beta-myrcene**, a listed carcinogen under prop 65. Beta-myrcene is one of the most prevalent terpenes in cannabis, averaging 20% of total terpene content. Prop 65 requires that the public be warned prior to exposure to such carcinogens. In the case of outdoor cannabis cultivation, warning the employees as required under prop 65 is achievable, but it is another matter concerning the terpenes that disperse to neighboring properties. If odor, which contains terpenes, penetrates onto neighboring properties, the residents have no choice but to breath the contaminated air. The cannabis cultivator cannot post a warning on the neighbor's property and inside their home, and even if they could, the neighbors do not have the choice to avoid the exposure. It would seem like the only solution is to require that odor, which is comprised of terpenes including beta-myrcene, remain on the cultivator's premises. This is already a much desired outcome for neighborhood compatibility and would solve the prop 65 violation.

Beta-myrcene was included on the Prop 65 carcinogen list on March 27, 2015:

<https://oehha.ca.gov/proposition-65/cnr/chemical-listed-effective-march-27-2015-known-state-california-cause-cancer-beta>

A law office (Omar Figueroa in Sebastopol) specializing in cannabis law stated:

<https://www.omarfigueroa.com/proposition-65-warnings-what-cannabis-operators-need-to-know/>

"Cannabis businesses that expose individuals to listed chemicals through their products or operations generally must provide Proposition 65 warnings. Violations can result in steep financial penalties . For example, in May 2018, a licensed medical cannabis dispensary in

Santa Rosa agreed to pay \$40,000 in fines and civil penalties as part of a Proposition 65 settlement. (The operator mistakenly believed the consumer warnings posted on-site complied with state law.)"

**Environmental exposure is also covered under Prop 65 (emphasis added):**

"The warning required under Proposition 65 must be "reasonably calculated" to be available to an individual **prior to exposure**, and must clearly communicate that the chemical in question is known to cause cancer or reproductive harm. "Exposure" in this context is defined as: "to cause to ingest, inhale, contact via body surfaces or otherwise come into contact with a listed chemical," and can occur through use of consumer products as **well as through the environment.**"

Have you looked into this? I look forward to your thoughts and comments.

Thanks,  
Debby

Deborah Eppstein  
801-556-5004

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**From:** [Deborah Eppstein](#)  
**To:** [Cannabis](#)  
**Subject:** Fwd: Prop 65 carcinogen in cannabis odors must dictate minimum setbacks  
**Date:** Monday, April 11, 2022 6:09:06 PM

---

Begin forwarded message:

**From:** Deborah Eppstein <[deppstein@gmail.com](mailto:deppstein@gmail.com)>  
**Subject:** **Prop 65 carcinogen in cannabis odors must dictate minimum setbacks**  
**Date:** April 11, 2022 at 5:18:53 PM PDT  
**To:** Susan Gorin <[Susan.gorin@sonoma-county.org](mailto:Susan.gorin@sonoma-county.org)>, David Rabbitt <[david.rabbitt@sonoma-county.org](mailto:david.rabbitt@sonoma-county.org)>, Chris Coursey <[chris.coursey@sonoma-county.org](mailto:chris.coursey@sonoma-county.org)>, James Gore <[james.gore@sonoma-county.org](mailto:james.gore@sonoma-county.org)>, Lynda Hopkins <[lynda.hopkins@sonoma-county.org](mailto:lynda.hopkins@sonoma-county.org)>  
**Cc:** "[Arielle.Kubu-Jones@sonoma-county.org](mailto:Arielle.Kubu-Jones@sonoma-county.org)" <[Arielle.Kubu-Jones@sonoma-county.org](mailto:Arielle.Kubu-Jones@sonoma-county.org)>, Andrea Krout <[andrea.krout@sonoma-county.org](mailto:andrea.krout@sonoma-county.org)>, "[sean.hamlin@sonoma-county.org](mailto:sean.hamlin@sonoma-county.org)" <[sean.hamlin@sonoma-county.org](mailto:sean.hamlin@sonoma-county.org)>, Jenny Chamberlain <[jenny.chamberlain@sonoma-county.org](mailto:jenny.chamberlain@sonoma-county.org)>, Leo Chyi <[Leo.Chyi@sonoma-county.org](mailto:Leo.Chyi@sonoma-county.org)>

Dear County Supervisors,

Are you aware that one of the most abundant terpenes in cannabis, beta-myrcene, is a **Proposition 65 listed carcinogen**? I only recently became aware of this. As the county is issuing new cannabis permits now, neighboring parcels must not be forced to have exposure to this prop 65 carcinogen in cannabis odors. To prevent such exposure, based on both scientific studies as well as real-life experience in Sonoma County, this should immediately dictate a minimum 1000 ft setback from cannabis operations to property line, both for CUP and ministerial permits. The EIR may dictate a larger setback.

References are included below.

How do you suggest proceeding?

Thanks,  
Debby  
Deborah Eppstein, PhD  
801-556-5004

Begin forwarded message:

**From:** Deborah Eppstein <[deppstein@gmail.com](mailto:deppstein@gmail.com)>  
**Subject:** Prop 65 - cannabis terpene B-Myrcene must dictate minimum setbacks  
**Date:** April 11, 2022 at 5:03:58 PM PDT  
**To:** Andrew Smith <[andrew.smith@sonoma-county.org](mailto:andrew.smith@sonoma-county.org)>  
**Cc:** Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>, Scott Orr <[Scott.Orr@sonoma-county.org](mailto:Scott.Orr@sonoma-county.org)>

Hi Andrew,

I appreciate that the county will conduct detailed environmental review and appropriate cannabis setbacks under the EIR. However, in the present, the county is continuing to process cannabis permits. Beta-Myrcene is an abundant terpene in cannabis, also contributing to the odor. B-Myrcene is a carcinogen (1) and is listed as such under Prop 65 (2). The FDA banned use of B-myrcene as a food additive in 2018 under the Delaney Clause, a federal health statute that prohibits the FDA approving any food additive that has been shown to cause cancer in humans or animals (3).

Cannabis products are required to list this carcinogen. Environmental exposure is also covered under Prop 65 (4). The fact that this carcinogenic terpene is abundant in cannabis odors must be considered now in determining safe setbacks to neighboring parcels from cannabis operations, including cultivation and processing. To prevent exposure of neighbors and other unaffiliated person to this prop 65 carcinogen that is outside of their control or choice, a criterion must be that detectable cannabis odors cannot leave the property of the cannabis operation. At very least (based on scientific measures of odor transmission), this must require a 1000 ft minimum setback, or more especially for down-wind parcels. The EIR may dictate a higher setback.

Based on this information, all CUP and ministerial permits must have a 1000 ft minimal setback.

I look forward to your reply.

Thanks,  
Debby

Deborah Eppstein, PhD  
801-556-5004

(1) Cesta MF, Hard GC, Boyce JT, Ryan MJ, Chan PC, Sills RC. Complex histopathologic response in rat kidney to oral  $\beta$ -myrcene: an unusual dose-related nephrosis and low-dose alpha<sub>2</sub>-globulin nephropathy. *Toxicol Pathol.* (2013) 41:1068–77. doi: 10.1177/0192623313482057 [PubMed Abstract](#) | [CrossRef Full Text](#))

(2) Beta-myrcene was included on the Prop 65 carcinogen list on March 27, 2015:  
<https://oehha.ca.gov/proposition-65/cnr/chemical-listed-effective-march-27-2015-known-state-california-cause-cancer-beta>

(3) <https://www.fda.gov/food/cfsan-constituent-updates/fda-removes-7-synthetic-flavoring-substances-food-additives-list>

(4) Environmental exposure is also covered under Prop 65. A law office (Omar Figueroa in Sebastopol) specializing in cannabis law stated (emphasis added):

<https://www.omarfigueroa.com/proposition-65-warnings-what-chemical-constituents-need-to-be-labeled/>

"The warning required under Proposition 65 must be "reasonably calculated" to be available to an individual **prior to exposure**, and must clearly communicate that the chemical in question is known to cause cancer or reproductive harm. "Exposure" in this context is defined as: "to cause to ingest, inhale, contact via body surfaces or otherwise come into contact with a listed chemical," and can occur through use of consumer products as **well as through the environment.**"

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**From:** [Deborah Eppstein](#)  
**To:** [Crystal Acker](#)  
**Cc:** [Cannabis](#); [Scott Orr](#); [Tennis Wick](#)  
**Subject:** B-Myrcene, Prop 65 carcinogen and minimum setbacks  
**Date:** Monday, April 11, 2022 4:39:40 PM

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Hi Crystal,

I appreciate that you will conduct detailed environmental review under the EIR. However, in the present, the county is continuing to process cannabis permits. Beta-myrcene is a carcinogen (1) and is listed as such under Prop 65. The FDA banned use of B-myrcene as a food additive in 2018 under the Delaney Clause, a federal health statute that prohibits the FDA approving any food additive that has been shown to cause cancer in humans or animals (2).

Cannabis products are required to list this carcinogen. The fact that this carcinogenic terpene is abundant in cannabis odors must be considered now in determining safe setbacks to neighboring parcels from cannabis operations, including cultivation and processing. B-myrcene is one of the most abundant terpenes in cannabis, including in the odor. To prevent exposure of neighbors and other unaffiliated person to this prop 65 carcinogen that is outside of their control or choice, a criterion must be that detectable cannabis odors cannot leave the property of the cannabis operation. At very least (based on scientific measures of odor transmission), this must dictate a 1000 ft minimum setback, or more especially for down-wind parcels. Our EIR may dictate a higher setback.

I look forward to your reply.

I will forward this information also to Andrew Smith concerning granting of ministerial permits.

Thanks,  
Debby

(1) Cesta MF, Hard GC, Boyce JT, Ryan MJ, Chan PC, Sills RC. Complex histopathologic response in rat kidney to oral  $\beta$ -myrcene: an unusual dose-related nephrosis and low-dose alpha<sub>2</sub>-globulin nephropathy. *Toxicol Pathol.* (2013) 41:1068–77. doi: 10.1177/0192623313482057 [PubMed Abstract](#) | [CrossRef Full Text](#))

(2) <https://www.fda.gov/food/cfsan-constituent-updates/fda-removes-7-synthetic-flavoring-substances-food-additives-list>

On Apr 6, 2022, at 11:37 AM, Deborah Eppstein <[deppstein@gmail.com](mailto:deppstein@gmail.com)> wrote:

Understood. But would you include evaluation of prop 65 issues that in your RFP? I have not seen anything about that in our prior analyses (including in the very limited discussion on odor in the SMND for the failed chapter 38)

On Apr 6, 2022, at 8:34 AM, Crystal Acker  
<[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)> wrote:

No, no detailed environmental review will start until after a consultant is brought on board.

---

**From:** Deborah Eppstein <[deppstein@gmail.com](mailto:deppstein@gmail.com)>  
**Sent:** April 06, 2022 8:31 AM  
**To:** Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>  
**Subject:** Re: Draft cannabis ordinance, EIR and prop 65 carcinogen

Thanks. Have you looked into this issue yet, re prop 65?

On Apr 6, 2022, at 7:42 AM, Crystal Acker  
<[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)> wrote:

Thank you, Debby,

I'll forward this on the cannabis email to be it gets included in the public comments for the ordinance update and EIR.

crystal

**Crystal Acker, M.S.**

Supervising Planner

[www.PermitSonoma.org](http://www.PermitSonoma.org)

County of Sonoma

Planning Division | Project Review

2550 Ventura Avenue, Santa Rosa, CA 95403

Direct: 707-565-8357 |

Office: 707-565-1900 | Fax: 707-565-1103

<[image001.png](#)><[image002.png](#)><[image003.png](#)><[image006.png](#)>

<[image007.jpg](#)>

*Due to the Public Health Orders, online tools remain the best and*



*fastest way to access Permit Sonoma's services like permitting, records, scheduling inspections, and general questions. You can find out more about our extensive online services at [PermitSonoma.org](https://PermitSonoma.org).*

*The Permit Center has reopened with limited capacity Monday, Tuesday, Thursday, Friday from 9:00 AM – 4:00 PM and Wednesday, 10:30 AM – 4:00 PM.*

*Thank you for your patience as we work to keep staff and the community safe.*

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**From:** Deborah Eppstein <[deppstein@gmail.com](mailto:deppstein@gmail.com)>

**Sent:** April 05, 2022 6:54 PM

**To:** Scott Orr <[Scott.Orr@sonoma-county.org](mailto:Scott.Orr@sonoma-county.org)>; Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>

**Cc:** Tennis Wick <[Tennis.Wick@sonoma-county.org](mailto:Tennis.Wick@sonoma-county.org)>

**Subject:** Draft cannabis ordinance, EIR and prop 65 carcinogen

Hi Scott and Crystal,

### **Wildfire Analysis**

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### **Prop 65**

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Debby

Deborah Eppstein  
801-556-5004

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**From:** [Denise Drawsky](#)  
**To:** [Tennis Wick](#); [cott.orr@sonoma-county.org](mailto:cott.orr@sonoma-county.org); [Crystal Acker](#); [Cannabis](#); [arodgers@santarosaplainingroundwater.org](mailto:arodgers@santarosaplainingroundwater.org); [Jay Jasperse](#); [Nancy Graalman](#); [Mary Plimpton](#)  
**Subject:** Document Additions to Programatic EIR on the subject of WATER Resources for Sonoma County Cannabis Project  
**Date:** Tuesday, April 12, 2022 7:31:08 PM

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TO: Staff, Sonoma County Board of Supervisors

Tennis Wick: [Tennis.Wick@sonoma-county.org](mailto:Tennis.Wick@sonoma-county.org)  
Scott Orr: [scott.orr@sonoma-county.org](mailto:scott.orr@sonoma-county.org)  
Crystal Acker: [crystal.acker@sonoma-county.org](mailto:crystal.acker@sonoma-county.org)  
Cannabis Project: [cannabis@sonoma-county.org](mailto:cannabis@sonoma-county.org)

cc: Andy Rodgers: [arodgers@santarosaplainingroundwater.org](mailto:arodgers@santarosaplainingroundwater.org)  
GSA Administrator  
Jay Jasperse: [Jay.Jasperse@scwa.ca.gov](mailto:Jay.Jasperse@scwa.ca.gov)  
Plan Manager, Chief Engineer and Groundwater Manager for Sonoma Water

Nancy Graalman: ([ngraalman@gmail.com](mailto:ngraalman@gmail.com)) (7775 Franz Valley Rd)  
Mary Plimpton: ([mbplimpton@gmail.com](mailto:mbplimpton@gmail.com)) (8425 Franz Valley Sch Rd)

FROM: Denise T. Drawsky, Sonoma County Resident

DATE: April 12, 2022

SUBJECT: Document Additions to Programatic EIR on the subject of WATER Resources for Sonoma County Cannabis Project

Dear Staff:

I am writing to the staff of the Sonoma County Board of Supervisors to officially request that you add the following article from the New York Times to the documents supporting the need for an EIR for the Cannabis Project in Sonoma County. This article, written by a California scientist, documents the current drought as the worst in the Western United States in 1,200 years.

(<https://www.nytimes.com/2022/04/04/opinion/environment/california-drought-wildfires.html?referringSource=articleShare>)

During a previous public meeting with the supervisors, it was identified that the groundwater resources data being used for the analysis of the environmental impact of expanding cannabis grows in Sonoma County are being drawn from the 2014 Groundwater Management Plan for the Santa Rosa Plain Watershed. This document is 8 years old and woefully inadequate for projecting available water resources to support a water intensive new industry/crop, such as cannabis.

I am also requesting the the Groundwater Sustainability Plan for the Santa Rosa Plain sub basin that was submitted to the California Department of Water Resources in December of 2021 also be added to documentation supporting an EIR of the Cannabis Project.

Finally, I ask that these two additional items be added to the Programmatic EIR for Sonoma County Cannabis:

1) this article from MJBizdaily:

(<https://mjbizdaily.com/cannabis-requires-more-water-than-commodity-crops-researchers-say/>)

and 2) the underlying environmental impact study:

(<https://jcannabisresearch.biomedcentral.com/articles/10.1186/s42238-021-00090-0#ref-CR65>)

in which three Illinois State University researchers reviewed literature about cannabis cultivation and its environmental impacts on water, air, soil, energy consumption and carbon footprint. They found that the water demand for growing cannabis typically exceeds that of commodity crops by nearly double.

“On average, the researchers found, a cannabis plant consumes an estimated 22.7 liters, or 6 gallons, of water per day during the growing season, which is typically 150 days long from June through October. By comparison, wine grapes, which are an irrigated crop produced in the same region as many outdoor cannabis crops in Northern California, use an estimated 12.64 liters of water per day.”

It is incumbent upon staff to utilize the best available technology to update groundwater resources for Sonoma County, especially as it relates to authorizing permits for new/additional agricultural crops, including but not limited to cannabis. It is also essential that accurate data regarding the water demands of cannabis be accounted for in the EIR. Please revise the Sonoma County Permitting processes to incorporate the updated data.

Thank you,

Denise T. Drawsky  
8799 Franz Valley School Road  
Calistoga, CA 94515

[sierrawellgirl@gmail.com](mailto:sierrawellgirl@gmail.com)

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**From:** [Deborah Eppstein](#)  
**To:** [Crystal Acker](#)  
**Cc:** [Cannabis](#); [Scott Orr](#); [Tennis Wick](#)  
**Subject:** Re: B-Myrcene, Prop 65 carcinogen and minimum setbacks  
**Date:** Tuesday, April 12, 2022 9:25:22 AM

---

Thanks Crystal, good information. What I am concerned about is different, as it does not relate to content and labeling of cannabis products, but rather from environmental exposure to a prop 65 carcinogen. I understand that prop 65 compliance is inspected at the state level. However, meanwhile if we, at the county level, are knowingly approving permits that violate prop 65, I would hope that this is something we would choose to cease doing.

Thanks,  
Debby

On Apr 12, 2022, at 7:38 AM, Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)> wrote:

Hi Debby,

Yes, the EIR will evaluate potential odor impacts from all types of cannabis operations, and yes, that data will be used to help inform recommended setbacks.

If your question is actually whether the County will be involved in how cannabis products are regulated, packaged, or labeled, that answer is no. That process is regulated by the State Department of Cannabis Control and controlled by state law (as mentioned in the article you referenced below). Here is the State DCC webpage related to product labeling requirements in case you haven't seen it.

<https://cannabis.ca.gov/licensees/requirements-cannabis-goods/>

The County only has authority over the land use permit.

This is similar to the way the County issues Use Permits for new wineries, but the State Department of Alcoholic Beverage Control regulates how wine is actually packaged, labeled, and sold.

I hope that is more clear?

crystal

**Crystal Acker, M.S.**

Supervising Planner

[www.PermitSonoma.org](http://www.PermitSonoma.org)

County of Sonoma

Planning Division | Project Review

2550 Ventura Avenue, Santa Rosa, CA 95403

**From:** [Deborah Eppstein](#)  
**To:** [Crystal Acker](#)  
**Cc:** [Cannabis](#); [Scott Orr](#); [Tennis Wick](#)  
**Subject:** Re: B-Myrcene, Prop 65 carcinogen and minimum setbacks  
**Date:** Wednesday, April 13, 2022 5:28:54 PM

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To clarify, although I appreciate that the county does not want to get involved in any prop 65 issues as these are regulated by the state, it still needs to uphold the Health and Safety clause of our cannabis ordinance. Knowing that neighbors are exposed to volatile compounds that are known carcinogens if odor is allowed to enter the neighbor's property should be cause for the county to require setbacks that prevent odor from encroaching on a neighbor's property.

Prior to determining the distance for this setback by our own scientific studies under our future EIR, we can use data developed by others. Ortech has confirmed by mass spec that cannabis odor-causing terpenes travel over 3000 ft. Yolo County determined that 1000 ft setbacks were necessary to reduce odor transmission to neighbor's parcels such that a dilution of [1 part contaminated air] : [7 parts clean air] was undetectable by the average human nose. Although the best would be to require the longer (3000 ft) setback, at very least we should require a minimum 1000 ft setback (longer if down-wind) prior to the determination from our EIR.

With the knowledge that we have now, why can't this be done under the language of the current cannabis ordinance?

Thanks, I very much appreciate your responses.

Best,  
Debby

On Apr 12, 2022, at 9:25 AM, Deborah Eppstein <[deppstein@gmail.com](mailto:deppstein@gmail.com)> wrote:

Thanks Crystal, good information. What I am concerned about is different, as it does not relate to content and labeling of cannabis products, but rather from environmental exposure to a prop 65 carcinogen. I understand that prop 65 compliance is inspected at the state level. However, meanwhile if we, at the county level, are knowingly approving permits that violate prop 65, I would hope that this is something we would choose to cease doing.

Thanks,  
Debby

On Apr 12, 2022, at 7:38 AM, Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)> wrote:

Hi Debby,

Yes, the EIR will evaluate potential odor impacts from all types of cannabis

**From:** [Nancy and Brantly Richardson](#)  
**To:** [Scott Orr](#); [Crystal Acker](#)  
**Cc:** [Tennis Wick](#); [Christina Rivera](#); [Cannabis](#)  
**Subject:** QUESTION: THE COMPETITIVE REQUEST FOR RFP PROCESS FOR CANNABIS EIR CONSULTANT  
**Date:** Thursday, April 14, 2022 9:20:23 AM

---

Hello again, Scott and Crystal,

Many of the neighborhood groups are asking questions about the Timeline, namely,

- **April 2022 - Initiate Competitive Request for Proposal (RFP) Process for an EIR Consultant**

They have noticed that the SC Water Agency recently issued the following:

*Sonoma County Water Agency and its affiliated sanitation districts (Sonoma Water) invites Statements of Qualifications (SOQs) from firms interested in providing public policy facilitation services. A list of qualified firms will be developed and used over the next three years for future projects including, but not limited to, public policy facilitation services for the Russian River Water Users Forum. A description of the Russian River Water Users Forum is included within this solicitation.*

*Questions: Please send questions in writing to [Submissions@scwa.ca.gov](mailto:Submissions@scwa.ca.gov) and reference TW 21/22-058 in the subject line of the email. The County will respond to questions received as an addendum on the Supplier Portal.*

*Deadline for Submission: 2:00 P.M. on Wednesday, April 27, 2022.*

*You must be registered in the County of Sonoma's Supplier Portal (<http://sonomacounty.ca.gov/Supplier-Portal>) in order to view the full solicitation, download and upload documents, and bid. Please refer to the attachments for information on how to register, view solicitations, and place bids. It is incumbent upon all interested parties to check for any changes, including updates or addenda, by logging into the County's Supplier Portal and reviewing the event.*

- [Supplier Registration Instructions 20210308.pdf](#)  
[How to View Solicitations and Submit Bids 20210308.pdf](#)

and would like to know whether the County

(1) plans to do an RFQ/RFP for a CEQA consultant to write the cannabis EIR, or if the County instead

(2) plans to use a CEQA consultant who has already been preapproved



as a CEQA EIR consultant through a past RFQ/RFP process.

In other words, do you have a list have a list of "prequalified" CEQA consultants already? is Rincon Consulting on that list? We would like a copy of the firms who are "prequalified". Will the Board of Supervisors be making the final decision? if not, who will decide?

Thanks, Nancy and Brantly

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**From:** [Nancy and Brantly Richardson](#)  
**To:** [Crystal Acker](#)  
**Cc:** [Scott Orr](#); [Tennis Wick](#); [Christina Rivera](#); [Cannabis](#)  
**Subject:** FOLLOW-UP QUESTION: THE COMPETITIVE REQUEST FOR RFP PROCESS FOR CANNABIS EIR CONSULTANT  
**Date:** Thursday, April 14, 2022 11:14:12 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Hello again, Crystal,

If we are understanding you correctly the County is going to notify everyone who has been preapproved (or “qualified”) for the opportunity to bid on County CEQA/EIR work pending of the release of the RFP for the cannabis EIR but they will need to produce a “new response” to the Referral for Proposal just like any consultant not on the preapproved or “qualified” list? Can you confirm we are correct? We don’t want to pass anything along that is inaccurate.

Is there a list of those consultants who are preapproved? Some of the neighborhood groups have examined other county’s EIRs and were impressed with the studies. The EIR done for Yolo County might have been one example? How will you reach out to firms who are not preapproved? Considering the job that Rincon Consulting did on the SMND they should be removed from the preapproved list.

Understand the BOS must approve the consultant contract. It involves a great deal of money. Will this be an Agenda item?

Thanks, N. and B.

---

**From:** Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>  
**Sent:** Thursday, April 14, 2022 9:30 AM  
**To:** [nrchrdn@sonic.net](mailto:nrchrdn@sonic.net); Scott Orr <[Scott.Orr@sonoma-county.org](mailto:Scott.Orr@sonoma-county.org)>  
**Cc:** Tennis Wick <[Tennis.Wick@sonoma-county.org](mailto:Tennis.Wick@sonoma-county.org)>; Christina Rivera <[Christina.Rivera@sonoma-county.org](mailto:Christina.Rivera@sonoma-county.org)>; Cannabis <[Cannabis@sonoma-county.org](mailto:Cannabis@sonoma-county.org)>  
**Subject:** RE: QUESTION: THE COMPETITIVE REQUEST FOR RFP PROCESS FOR CANNABIS EIR CONSULTANT

Hello Nancy and Brantly,

All consultants already registered with the County’s Supplier Portal (the online system that County RFPs go through) will receive notification of the opportunity, but the ordinance team is starting a new Request For Proposals. We are currently preparing all the documentation required to start a new RFP process.

Yes, the consultant contract must be approved by the Board of Supervisors.

crystal

**Crystal Acker, M.S.**

Supervising Planner

[www.PermitSonoma.org](http://www.PermitSonoma.org)

County of Sonoma

Planning Division | Project Review

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**From:** [Nancy and Brantly Richardson](#)  
**To:** [Scott Orr](#); [Crystal Acker](#)  
**Cc:** [Tennis Wick](#); [Christina Rivera](#); [Cannabis](#)  
**Subject:** HOPE THIS IS THE LAST QUESTION!: THE COMPETITIVE REQUEST FOR RFP PROCESS FOR CANNABIS EIR CONSULTANT  
**Date:** Thursday, April 14, 2022 2:09:01 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image005.png](#)

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Thanks, Scott, When the Request for Proposal (RFP) is ready, is it published in the PD? How will the public know the RFP has been disseminated? Some of the neighborhood groups want to forward the RFP to consulting firms whose work they admire. Do they need to file a PRA request to get a copy? How long is the window for a response from consulting firms usually open? N. and B.

---

**From:** Scott Orr <[Scott.Orr@sonoma-county.org](mailto:Scott.Orr@sonoma-county.org)>  
**Sent:** Thursday, April 14, 2022 11:56 AM  
**To:** [nrchrdn@sonic.net](mailto:nrchrdn@sonic.net); [Crystal Acker <Crystal.Acker@sonoma-county.org>](mailto:Crystal.Acker@sonoma-county.org)  
**Cc:** [Tennis Wick <Tennis.Wick@sonoma-county.org>](mailto:Tennis.Wick@sonoma-county.org); [Christina Rivera <Christina.Rivera@sonoma-county.org>](mailto:Christina.Rivera@sonoma-county.org); [Cannabis <Cannabis@sonoma-county.org>](mailto:Cannabis@sonoma-county.org)  
**Subject:** RE: FOLLOW-UP QUESTION: THE COMPETITIVE REQUEST FOR RFP PROCESS FOR CANNABIS EIR CONSULTANT

To be clear: we are going to put out the RFP for anyone that may want to submit a proposal. There is no preapproved, prequalified, or short list.

**Scott Orr**

Deputy Director of Planning

[www.PermitSonoma.org](http://www.PermitSonoma.org)

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**From:** [Neighborhood Coalition](#)  
**To:** [Cannabis](#)  
**Cc:** [Scott Orr](#); [Crystal Acker](#)  
**Subject:** Fwd: CANNABIS ORDINANCE UPDATE - SCOPING - ODOR AND SETBACKS  
**Date:** Friday, April 22, 2022 6:29:59 PM

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## **CANNABIS ORDINANCE – SCOPING – ODOR AND SETBACKS**

Summary: Terpenes from cannabis are listed as carcinogen in Proposition 65.

**From:** Deborah Eppstein <[deppstein@gmail.com](mailto:deppstein@gmail.com)>

**Subject: Prop 65 - cannabis terpene B-Myrcene must dictate minimum setbacks**

**Date:** April 11, 2022 at 5:03:58 PM PDT

**To:** Andrew Smith <[andrew.smith@sonoma-county.org](mailto:andrew.smith@sonoma-county.org)>

**Cc:** Crystal Acker <[Crystal.Acker@sonoma-county.org](mailto:Crystal.Acker@sonoma-county.org)>, Scott Orr <[Scott.Orr@sonoma-county.org](mailto:Scott.Orr@sonoma-county.org)>

Hi Andrew,

I appreciate that the county will conduct detailed environmental review and appropriate cannabis setbacks under the EIR. However, in the present, the county is continuing to process cannabis permits. Beta-Myrcene is an abundant terpene in cannabis, also contributing to the odor. B-Myrcene is a carcinogen (1) and is listed as such under Prop 65 (2). The FDA banned use of B-myrcene as a food additive in 2018 under the Delaney Clause, a federal health statute that prohibits the FDA approving any food additive that has been shown to cause cancer in humans or animals (3).

Cannabis products are required to list this

carcinogen. Environmental exposure is also covered under Prop 65 (4). The fact that this carcinogenic terpene is abundant in cannabis odors must be considered now in determining safe setbacks to neighboring parcels from cannabis operations, including cultivation and processing. To prevent exposure of neighbors and other unaffiliated person to this prop 65 carcinogen that is **outside of their control or choice**, a criterion must be that detectable cannabis odors cannot leave the property of the cannabis operation. At very least (based on scientific measures of odor transmission), this must require a 1000 ft minimum setback, or more especially for down-wind parcels. **The EIR may dictate a higher setback.**

Based on this information, all CUP and ministerial permits must have a 1000 ft minimal setback.

I look forward to your reply.

Thanks,

Debby

Deborah Eppstein, PhD

801-556-5004

(1) Cesta MF, Hard GC, Boyce JT, Ryan MJ, Chan PC, Sills RC. Complex histopathologic response in rat kidney to oral  $\beta$ -myrcene: an unusual dose-related nephrosis and low-dose alpha<sub>2</sub>-globulin nephropathy. *Toxicol Pathol.* (2013) 41:1068–77. doi: 10.1177/0192623313482057 [PubMed Abstract](#) | [CrossRef Full Text](#))

(2) Beta-myrcene was included on the Prop 65 carcinogen list on March 27, 2015:

<https://oehha.ca.gov/proposition-65/cnr/chemical-listed-effective-march-27-2015-known-state-california-cause-cancer-beta>

(3) <https://www.fda.gov/food/cfsan-constituent-updates/fda-removes-7-synthetic-flavoring-substances-food-additives-list>

(4) Environmental exposure is also covered under Prop 65.

A law office (Omar Figueroa in Sebastopol) specializing in cannabis law stated (emphasis added):

<https://www.omarfigueroa.com/proposition-65-warnings-what-cannabis-operators-need-to-know/>

"The warning required under Proposition 65 must be "reasonably calculated" to be available to an individual **prior to exposure**, and must clearly communicate that the chemical in question is known to cause cancer or reproductive harm. "Exposure" in this context is defined as: "to cause to ingest, inhale, contact via body surfaces or otherwise come into contact with a listed chemical," and can occur through use of consumer products as **well as through the environment.**"

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