



April 12th, 2021

CalCannabis Director Richard Parrott  
1220 N Street,  
Sacramento, CA 95814

RE: Proposed CalCannabis Appellation Regulations

Director Parrott,

We appreciate the opportunity to comment on the proposed CalCannabis appellation regulations published on March 5, 2021. A robust appellations program is a top priority for our organizations, and we are grateful for CDFA's hard work and commitment to standing up the world's first cannabis appellations program.

We are writing this letter to highlight two significant areas of concern that remain in the most recent proposed regulations: requirements for causal links in appellation petitions, and the necessity of an adequately-resourced Petition Review Panel to effectively assess appellation petitions.

These areas of concern are consistent with those identified in the previous public comment period, and in our October 13th and November 3rd letters to CalCannabis, although the specific issues involved have changed slightly in the most recent set of proposed regulations. We are hopeful that these issues can be addressed prior to the final adoption of appellation regulations by the agency.

### **Causal Links Should Not be Required for All Geographical Features in a Region**

In our response to the draft regulations proposed on October 2, 2020, we emphasized concern regarding language that would enable an appellation to be established based on the *reputation* of a region alone. Such appellations would not be based on a causal link between place and product, but rather based on the reputation of a product in a specified geographical area.

We appreciate the attention to these issues in the March 5, 2021 proposed regulations. We were especially glad to see that the most recent regulations propose striking references to "reputation" and "cultural features" in Section 9106, so that the causal link necessary to establish an appellation is based on *terroir* and not reputation.

In addressing those issues, though, we're concerned another issue has been introduced in Section 9106(c), which now requires petitions to include: *A description of the quality or characteristic of the cannabis which is essentially or exclusively caused by **each** geographical feature, including an explanation of how the geographical feature causes the cannabis to have that quality or characteristic.* Similar language is included in 9106(d) as revised, requiring applicants to identify a standard, practice, and cultivar requirement that maintains a causal link between "each" geographical feature identified.

The word "each" is our main concern. In our last round of comments, as well as the present public comment period, we suggest wording for 9106(c) which would require a causal link to be drawn based on "one or more" geographical features. We're concerned that requiring a causal link to be established for at least five geographical features - climate, geology, soil, physical features, elevation, and potentially others - establishes a standard which will be difficult or impossible to meet.

We think a standard of "one or more" geographical features in Sections 9106(c) and 9106(d) is sufficient to establish a *terroir*-based causal link. Absent these amendments, we are concerned that the establishment of an appellation would become so onerous as to not be practical.

### **An Adequately-Resourced Petition Review Panel is Necessary to Review Petitions**

Under a *terroir*-based framework, it is essential that appropriate expertise is involved to evaluate petitions for the substance of their causal link claim and for the inclusion of standard, practice, and cultivar criteria. Appellations are not solely, or even primarily, cultural markers: they are based on human factors but also scientific determinations, based on hard data and evidence that establishes a causal link between product and place.

Draft regulations propose that CDFA "may" establish a Petition Review Panel, but this panel is not required in current regulation. We are concerned that, without a mandatory Petition Review Panel that is established and appointed before the agency receives petition submissions, there will not be sufficient structure in place to ensure that appellation petitions are of high quality and express defensible causal links.

In addition to being mandatory, the petition review panel should contain sufficient expertise to effectively review appellation petitions from a technical perspective. Currently, there is a proposed allocation of \$1.2 million in the state budget for CDFA to fund the appellations and OCal Programs. We believe a top priority for this funding should be to compensate members of

the Petition Review Panel for their expertise, specifically in the areas of botany, soil science, and natural sciences that are particularly critical for assessing the viability of causal link claims.

We appreciate your consideration and look forward to continuing to work in collaboration on the implementation of this historic program.

Sincerely,

A handwritten signature in black ink, appearing to read "Genine Coleman", with a long, sweeping underline.

Genine Coleman  
Executive Director  
Origins Council

A handwritten signature in black ink, appearing to read "Ross Gordon", in a cursive style.

Ross Gordon  
Policy Director  
Humboldt County Growers Alliance