

Statement of Nicholas Targ and Jessica Laughlin
Holland & Knight on behalf of
Hahn Family, Cate School, Tim Bliss and the Mauracher-Brown Family

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My name is Nicholas Targ, and I represent several of the nearby neighbors affected by the odors and risks associated with the Valley Crest facility. As background, I am co-chair of Holland and Knight's 60 person environmental law team, and I served in leadership positions with the U.S. Environmental Protection Agency. On behalf of the Hahn Family, Cate School, Tim Bliss and the Mauracher-Brown Family, I respectfully urge that Board of Supervisors deny Valley Crest's appeal and affirm the condition of approval required by the Planning Commission to require carbon scrubbers for the grow facility.

Requiring carbon scrubbers is nothing new for the County. Planning and Development staff have approved Odor Abatement Plans with carbon scrubbers and the Planning Commission has required carbon scrubbers since, at least, 2021. A change now would: be unfair to the facilities that are complying with the County decisions to require carbon scrubbers; mark a change that is less protective of residents and communities; and create incentives for other cannabis growers to get by with the least cost odor abatement technology possible, regardless of odor reduction quality.

Carbon scrubbers have been approved as Best Available Control Technology by the County on, at least, seven occasions. In fact, the County negotiated the exact language that appellant now complains of. The condition of approval was negotiated on June 1, 2022, when carbon scrubbers were required for the "International" grow facility that backs onto Carpinteria High School. Since that time, that same condition of approval has been applied twice more.

The reason why the Planning Commission has been requiring carbon scrubbers, and facilities have been adopting carbon scrubber technology, is simply because the technology is effective and it is the accepted and available industry-specific best control technology designed to mitigate odor, consistent with CZO § 35-144U.C.6.d.

Indeed, the *Independent* on June 19, 2022, quoted the National Association of the Cannabis Industry, as stating Carbon Scrubbing Technology is "the most commonly used and recommended control technology" for reducing odors in cannabis facilities. The same article quoted the County Planning Director, as stating, "We are advising applicants that scrubbers have become the accepted industry practice as a lot of growers have been starting to implement them." The Planning Director's observation is supported by the 3450 Vista Verde Farms Odor Abatement Plan, which proposes to use carbon scrubbing technology and identifies that "'Carbon Scrubbing' is considered the best industry practice to mitigate odors." See, *Odor Control Plan for Vista Verde Farms, LLC, 3450 Via Real, Carpinteria, (AdvancedGeo, Rev. 05 May 2022)*.

Even the Appellant has stated that he is an "advocate" for carbon scrubbers, when a "sensitive receptor" is close enough. As you will hear, the Hahn family shares a property line with the Appellant. They could not be closer. They and other members of the community deserve the protection of carbon scrubbers.

The Planning Commission considered the facts and appropriately conditioned Appellant's permit on the use of effective carbon scrubbers, consistent with applicable law and to prevent risk of harm.

- o Danielle Hahn and her husband Dr. Hahn live immediately adjacent to the Valley Crest facility, where they have resided for approximately 30 years. Their property is approximately 315 feet from the Valley Crest greenhouse. Ms. Hahn, their tenants, guests, and visitors at their Rose Story Farm have suffered a range of symptom, including headache, fatigue, nausea, shortness of breath and other respiratory issues. As you will hear, there is good reason to believe that the Fogco system and/or the cannabis odors are causing or contributing to these symptoms. At their visitor-dependent rose farm, people frequently cannot smell the roses either because the deodorant blocks the fragrance or the cannabis smell is overwhelming. This interference is greatly harming their farming operation.
- o Mimi and Dr. Mauracher-Brown live down the road from the facility. Their property smells of cannabis and Ms. Mauracher has observed the Fogco mist gathering on her market avocado

grove. Ms. Mauracher-Brown, whose family has lived on her ranch for generations, cannot tolerate the odors and has limited her outside activities because of the odor. She has also raised valid concerns about the chemical deodorizer used at the facility.

- Tim Bliss and his family also live on Casitas Pass Road. He has describes extreme and offensive cannabis odors at his property.
- Cate School is located a short distance from Casitas Pass Road, and it frequently endures, strong and noxious cannabis odors. The odors are distracting to the students, and make portions of the campus truly unpleasant depending on weather conditions. Staff and faculty spend valuable time and resources working to address ventilation issues in classrooms and dormitories.

None of this exposure to cannabis odors or the chemical deodorant is reasonable. Carbon scrubbers, as required by the Planning Commission, physically and measurably remove odors before they leave the grow facility, and they would provide significant relief.

As pointed out above, the County has been exercising its authority to protect its residents from noxious odors. This authority includes:

- CZO Section 35-144U.A.1, which "establishes standards that are designed to protect the public health, safety, and welfare... and minimize potential for negative impacts on people, communities and the environment, by establishing minimum land use requirements for... cannabis activities including cultivation..." By creating minimum requirements, the ordinance creates a floor not a ceiling.
- CZO 35-144U.A.2.b, which provides "nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance." The Planning Commission and Board of Supervisors have authority to regulate nuisances.
- CZO § 35-144U.C.6.d, provides that "[a] Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor." However, the County cannot delegate so much of its authority so as to accept patently incorrect statements. Here, there is no substantial evidence to support the OAP's conclusory dismissal of carbon scrubbing technology because, "[it is in] its infancy and not yet commercially available." (OAP, p. 6). We know this statement is false because carbon scrubbers are being successfully implemented in Santa Barbara County right now.
- The County's Comprehensive Plan, Land Use Element provides that "existing agriculture should be preserved above Foothill Road and east above Casitas Pass Road." This is exactly where the Hahn's Rose Story Farm is located. Their pre-existing agricultural enterprise should be protected consistent with the Comprehensive Plan.

We are not opposing the Cannabis Industry. We are just asking that the Planning Commission's condition of approval be retained to protect health, well-being, and existing agricultural businesses under the facts. Your requiring carbon scrubbers will be consistent with existing policy, and the staff negotiated condition of approval language. Far from hurting the Cannabis Industry, maintaining fidelity with past practice will support the investment of those grow operations that have adopted the carbon scrubber technology or have accepted it as a condition of approval. We, therefore, ask for your support of the neighbors' and the public's right to be free from unnecessary odors and risks, and their right to continue their pre-existing agricultural pursuits.

My name is Danielle Dall'Armi. I live at 5950 Casitas Pass Road, Rose Story Farm. Rose Story Farm is an internationally acclaimed small model farm, growing fragrant roses for the cut flower industry. We have been farming roses for 25 years and have been featured in multiple national publications including Martha Stewart, Better Homes & Gardens, and the Wall Street Journal. Our business model included selling cut roses, distilling petals to make hydrosols and oils, and selling rose buds and petals to the food industry for use in confections and syrups.

I was honored as a Great Rosarian of the World in 2014, joining an elite group of 19 international recipients, including only 5 Americans and 3 women. I earned this honor because of our educational outreach program which encouraged people to grow and enjoy roses through a series of ongoing tours and seminars at our rose farm, for people of all ages, ranging from groups of school children to retirees. We have had to disband these tours due to the maliforous odors and masking materials emanating from the cannabis operation directly adjacent (300 feet) to our farm. We can no longer distill rose petals nor sell them to the food industry and they are contaminated.

Not only are the cannabis odors masked with fogco, but the incredible rose fragrances are masked as well. Our tenants and guests complain constantly about the stench and the physical reactions which are triggered by the exposures. My employee in charge of all rose sales is leaving after working with us for nine years due to her recurrent pulmonary problems all of which started after the use of the fogco agents. At our sons wedding this summer, several guests who were opera singers, as is he, had immediate respiratory reactions, one requiring an ER visit for an asthma attack.

We have multiple houses on the property and my husband and I have had to move to the guest house furthest from the pot greenhouse in an attempt to avoid the intense stench and cover up material. We have been renting our 100 year old farm house to provide additional farm revenue. We have lost two sets of tenants over the stench. The last to leave was a family of two medical doctors and their four young children. They loved the farm and had enrolled their children in Crane School and were planning to stay for a year. Two months into their stay, their four year old daughter began to vomit every morning. We tried an air purifier, resealing the windows and doors (in an old house virtually impossible), and made several other attempts to mitigate the smell. Finally after an entire day of vomiting, the family gave notice, packed up and left within 24 hours. They consulted with their pediatrician who told them her GI upset was related to her exposure to the fumes. This was understandably a huge disappointment to us, not to mention a significant financial impact. Rental income from this 9000 square foot home has been a major contributor to the economic viability of the farm, since disbanding the tours.

Meanwhile, I personally have been struggling with severe allergies and respiratory difficulties. There is not a day that goes by without severe coughing and shortness of breath. We've been here for 30 years, and prior to the pot, I did not have any issues. I spent a month this summer away from the farm and within 3 days, had no cough nor allergy issues. My most recent consult was with Dr. Brian Garber, a local pulmonologist. After describing my symptoms, he told me they were identical to two other patients of his who live immediately adjacent to cannabis greenhouses. We are continuing to try various medications, however he believes moving out of the area may be the only long term solution. I have an incessant cough which comes on in the middle of the night interrupting my sleep and causing intense headaches. The repercussions of this have severely affected the quality of my life and my work here at the farm.

The presence of the cannabis odors and now the fog masking has dramatically impacted my health and has altered my business model significantly. We are currently not able to sustain our rose growing business which has been flourishing for over 20 years. Our farm income is significantly diminished and my health has deteriorated. The proliferation of cannabis growing operations has clearly impacted the Carpinteria Valley. As such, the Board of Supervisors should do anything in their power to mitigate the negative effects. A requirement for state of the art carbon scrubbers is a great start.

To Whom It May Concern:

I am living on my family's ranch at 6200 Casitas Pass Road in Carpinteria, CA that my parents bought in 1951. I have 46 acres and 42 of them are planted in avocados. The other four acres are dedicated to housing. There are three houses on this property and two of them are rented. My tenants have commented on the odor of the cannabis and how awful it is.

The odor is so bad coming up Casitas Pass Road. I no longer ride my bike or walk into town because of the odor. I have gone to the County website and filed complaints. I used to do it more often but I wouldn't get a response and it takes time that I don't really have to spare. More importantly, it seems like it doesn't matter.

The Cannabis growers here in the Santa Barbara County and specifically those of Carpinteria are not making an effort to co-exist. I understand that we all need to make a living here together but the growers don't seem to care how their business effects anyone else's business. The growers using the greenhouses in the distant past used to seem like they cared about the town of Carpinteria. They wanted their flower businesses to thrive and they wanted their children to thrive in the school systems, make friends and contribute in a positive way to the community. The attitude of these same growers that have switched over to growing cannabis seems to be completely different. They don't seem to care about their neighbors anymore.

There is substantial proof scientifically and otherwise that the cannabis odor is having a strong effect on the City of Carpinteria and specifically next door to me coming from Case Van Wingerden's property. I can smell it anytime of day. I have to go inside my house to get away from it. When Case was constructing more buildings on his land the workers were making so much noise I had to ask him to please turn it down.

I don't know Case Van Wingerden very well. He has been a hard-working member of the Carpinteria Valley for many years. He is on the Carpinteria Valley Water Board. He works on many issues for our Valley on the Water Board. He has foresight for our town and he has a vast amount of knowledge and history to help keep the balance safe for our town and it's future. This is why I don't understand why we are here in court yet again today. I don't understand how he can have the big picture for the future of Carpinteria and yet right next door he is causing his neighbors harm. It doesn't add up. He has proof that the emissions from the vents of his greenhouses are causing harm. He knows better and yet he won't help us right next door. Is it about money only? This is not a helpful attitude toward the future of Carpinteria. I ask that you please reconsider putting in the carbon scrubbers in your building next door to me. Please!

Thank you for your time.

Mimi Mauracher Brown
October 4, 2022

My name is Dr. William Hahn. I have been a medical doctor trained in internal medicine for over 50 years and have practiced locally at the Sansum Clinic for the last 45 years. I have lived with my wife Danielle Dall'Armi at Rose Story Farm located at 5950 Casitas Pass Road for over 30 years. We have raised our 2 sons there and in addition to growing avocados commercially we have developed the largest fragrant rose farm in America. It is, unfortunately, located approximately 300 feet down wind from the Valley Crest Cannabis greenhouse.

People are getting sick, including my wife, my tenants, and my guests at our farm. The sickness-- headaches, nausea, fatigue and respiratory distress,— started after the Fogco system was installed.

To my knowledge, the Benzaco chemical deodorant used in the Fogco system has not been tested in human subjects to ascertain whether inhalation can cause the type of symptoms we are experiencing. The Chemical Safety Sheet included with the facility's Odor Abatement Plan (OAP) states that the chemicals are not on a list of known toxic chemicals; however, as a physician, I know that this statement does not mean the compound could not be responsible for our symptoms. Recall that DDT, Round Up, and a variety of plastics, and many other products now understood to be highly toxic were at one time thought to be entirely safe for human exposures. Despite being characterized as non-toxic the EPA assessment of the Benzaco product notes that exposure may cause irreversible tissue damage and blindness, plus significant toxicity to aquatic life.

The chemical testing identifies only a single inhalation toxicity test. (Rick O'Sadnick Senior Scientist Benzaco May 19, 2020 letter to Greenbrier Holdings Valley Crest Farms, LLC). In that study, 10 rats were exposed to high levels of the product for 4 hours to assess mortality-- the rats did not die, which is a good thing. There were not however, any observations or data on any non-lethal effect on the rats, specifically no information as to untoward reactions such as vomiting, pulmonary congestion, respiratory distress or wheezing. In addition, Benzaco provides no data concerning the health effects of long-term inhalation of this product. Claiming that a 4 hour exposure of 10 rats provides sufficient data to determine the long-term effects of this product on humans is clearly ridiculous. People, perhaps much more than rats, have a broad range of sensitivities and underlying health conditions which can predispose them to unexpected respiratory reactions

The Benzaco deodorant represents a risk to those who are sensitive to the trade secret protected essential oils. Persons with asthma have hyperreactive airways that respond to even low concentrations of atmospheric irritants, including essential oils. The result can be anything from shortness of breath to a full blown asthma attack. Indeed, the American Asthma and Allergy Foundation of America has concluded that essential oils can be detrimental to people with asthma because "breathing in the particles released by the oils may trigger an asthma attack." [AAFA Explains: Can Essential Oils Help Asthma? | Asthma and Allergy Foundation of America.](#)

People can have a wide array of adverse physiologic reactions to odors including headache, nausea, fatigue, and even vomiting, given different circumstances and underlying health conditions. My wife's pulmonary doctor is certain that her respiratory reactions are a result of exposures to the chemicals in the fogging agents.

Since the facility started fogging, my wife and others at our farm have been getting sick with the symptoms one would expect from exposure to an inhaled environmental irritant. Although not the intent of the technology, it is unfortunately the result. Carbon scrubbers are available, and are clearly a superior approach that mechanically removes odors, as opposed to creating new odors. As such it is not responsible to allow this fogging experiment to continue and expand. I respectfully ask that you deny the appeal for the protection of the community, my farm, and my family.