



Safety and Well-being Committee Summary Minutes

Tuesday, September 16, 2014 1:30 PM City & County Building, Room 391

Committee Members: López, Chair; Faatz, Vice-Chair; Brooks; Kniech;
Lehmann; Susman

Committee Staff: Gretchen Williams

Council Members Present: Faatz, Kniech, Lehmann, Lopez, Brooks, Susman, Shepherd,
Robb

Members Absent: None

Presentations

1 Employee Recognition: Fire Chief Joseph Gonzales
Councilman Lopez

Fire Division Chief Joseph Gonzales has over 40 years of service to the City. His expertise and leadership have aided the City greatly, especially the Fire Prevention Bureau with his work on the Fire Code, the Building Code and marijuana issues.

Bill Requests

BR14-0711 Amends the Denver Revised Municipal Code Section 38-177 to make it unlawful to produce marijuana concentrate by any means except by water-based or food-based extraction methods outside of a licensed facility.
Eric Tade, Fire Chief; Ashley Kilroy, Mayor's Office; 15 minutes for public comments - sign up to speak between 1:00-1:15

Ashley Kilroy, Director of Marijuana Policy, discussed the concerns leading to the need for the proposed ordinance (see attached presentation). Due to the high level of danger from explosions and fires from many methods of extraction of THC from marijuana plants using flammable liquids, the Fire Department proposes a code amendment.

When not conducted properly, the production of marijuana concentrate is hazardous. Denver has had eight explosions related to THC extraction since January 2014. Of these, seven were in unlicensed facilities (two in single family residences; five in unlicensed co-ops in commercial warehouses). One was in a licensed dispensary not approved for extractions. This year, there have been 30 explosions in Colorado related to extraction.

The proposed language would make it unlawful to produce marijuana concentrate by any means except by water-based or food-based methods except in licensed facilities.

Public Comments

Brian Wilson – Unheated alcohol extraction should be allowed at home in cases of medical necessity, such as his daughter’s epilepsy.

Lee Sutherland - Alcohol extraction be allowed when done safely.

Kevin Mahmalji – He supports the ordinance, but it should not restrict ethanol, which is not much different from water.

Saman Razani – When you limit too much what people can do it just encourages people to do these things anyway. We should utilize the co-ops to do it safely.

Committee Discussion

The Committee discussed the proposed language, which it generally supported, noting the highly combustible properties of alcohol and ethanol. Most of the discussion focused on the question of how to accommodate the specific type of need presented by Mr. Wilson. Providing an alternative path for individuals with specific needs was an important missing element. Questions included:

- Is there any precedent for an individual to become certified to handle this for non-commercial use?
- Could this be done in a licensed mix kitchen?
- Could an individual become a home-based business and have the safety procedures in place?
- Could we look at it on a case-by-case basis? Is there a way to create a safe location where individuals can mix their extracts?

David Broadwell, Assistant City Attorney, said that some of these suggestions would require changes to the State law.

Mr. Wilson responded to questions about the processing for his daughter's medical needs. He said the treatment uses a very specific type of plant so it must be done individually. Very small amounts of alcohol and marijuana are used, and it is an unheated method, so there is no fear of explosion. Type of extraction impacts the effectiveness of the treatment. The liquid does not have to be heated; it can be

Fire Chief Tade said we can look at the specific method and quantities and perhaps craft something for these specific cases.

Asked about delaying adoption of the language, Chief Tade said there is no hard timeline, but hopefully it can be adopted before someone is killed.

The Committee discussed moving the bill out of Committee with the caveat that language be added before it is on final reading at Council, noting that the safety issue is of great concern.

Most members were uncomfortable with that approach, opting instead to bring it back to Committee with the new language. Councilwoman Faatz objected.

Due to Budget Hearings using Committee meeting times, the Committee does not meet again until October 14. This item will be taken up again at that meeting.

Discussion

CP14-0744 A proclamation in support of the Environmental Protection Agency's Clean Power Plan.

Hugo Palma, Conservation Colorado; Terry Donze, Past President, Denver Geophysical Society; Dave Bufalo, Licensed Professional Engineer

Councilman Lopez explained that the proposed proclamation is being presented here today because the Council Rules call for any proclamation dealing with policy matters must be discussed by the appropriate Committee before it is filed. He is proposing this proclamation because it is important to ensure a clean environment for future generations

Hugo Palma, Lead Community Organizer for Conservation Colorado, addressed the Committee and explained why that organization is supporting the EPA's Clean Power Plan and would like Council's support as well.

Dave Bufalo and Terry Donze presented data to rebut the primus of the proclamation, largely arguing that global warming is a myth.

Jerry Tineanow, Director of the Denver Office of Sustainability, refuted the presentation by Mr. Bufalo and Mr. Donze. He said his is a complex subject, and it is not just about global warming. It is more about loss of the glaciers and the increase of dark surfaces. The issues are the speed of climate change and our ability to adapt to it.

Councilwoman Faatz said she does not like Council being used to give credibility to one

group's cause.

Councilman Brooks said the debate is important, and it is good to have both sides presented.

Councilwoman Kniech said that while this proclamation is a little thin, it is an important topic. Perhaps the Office of Sustainability and the community group could work together to add more statistics and facts and use the proclamation as an educational tool.

Councilman Lopez said these are the values of people in his district. It is in our best interest to reduce carbon dioxide.