



REGIONAL MUNICIPALITY OF NIAGARA
POLICE SERVICES BOARD

5700 VALLEY WAY, NIAGARA FALLS, ONTARIO L2E 1X8

Tel: (905) 688-4111 Fax: (289) 248-1011
E-mail: psb@niagarapolice.ca
Website: www.niagarapolice.ca

November 4, 2020

DELIVERED BY EMAIL

The Honourable Patty Hajdu
Minister of Health
patty.hajdu@parl.gc.ca

Dear Minister Hajdu:

RE: Medical Cannabis Grow Operations - Public Safety Concerns

We are writing on behalf of the Regional Municipality of Niagara Police Services Board and the Niagara Regional Police Service to request Health Canada address proper regulation of the cannabis industry, specifically with designated medical growers who are operating outside of their medical designations.

The *Federal Cannabis Act* controls the production, distribution, sale and possession of cannabis in Canada, including the application and licensing of personal and commercial medical cannabis production, which should be compliant with local municipal by-laws according to criteria set out for applicants in the process administered by Health Canada as the agency responsible for approval of cannabis production facilities.

Our concerns are for the significant number of operations growing for personal medical use under the certificate/registration system set up by Health Canada. Under the legislation, an adult individual is eligible to produce cannabis for their own medical purposes. The amount permitted to grow for personal use is contingent upon the maximum daily amount prescribed by a medical practitioner and whether or not the plants are going to be grown inside, outside or a combination of both. Health Canada's regulations govern the growing of medical cannabis and allow an individual to designate another individual to grow it on their behalf.

A maximum of four (4) certificates for growing medical cannabis for personal purposes are permitted per property. As a result, a significant amount of medical cannabis may be grown on a property for personal medical use. Designated growers are permitted to grow up to 500 plants per individual license, or potentially 2,000 plants. Further, Health Canada treats the certificates as medical information and as such, operators are not required to provide their certificates to municipalities or police, which prevents municipalities or the police from determining if an operation is legally permitted or not. This is exacerbated by minimal oversight or concern from Health Canada.

Police enforcement efforts across southern Ontario, including Niagara, indicate that many growers are producing well in excess of the maximum licensed number of plants. It has become clear that the excess being produced by designated growers is being funneled to the illicit market which is mostly controlled by organized crime.

This was well documented during a large-scale, multijurisdictional illicit cannabis growing investigation in August of this year, where police seized over an estimated \$42 million in drugs, equipment, weapons and other items. This included 101,049 illegal cannabis plants; 1,921 pounds of illegal cannabis bud; 21 pounds of illegal cannabis shatter and three pounds of illegal cannabis hash.

Unfortunately, this is not an uncommon occurrence. In July 2020, Niagara Regional Police made arrests and seizures at a large illicit cannabis operation in the City of St. Catharines with over 17,000 plants. The investigation resulted in the arrest of eleven people, with an estimated \$34 million in cannabis plants. In 2018, Niagara Regional Police arrested one individual for growing over 1,000 plants at an estimated worth of over \$1 million. In 2017, Niagara Regional Police busted two large medical grow operations that were operating under fraudulent Health Canada medical licenses for personal or designated use. In 2016, an individual was arrested with 500 plants and in 2015 the Niagara Regional Police arrested another person with over 1,000 plants that was also valued at just over one million dollars.

It is apparent that criminal enterprises are abusing the Health Canada registration, using it as a loophole to grow well over the allotted amount. These organized crime groups have been exploiting Health Canada medical, personal and designate cannabis production, instead growing the plants to sell illegally. Health Canada has strict rules governing licensing, odour, security, light pollution, chemical contamination, fire hazards and the like for federally-licensed grow facilities, however; no such oversight applies to personal and designated growers.

We are therefore urging the Federal Government to expand the legislative framework to provide greater oversight to address public safety concerns with the personal and designated medical growers who are operating outside the boundaries of their medical designations.

These unlicensed operations have become a significant concern for residents in the Niagara Region and our local municipalities from both a health and safety lens as well as from a land use and building code situation. Local municipal governments have responsibility for the enforcement of local by-laws and ensuring life-safety compliance with fire and building code regulations, but Health Canada has no process in place to share licensing information with local authorities about the location of medical cannabis production facilities. **By way of copy, we are calling on Niagara's MPs and MPPs for support, and urging the Niagara Region and Councils of its 12 local municipalities to call on the Federal Government to put in place the needed controls and oversight permissions that will provide safety, health and personal comfort to all residents of Niagara.**

Minister, we need your help to get these issues under control. We are asking that Health Canada take action against operations that cross the line into criminality. Police resources are stretched and the need to establish criminality limits police ability to respond to these operations that are causing such concern. Police enforcement is an important tool but we need other ways to manage the growing problems these unlicensed operations are creating. We need Health Canada to implement practices that will improve the sharing of information regarding cannabis certificates with police and municipalities, outline requirements for compliance with municipal zoning by-laws, include appropriate monitoring and inspections, and consider the need to revisit the formula for determining the maximum number of plants permitted under a certificate.

The Board and Police Service would certainly be willing to further engage with Ministry personnel in an effort to share our experiences and work collaboratively to increase the effectiveness of the legislation and enhance public safety.

Your consideration of the concerns raised in this letter would be greatly appreciated and we look forward to your response.

Yours truly,



William C. Steele
Acting Board Chair



Bryan R. MacCulloch, M.O.M.
Chief of Police

Copies to:

The Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness
The Honourable David Lametti, Minister of Justice and Attorney General of Canada
MP Dean Allison, Niagara West
MP Chris Bittle, St. Catharines
MP Tony Baldinelli, Niagara Falls
MP Vance Badawey, Niagara Centre

President Micki Ruth, Canadian Association of Police Governance
Chief of Police Bryan Larkin, President, Canadian Association of Chiefs of Police

The Honourable Christine Elliott, Deputy Premier and Minister of Health
The Honourable Doug Downey, Attorney General
The Honourable Sylvia Jones, Minister of the Solicitor General

MPP Sam Oosterhoff, Niagara West
MPP Jennie Stevens, St. Catharines
MPP Wayne Gates, Niagara Falls
MPP Jeff Burch, Niagara Centre

Chair Patrick Weaver, Ontario Association of Police Services Boards
Chief of Police Paul Pedersen, President, Ontario Association of Chiefs of Police

Regional Chair Jim Bradley and Members of Council, Niagara Region
Mayor Dave Bylsma and Members of Council, Town of West Lincoln
Mayor Frank Campion and Members of Council, City of Welland
Mayor Jim Diodati and Members of Council, City of Niagara Falls
Mayor Betty Disero and Members of Council, Town of Niagara-on-the-Lake
Mayor Sandra Easton and Members of Council, Town of Lincoln
Mayor Kevin Gibson and Members of Council, Township of Wainfleet
Mayor Jeff Jordan and Members of Council, Town of Grimsby
Mayor Marvin Junkin and Members of Council, Town of Pelham
Mayor Wayne Redekop and Members of Council, Town of Fort Erie
Mayor Walter Sendzik and Members of Council, City of St Catharines
Mayor Bill Steele and Members of Council, City of Port Colborne
Mayor Terry Ugulini and Members of Council, City of Thorold

Board Members, Niagara Police Services Board