

Vermont State Senate Judiciary Committee
Re: S. 54 - Cannabis Regulation
February 4, 2019

To whom it may concern,

I run an Organic, Grass-based livestock farm in Chelsea, Vermont. As Vermont considers legislation to fully legalize, regulate and tax Cannabis cultivation, I am considering growing for the commercial market. My comments here reflect the position of a cultivator. Although Cannabis has many uses, it is ultimately an agricultural product and should be regulated, to some degree, as such.

Overall, I'm excited to see this bill and looking forward to the process ahead. I hope we can develop a robust piece of legislation that is effective; at both creating a safe and productive industry and providing ample tax revenue for state and local governments.

Here are my specific comments:

1. Section 863 allows local municipalities to prohibit a cannabis establishment. While I understand the desire to maintain local control in these matters, this may also prohibit a farm from growing Cannabis. Many farms need the ability to diversify, as the Agricultural Enterprise bill from last year enshrined. Allowing locals to ban any Cannabis establishment will run afoul of existing legislation.
2. Section 881 a(2)A requires the regulations to create a tiered system based on 'square footage of cultivation space'. It would be much more sensible to create the tiered system based on sales volume (money or product), much like Organic fees. A square footage Tier would incentivize indoor growing operations, which, as we know, are far more resource intensive and wasteful than outdoor operations. Some estimates suggest as much as 1 megawatt-hour is required for every pound of indoor grown Cannabis. In addition, there could be many vagaries in a square footage tiering; some farmers may interplant other crops within their Cannabis field, or space plants out to allow for mowing between rows. These practices would be dis-incentivized by a square-footage based fee.
3. Section 884 is very concerning, both from a criminal justice standpoint and a practical management standpoint. As a small business owner, I would expect the state to allow me to identify and hire or fire employees at my discretion. Requiring my employees to pass a criminal history check and then leave judgement to the discretion of a non-judicial control board leaves open the potential for systemic bias, profiling and unfair treatment. Other 'dangerous agricultural products' like beer, raw milk and spirits don't require such a background check. In addition, cultivators routinely hire in extra labor for harvest season and checking their criminal history would be infeasible for such a short-term employment.



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4. Section 904 b requires the 'enclosed, locked facility' of legislation past. However the definition has been amended to define this as 'fenced outdoor space', it would still create many problems for cultivators. Again, this would incentivize indoor growers, as outdoor growers would have to construct massive chain-link fencing around many acres of fields. This would be ugly, expensive and ineffective; anybody can cut through chain link.

5. Section 841 c(1) establishes the membership of the control board. At least one of these members should be appointed by the department of agriculture, to represent the interests of the agricultural community.

In conclusion, I recommend the committee consider defining cannabis cultivators as separate from 'cannabis establishments' making a separate set of rules for us, or simply repair the sections as outlined above.

I work with many other small farms who are intersted in this topic and would be happy to testify, provide written comments or be helpful in any other way going forward. Please do not hesitate to contact me.

Sincerely,

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