

League of Women Voters of Pullman Observer Report

Name of Agency: **Whitman County Planning Commission** Date: **May 1, 2019**
Observer Reporting: Shelley Chambers-Fox Length of Meeting: 3 hrs 29 minutes
Members Present: Dave Gibney, Gary Moore, Russ Jamison, Ryan Davies, Guy Williams, Chad Whetzel, Keith Paulson, Alan Thomson (county planner), Ginny Rumiser (note taker), Katrin Kunz (assistant county planner)
Absent: Robert Hill, Matt Sutherland
Others Present (i.e., media, public): 24 interested people including several professors from WSU.

Meeting Content:

The May meeting consisted of a short series of announcements about completed and pending requests for permits, and, for the most part, a workshop gathering information for the development of an ordinance to regulate marijuana production.

1. **Announcements:**

- a. **Board of Adjustment** forthcoming hearings – Amanda Boyd horse boarding facility on O'Donnell Road set for May 9, 2019. Motley and Motley inert landfill off of Old Moscow Road set for May 9, 2019. Betty Child view shed variance for a residence set for May 9, 2019.
- b. Whitman County Hearing Examiner hearing – PNW conditional use hearing for the **storage facility in Dusty** was held April 25, 2019. No result yet. 10 days to make a decision
- c. Forthcoming Administrative Use Permits – Weis Towers proposes a **new cell tower on Bald Butte**. Issuance of permit is still pending. No action will be taken on this application tonight. AT & T proposes a **new cell tower on Kamiak Butte**. Investigating whether there is Palouse Prairie in the area where they want to build.
- d. **Forthcoming Variances** – Randy Smith front setback for shed replacement approved and issued on April 1, 2019
- e. Board of County Commissioners approved the code amendments to Chapter 19.10 – Agricultural District and Chapter 19.12 – **Cluster Residential District and the amendments to the Critical Areas**. They also changed the zoning from the Agricultural District to an Airport Commercial District for 6.4 acres owned by Colleen Schoepflin, and for Agrow Solutions from the Agricultural District to a Limited Heavy Commercial District.
- f. Marty Frostad in the **Port of Wilma** has requested a shoreline substantial development permit for expanding an existing building which would encroach into the 200 foot setback to the Snake River.

2. **Workshop discussion on cannabis ordinance.** Chair Chad Wetzal announced that the **invited experts would be allowed to speak first** and then the public would provide comments and questions.

- a. **Thomas Jobson is a faculty member in civil and environmental engineering studying trace gas analysis.** He performed air sampling for the city of Spokane to identify and quantify the compounds in the air pumped out of various indoor growing operations. His study found myrcene, limonene, linalool (essential oil in lavender), alpha and beta terpene. As a class these compounds are called terpenes, fragrant essential oils produced by many plants. They are not toxic, main issue is odor. A nuisance issue, not a health issue. There are industrial filters that can remove these compounds.
- b. **John Wyrick is a faculty member in molecular biosciences, who does research on carcinogens, primarily skin cancers.** He did a literature search on many aspects of marijuana toxicology. **Aerosol effects of MJ:** Marijuana smoke is identical to the effects of tobacco smoke and thus carcinogenic/mutagenic. Jury is out on whether smoking marijuana causes cancers. Volatilizing marijuana using heat without burning it may be carcinogenic since terpenes are oxidized to potentially hazardous compounds. He found a Science news item that reports on volatile organic compounds coming from MJ grow operations which form smog. Pine forests also emit large amounts of terpene compounds which seem to seed clouds and increase cloud cover and rain. 'He notes that there are 200 volatile compounds in marijuana but does not know

what produces the 'skunk smell'. He is also concerned about mold spores associated with MJ use. He found an older report of the transfer THC to the milk of buffalos in Pakistan that grazed on marijuana. THC was also found in children who drank the buffalo milk. There is evidence that if cows breathe air that contains those compounds will show up in cows' milk.

- c. **Jon Davis, a faculty member from integrated physiology and neuroscience department studies how cannabis stimulates appetite.** He exposes animals to vaporized cannabis and studies their endocrine profiles, feeding behavior, motivated behavior, learning. There is a very acute effect, for about 2 hours after exposure. Genetic changes in brain make changes in feeding behavior.
- d. **Ryan McLaughlin, a faculty member from integrated physiology and neuroscience, studies the effects of cannabis on the developing animal.** The endocannabinoid system is quite abundant in the brain. In the cannabis plant, there is very little THC. Instead the plant contains THC-A (the acid form). The carboxyl group needs to be removed by heating (smoking or cooking). He would not be super concerned about THC effects in unheated marijuana plant material that is volatilized by growing the plant. He considers it unlikely these compounds will get into water system because they are very lipid and not very water soluble. The smell is NOT the THC, it is the terpenes. Numerous studies looking at terpenes and non-THC components of MJ show they have antioxidant and anti-inflammatory activity. Vast majority of the alpha and beta pinene is from pine trees. Do not confound smoking marijuana with the smell we may get from the growing the plant.
- e. **David Gang, faculty member from the Institute of Biological Chemistry studies compounds produced by plants.** He has prepared a large paper packet which he provides to the commissioners. He was asked by the dean of the College of Agriculture to do a literature search on the **possible effects of marijuana constituents getting into milk**. The chair of animal sciences, Kris Johnson, had expressed concern that volatile terpenes might get into the milk of cows at the WSU Dairy which would make the milk un-usable in dairy products. He cites a paper that studied cows exposed to caraway or oregano in the air they breathed for 9 hours. This increased the terpenes in their milk. He also found a paper published in 1978 that describes off flavors in milk due to cow exposure to essential oils from plants. These compounds can enter milk when cows breathe in volatiles or eat certain plants. He printed out the MSDS sheets for limonene, alpha and beta-pinene, and myrcene. These compounds cause irritation to skin and mucous membranes, respiratory irritation. We have no clue what might happen if we pump these out into the air.
- f. **Mark Lange, faculty member from the Institute of Biological Chemistry studies plant biochemistry.** Cannabis makes more than 200 compounds, including terpenes and cannabinoids. Cannabis is mostly wind pollinated in the wild. Similar to other plants the terpenes it produces may repel plant-eating insects and communicate with other plants. Its odor is produced by the unique mix of terpenes. Whitman County is the top emitter of small dust particles and pesticides aerosols in the state. He notes that everything is toxic, it is a matter of dose. None of the regulatory agencies consider the compounds in marijuana as problems. Hemp has lower volatiles than marijuana, has been bred for fiber.
- g. **Michael Kahn, faculty member from the Institute of Biological Chemistry and Director of NIH training grant and NSF** to study nitrogen fixation in alfalfa. He notes that in the study of cows that were exposed to caraway or oregano laden air, levels of essential oils were elevated but not statistically significant. There were substantial levels of terpenes in the cows feed already. These compounds are Generally Recognized As Safe (GRAS). The list of compounds in cannabis sativa includes many items that we eat. The commission does not have to judge whether these compounds are safe. The commission needs to find out if some other agency whose job is to make these judgements thinks that they are safe. If hazardous, decide how to regulate. MSDS sheets are NOT appropriate standards because they are directed at using these compounds in very high concentrations in labs.

- h. **Josh Ashby, Seattle attorney, chair of the cannabis industry legal team.** He provides information on legal developments in cannabis. Nuisance issues are not easily addressed. Residents suing marijuana businesses with claims that the odor negatively impacted their property values have not been successful in court cases. He notes there is tremendous economic value to be gleaned from growing marijuana. There are counties that have put restrictions on MJ growing and are involved in litigation. Russ Jamison asks how much would it cost if the county banned marijuana but Mr. Ashby does not have a number. The state has abandoned the idea of setbacks for farmers who want to grow hemp because there is no evidence of cross pollination between hemp and cannabis so no reason at this point to create a buffer between fields. No more grow (producer processor) licenses being issued. We cannot produce more than the state of Washington can consume. There are geographic restrictions on retail licenses.
- i. **Public comment Proponents:** Chris Boyd: he believes the regulations should reflect whether marijuana is an agricultural crop or an industrial product. He would hate to see Whitman County miss out on this agricultural opportunity. We should have a processor since we don't have one yet. Facilities are very well scrutinized in that everyone is on camera as they work.
- j. **Public comments Neutral:** Kris Johnson is concerned about exposing the cows to higher levels of terpenes than they are exposed to now. The proposed research facilities will have filters on their facilities. She is mainly concerned about outside grows. Cows expire methane, they do not belch.
- k. **Public comment Opponents:** Stephanie Fosback quotes an Op Ed from the Seattle Times by Bob Ferguson saying that we need to allow local governments to place restrictions on marijuana to reduce the likelihood of interference from the federal government. She would like to know if the levels of terpenes people detected in Spokane are anything like the levels the cows were exposed to in the study from Denmark.

Process & Protocol: (Observations about participants and procedures of the meeting)

The commissioners interact courteously and ask good questions of the scientists who were brought in to talk about scientific aspects of growing marijuana.

Additional comments/opinions:

Note: Next meeting will be June 5. One of the planners from Spokane County will come down to talk about their regulatory journey. The Commissioners discussed continuing the workshop format that includes the public and would like the public to be included.