

GROW OP FREE ALBERTA FINAL RECOMMENDATIONS REPORT



Fire sparked by a marijuana grow operation in Calgary's Citadel community in 2009

Source: Calgary Fire Investigations

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**FOR: HONOURABLE JONATHAN DENIS, QC
MINISTER OF JUSTICE AND SOLICITOR GENERAL**

Alberta 

Grow Op Free Alberta Final Recommendations Report

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A Message from Associate Minister Rick Fraser

May 2014

When Cabinet appointed me on October 2, 2012, to lead Grow Op Free Alberta, I had a clear objective: to understand the full extent of the risks associated with marijuana grow operations (MGOs) and present specific and actionable recommendations to government to address these risks. I am pleased to present this report to Honourable Jonathan Denis, Minister of Justice and Solicitor General, for his consideration.

As a paramedic and in my current role as Associate Minister and MLA for Calgary-South East, I have dedicated my career to ensuring Albertans and their communities are safe. Unfortunately, the presence of MGOs in our neighbourhoods compromises our health and safety. Throughout the course of the consultations and in conversations I have had regarding this initiative, it has become clear to me that the extent of the damage and dangers associated with growing marijuana indoors are not generally well understood by Albertans. Far from being a harmless activity, MGOs present substantial immediate and long-term risks. Fire, electrocution, mould, soil and water contamination, and chemical toxins endanger the health and safety of the dwelling, its inhabitants and the surrounding community. Remediation of these properties poses significant challenges for homeowners and municipalities alike.

Alberta's communities have been working together to develop approaches to address MGOs, but municipalities do not have the tools or authority to respond consistently. The recommendations outlined in this report remedy this by suggesting changes that will enable municipalities to take effective and coordinated action.

The recommendations have been drafted within the context of Alberta's fiscal reality. For the most part, they can be carried out within government and through partnerships with stakeholders. It should be noted that some recommendations may take more time than others to implement. The strength of these recommendations lies in their potential to be applied more widely. Many issues commonly associated with MGOs, such as indoor air quality concerns, extend beyond MGO situations. We've addressed similar issues in High River due to the floods. Recommendations in this report regarding indoor air quality standards have therefore been designed to be applicable in all cases where indoor air quality is called into question.

I wish to thank the members of the expert panel for their insight and advice during the consultation process and in drafting these recommendations. I also extend thanks to members of the public who responded to the online survey and to the numerous stakeholders across the province who took part in our consultations and shared their experience and passion for protecting our communities. I share this passion, and it is my belief that with the right tools, knowledge and collaboration, we can prevent MGOs from endangering our communities.

[original signed by]

Rick Fraser

Associate Minister of Recovery and Reconstruction of High River, and
Associate Minister of Public Safety

Acknowledgements

Expert Panel

The expert panel, comprised subject matter experts on MGO-related issues, advised me during ministry and community consultations and in preparation of this report. I thank them for their commitment and advice during the consultations and in the preparation of this report. The members of the expert panel approved by Cabinet on February 5, 2013, included:

Bruce Adair, Senior Codes Analyst, Alberta Municipal Affairs

Wayne Brown, Lead, Coordinated Safety Response Team (CSRT)

Doug Everett, Manager, Environmental Public Health, Alberta Health

Staff Sergeant Tom Hanson, Calgary Police Service Drug Unit

Richard Marks, Director of FOIP, Alberta Justice and Solicitor General

Joe Marshall, former Manager, System Operations Trouble Response, ENMAX

Superintendent Ted Miles, former CEO, Alberta Law Enforcement Response Teams (ALERT)

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Executive Summary

Marijuana grow operations exist in every kind of community in Alberta from rural to urban, high-rise to single family home, and the inner city to the suburbs. The proliferation of grow operations in Alberta and the health and safety dangers they pose to homeowners and surrounding residents demands government attention. For marijuana grow operators, disguising activities as ordinary, everyday residential activities is an ideal way to avoid detection. However, our homes are not intended to be greenhouses. Properties are significantly altered in order to enhance growing conditions. In most cases, the structural changes render the homes hazardous, unsuitable to inhabit, and unsafe for those who live in proximity to them. Yet the majority of the public is unaware of the dangers to our residential communities.

For three months in Spring 2013, consultations were held with a broad range of stakeholders across the province to gather information about marijuana grow ops to better understand the issues around detection and remediation, how they are being dealt with, the barriers we face as a province to address MGOs and what action the Government of Alberta could take on these issues.

While there is ongoing debate about the use of the drug or the criminal elements of it, the Grow Op Free Alberta consultations focused on the risks posed by marijuana grow ops in our residential communities.

Challenges Consistently Identified by Stakeholders

These were the first formal stakeholder consultations held in Alberta regarding the development of policies to address MGOs. As I met with stakeholders and feedback was gathered from the public survey, it became evident that there are common issues that stakeholders confront. The issues summarized below were reported repeatedly by a broad spectrum of stakeholders including police, health service professionals, Albertans, mortgage lenders, insurance providers and others.

THERE IS A GENERAL LACK OF PUBLIC AWARENESS ABOUT THE HEALTH AND SAFETY HAZARDS ASSOCIATED WITH MARIJUANA GROW OPS

The prevalent view of marijuana use is that it is either used as a recreational drug or for medical purposes. The dangers to health and safety posed by the growing environment are not common knowledge to most Albertans. There is a misperception that growing marijuana is a victimless crime, and this perception detracts from community involvement in reporting suspected MGOs. Many Albertans do not report marijuana grow ops when they know or suspect a residence in their community has been converted into one. The crime is likely not viewed as a danger to the community. Nor is it viewed as an activity that can bring dangerous criminal activity to communities and supports a billion-dollar industry associated with organized crime.

MGOs THREATEN COMMUNITIES WITH VIOLENCE AND POLLUTE THE ENVIRONMENT WITH TOXINS

Through the online survey, I heard stories from people who are distressed at having to live beside a grow op. Having MGOs in residential neighbourhoods can potentially bring criminals, weapons and violence into our neighbourhoods. Home invasions, for the purpose of robbing the grow op of plants, weapons and other goods, can take place at the wrong residence and endanger anyone living near a grow op. Police told me about finding grow ops next to school bus stops, places of worship, playgrounds and in high-rise condos. In many of these instances, operators use and dispose of toxic chemicals (pesticides, herbicides and fertilizers) by dumping the chemicals down the toilet, out the back door or into the environment. This, in turn, pollutes surface and groundwater and the soil. Aside from the

general nuisance of having a grow op in your community, there is the additional danger of booby traps. To protect their grow ops, operators set trip wires and other devices in and around their homes. Police and other first responders told me how commonplace it is to find electricity arcing through grow ops and through the yard around the house due to operators tampering with electricity.

MGOs OFTEN MAKE RESIDENCES STRUCTURALLY UNSOUND AND DANGEROUS

During the consultations, law enforcement agencies described some of the dangerous alterations to homes they have encountered. When residences are converted to grow ops, there are significant structural changes and other adverse effects related to maintaining an indoor, often hydroponic, growing environment. These buildings can become uninhabitable within a relatively short period of time. A thorough remediation strategy to ensure these properties are made safe and ready for rebuilding would help reduce health risks and protect future buyers. If a property is condemned, it is often left abandoned for some time as legal or financial disputes occur. Abandoned properties are not only an eyesore, but can also lead to ongoing health and safety concerns, encourage criminal activity in and around the property and reduce the value of properties throughout the neighbourhood.

SOME MUNICIPALITIES HAVE EFFECTIVE PROCESSES IN PLACE TO ADDRESS MARIJUANA GROW OPS BUT LACK THE AUTHORITY TO CARRY OUT NECESSARY ACTIONS

Law enforcement response may be robust and effective in some jurisdictions, but not so in others. Not all municipalities have a process and resources in place to deal with MGOs. For example, not all municipalities have safety codes officers who are certified for all the work that has to be done to make a grow op property safe. Likewise, fire department assistance with fire hazards and toxic waste disposal is inconsistently available throughout the province.

Government support of these recommendations will help strengthen municipalities' ability to take the action they need to detect, shut down and remediate marijuana grow ops.

THERE IS NO CONSISTENT, PROVINCE-WIDE APPROACH TO DEAL WITH THE INSPECTION AND REMEDIATION OF GROW OPS

Throughout the consultations, I heard that the lack of an effective, province-wide process for inspecting and remediating marijuana grow ops was a problem. This issue affects a range of stakeholders, from first responders to safety codes officers, and building inspectors to contractors and homebuyers. Homebuyers need access to information so they do not unwittingly purchase a former, improperly remediated grow op.

What Needs to be Done

Stakeholders shared a number of alarming experiences regarding modifications to homes and the gaps in capacity to deal with issues discovered through inspection. This stakeholder input reinforced for me the importance of acting on illegal marijuana grows ops in our communities. The recommendations in this report are fiscally responsible; some can be achieved immediately and some require more long-term actions. If we do nothing, the issues raised during consultations will continue to risk the safety and health of Albertans.

The recommendations are supported by discussion material in the report proper. The complete list of 37 recommendations follows.

Executive Summary of Recommendations

Recommendations in this report are grouped according to the themes that emerged during discussion with the expert panel, research and consultations, as follows:

- Detection, Notification and Disclosure
- Community and Environmental Impact
- Inspection and Remediation
- Child Protection
- Safety and Health Hazards
- Utility Usage and Theft
- Licensed Grow Ops—Medical Marihuana Access Program (MMAP)

I extend my thanks to the expert panel for clarifying the term “remediate” within the context of remediating a former MGO. For the purposes of this report “remediate” means making a property safe to rebuild, which includes removing all toxic elements from the property.

DETECTION, NOTIFICATION AND DISCLOSURE

1. Create a public awareness campaign targeted at industry and the general public to increase public awareness of the signs of a MGO, increase knowledge about the safety and health risks associated with MGOs in homes and increase awareness of where to report suspected MGOs.
2. Improve police reporting across the province to effectively and consistently track the MGO problem.
3. Work with police agencies to establish protocols or ways to ensure municipalities are notified of a confirmed MGO.
4. Explore communication protocols and linkages to ensure all agencies that require knowledge of a MGO receive appropriate information.
5. Explore the creation of a process to report information about confirmed grow ops. Make the information available to the general public as well as to agencies involved in the detection, notification and remediation of grow ops.
6. Consider options to require real estate agents, when they have knowledge, to disclose to potential purchasers whether the property they are selling was previously used as a MGO.
7. Work with mortgage lenders and insurance companies to ensure government actions under these recommendations will result in these agencies agreeing to mortgage and insure remediated former MGO properties.
8. Work with mortgage lenders and insurance companies to develop ways to report suspected MGOs to the local police agency and municipality if they become aware a property either has been, or is currently being, used for these purposes.

COMMUNITY AND ENVIRONMENTAL IMPACT

9. Establish environmental contamination testing guidelines.
10. Establish protocols for the disposal of hazardous materials found at a MGO site.
11. Establish qualifications for environmental and remediation consultants.

INSPECTION AND REMEDIATION

12. Develop a provincial inspection and remediation process guideline for municipalities when dealing with grow ops.
13. Develop and make publicly available standardized inspection and remediation permits, forms and associated processes for the province.
14. Outline the roles of the various agencies involved in the MGO inspection and remediation process to address ongoing confusion and debate about individual responsibilities.
15. Explore ways to remove barriers to improve information sharing among agencies involved in inspecting and remediating MGOs to ensure these properties are remediated.
16. Explore the creation of a classification system to indicate the level of remediation required for a MGO property, for example, from levels 1 to 5.
17. Consider legislation requiring landlords to inspect a property yearly and evict a tenant immediately if a grow op is discovered. Create and distribute communication materials about the inspection process to landlords.
18. Explore ways to incent or require home inspectors to report any suspicion of a current or former MGO to the municipality. Address the current limitations that require their client's written permission for reporting anything more than immediate danger.
19. Consider legislation to ensure municipalities have the authority to deal with the hazardous issues of a property.
20. Support municipalities in requiring people to make a property safe for rebuilding within a legislated period of time.
21. Explore with municipalities the possibility of a faster, more efficient process than the current tax roll system to help municipalities recover the costs associated with remediating or demolishing an abandoned property formerly used as a grow op.
22. Encourage partnerships between municipalities that have more experience with MGOs and those that lack experience and capacity to deal with the marijuana grow ops in their communities.
23. Explore ways for mortgage holders of abandoned grow op properties to take title and either make the property safe for rebuilding or demolish the property.
24. Create a publicly available checklist of steps for homeowners to follow to ensure a MGO is properly remediated.
25. Promote educational awareness of occupational health and safety standards for working in and remediating former grow ops.
26. Consider ways to ensure MGOs are remediated only after the proper permits and inspections are obtained.
27. Develop a certificate program for MGO remediation modelled after Alberta Environment and Sustainable Resource Development's Remediation Certification program indicating the property has no remaining toxic hazards.

CHILD PROTECTION

28. Develop a communications plan regarding the *Drug Endangered Children Act* that:
 - Outlines the roles and responsibilities of police in exercising their authority;

- Provides guidance for exercising that authority; and
- Increases awareness of the significant risk to children exposed to drug manufacturing, trafficking and other serious drug activity.

SAFETY AND HEALTH HAZARDS

29. Consider allowing court orders to be granted for mandatory health and safety inspections of reported MGO properties.
30. Consider establishing indoor air quality testing guidelines as part of the remediation process.
31. Consider establishing qualifications for experts who conduct indoor air quality testing.

UTILITY USAGE AND THEFT

32. Examine options to encourage corporate citizen responsibility in finding and stopping MGOs.
33. Review the barriers preventing the flow of information between utility companies and police authorities, and identify the barriers that can be addressed. In the context of the Supreme Court of Canada decision in R v. Gomboc, identify the information that is appropriate to be shared and give police agencies access to the information that can be used to identify active marijuana grow ops.
34. Develop educational packages for all electricity suppliers to provide focused information on the relationship between MGOs and electricity theft. Information about who should be notified of suspected grow ops should be included in these packages.

LICENSED GROW OPS—MEDICAL MARIJUANA ACCESS PROGRAM (MMAP)

35. Develop a communication and awareness campaign directed at homeowners of former and current licensed MGOs to encourage them to voluntarily submit to a health and safety inspection.
36. Explore ways to regulate the operation of commercial grow ops licensed through MMAP, including the location of these operations and all other issues under provincial authority.

IMPLEMENTING THE RECOMMENDATIONS

37. Develop progress reports every six months for a two-year period to ensure the recommendations are effectively implemented.

Grow Op Free Alberta Introduction

Grow Op Free Alberta was officially launched in Calgary on February 22, 2013. This date marked the beginning of the first formal stakeholder consultations on MGOs in Alberta. The consultation period continued until the end of May 2013. My objective for Grow Op Free Alberta was twofold: 1) to identify the key issues and challenges facing our communities, stakeholders, municipalities and provincial ministries; and 2) to develop practical solutions that can be implemented in Alberta to prevent this illegal activity from placing our communities in danger.

Going into this consultation, I knew the issues associated with the detection and remediation of MGOs were complex and interrelated and that tackling them on a piecemeal basis would not lead to sustainable improvements for Alberta communities. Doing nothing, however, is not an option. The existence of illegal marijuana grow operations jeopardizes the government's goals of honouring Alberta's communities, supporting Albertans in leading healthy lives, preserving the Province's finances and protecting the environment. A consultation framework (Appendix 1) assisted me in clarifying the link between the thematic issues mentioned earlier in this report, specific ministry goals and the larger Government of Alberta strategic business goals.

It was critical to understand the full range of the issues, the complexities of the current process and any gaps that exist in it. A logic model (Appendix 2) was used to help me visualize the current process of addressing marijuana grow operations.

Approach to Consultations

From the outset, the purpose of the consultation was to gather stakeholder expertise and input to help me build a comprehensive, integrated and province-wide set of recommendations to meet the needs of all stakeholders. The approach to consultation was to:

- Raise awareness of the issues and provide a forum for feedback;
- Obtain in-depth input from knowledgeable stakeholders across the province; and
- Conduct the consultations in a fiscally responsible manner.

Digging Deeper

While the consultation framework was being developed, preliminary research was conducted at Justice and Solicitor General into what other provinces are doing to manage MGOs. The issues associated with MGOs were thematically grouped (see Appendix 1). The expert panel was created and approved by Cabinet on February 5, 2013, to provide advice during the consultations. Their support to me was essential; the expert panel brought clarity to consultation sessions and advised on post-consultation analysis of what was heard and the development of recommendations.

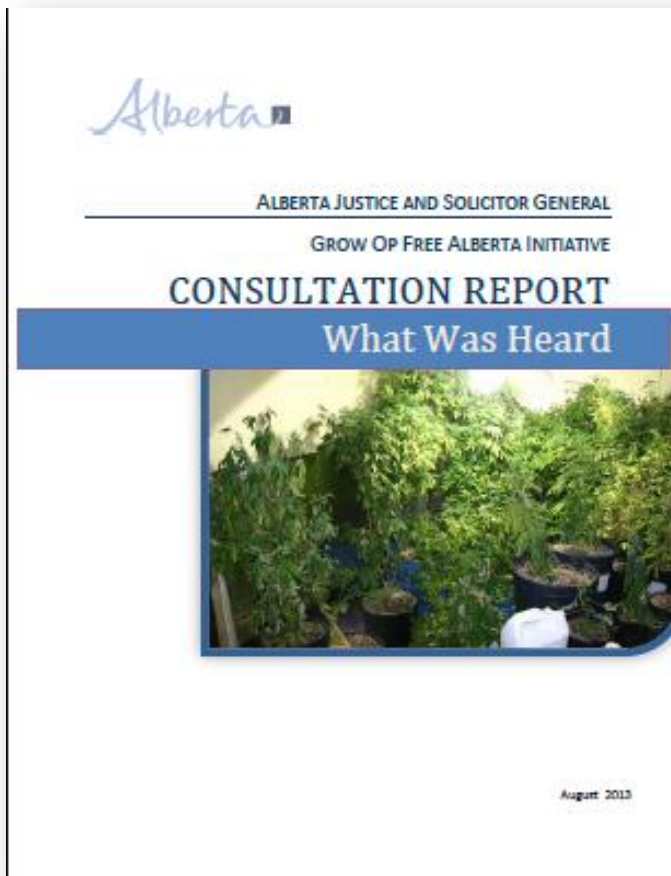
A modular *Discussion Guide* organized by themes was created based on research and the meetings with the expert panel that took place prior to consultations. These guides were developed to facilitate the consultation discussions. The guides included preliminary questions to ensure all appropriate issues were identified, to create an understanding of how these issues are currently handled and under whose authority, to identify current barriers and to seek possible solutions.

To provide a common ground and familiar vocabulary about the issues, *Discussion Guide* modules were distributed to police agencies, municipalities, fire officials, public health inspectors, safety codes officers, home inspectors, utility companies and associations, mortgage lenders, real estate companies and other organizations prior to the consultation meetings.

Engaging Albertans

Thirteen consultations with ministry stakeholders took place between March and April 2013 attended by approximately 50 participants representing a broad array of organizations, including police agencies, municipalities, fire officials, public health officers, safety codes officers, home inspectors, utility companies and associations, mortgage lenders, real estate companies and other organizations.

In May, 11 consultations were held with front line officials and community associations in communities throughout Alberta including: Grande Prairie, Red Deer, Edmonton, Greater Edmonton, Lethbridge, Medicine Hat, Calgary and Greater Calgary. Consultations were also held with the Edmonton Stop Marijuana Grow Ops Coalition and the Stop Grow Ops Calgary Coalition.



The consultations provided me with valuable insight into the issues and impacts associated with MGOs. Stakeholders described how MGO-related issues are currently handled and identified gaps in responses to MGOs. Stakeholders also offered solutions for addressing remaining barriers and facilitating timely remediation of former MGOs.

Along with consultations conducted across the province, the public was invited to provide their input on the issues through an online survey.

Following the consultations, a *What Was Heard* report summarized the comments from the online survey and ministry and community stakeholder consultations that occurred between February and May 2013.

The *What Was Heard* report is posted online, and for two weeks the public and stakeholders were given the opportunity to provide feedback.

The discussions and online submissions helped inform the drafting of these recommendations, including the addition of a separate theme for considering issues related to the federal Medical Marijuana Access Program.

Understanding the Issues

It is not something you plan for when buying a home and moving into a community, but it is possible your new home may once have been a marijuana grow op, or that your next door neighbour may be operating one. The ripple effects of MGOs alter the health and safety of your home, your community and your province.

We know that MGOs fuel organized crime in Alberta. Growing and selling marijuana is a relatively easy business to run; supplies are readily available and the Internet provides detailed information on how to grow plants. It is also a lucrative business that shows no signs of slowing down.

On average, a marijuana plant can produce between three to six ounces, with sophisticated growers achieving higher yields. This lucrative business brings in \$1,800 to \$2,850 per pound in Alberta. Residential marijuana grow ops shut down by police authorities this year were harvesting from three to 600 plants.¹ This is an industry that makes a great deal of money in a short period of time.

Alberta Law Enforcement Response Teams' (ALERT) maps (Appendices 3-5) plot the MGOs that have been shut down in the City of Edmonton and the City of Calgary from 2007 to 2011 and in rural Alberta from 2010-2011.

Between 2007 and 2011, there were 662 confirmed grow operations in Edmonton and Calgary and between 2010 and 2011 there were an additional 131 confirmed grow ops in rural Alberta.² We do not know the actual number of MGOs in Alberta beyond these confirmed cases. However, ALERT tells me that the size, sophistication and value of grow ops are increasing. The Civil Forfeiture Office and FINTRAC³ advise that criminal proceeds from MGOs in Alberta total hundreds of millions, if not billions, of dollars on an annual basis.

To varying degrees, other provinces and territories in Canada face many of the same issues I have identified in this report with various municipal and provincial initiatives addressing the problem from different angles. For example, Ontario requires the police to report grow ops to municipalities and has strengthened the ability of municipalities to address related problems, but leaves it to each municipality to devise their own approach and procedures. British Columbia has legislation which enables municipalities to obtain electricity usage information from utilities to assist in detecting MGOs and requires former MGOs to be remediated at the expense of the owner. Manitoba is looking at the possibility of adding a note to a property's land title if it has been used as a grow op. In Alberta, the municipalities are addressing the issues of marijuana grow ops on an individualized basis, but lack the authority to carry out the necessary action to effectively deal with MGOs.

I thought that our family lived in a good community. Sadly 3 houses have been busted on our block alone, within a couple of years. They just keep coming.

- Online survey respondent

I want my neighbourhood to be safe. I do not like the thought that criminals may move into a house and conduct illegal activities from it that brings increased crime into my community. I also do not like the risk imposed on my property and my neighbours' properties if there is a fire due to a grow op.

- Online survey respondent

¹ ALERT Green Teams

² ALERT Green Teams

³ Financial Transactions and Reports Analysis Centre of Canada

Responsive and Proactive Actions

Marijuana grow operations are not a victimless crime. They pose serious and often unknown safety and health risks to inhabitants of a home, the home itself and the community as a whole. Dismantling them taxes the resources of law enforcement and government agencies. The remediation process needed to make the home safe to rebuild poses challenges for property owners, banks, mortgage lenders and the municipality.

I am pleased to present the following recommendations to the Honourable Jonathan Denis, Minister of Justice and Solicitor General. These recommendations outline immediate, responsive actions as well as more long-term proactive measures. They provide clear, fiscally-responsible strategic actions that are important steps in creating safer communities for Albertans.

Recommendations

The recommendations within this report set the foundation for a provincial response to marijuana grow operations and the dangers they pose to residential communities. The issues associated with this illegal activity are complex and often interrelated, and involve a number of government ministries. As a result, the recommendations that follow are comprehensive and will take a significant amount of cooperation and coordination to implement. As an overall recommendation, I suggest the development of progress reports to track the implementation of my recommendations.

Detection, Notification and Disclosure

Operators hide their marijuana grow operations behind the façade of family residences to avoid police detection. However, a number of signs may indicate grow op activity in a home, so recognizing these signs and detecting MGOs can become a shared responsibility for everyone in the community. Once detected, the notification protocols between law enforcement, municipalities and others are often a challenge, as is the issue of privacy and whether or not information about the suspected or confirmed MGO can be disclosed, and who has the right to receive this information.

IMPROVING DETECTION

RECOMMENDATION 1:

Create a public awareness campaign targeted at industry and the general public to increase public awareness of the signs of a MGO, increase knowledge about the safety and health risks associated with MGOs in homes and increase awareness of where to report suspected MGOs.

Law enforcement stakeholders repeatedly told us that tips from community residents are one of the best front line defenses against having marijuana grow ops in residential communities, yet we know only a fraction of MGOs are reported to authorities. Much of the public consulted with seemed to be unaware of or overlooked the safety and health risks associated with MGOs in our neighbourhoods. When concerns about these risks were raised, at issue was not the risks of using marijuana—but this was outside the scope of our consultations—but rather the damage done to homes and the hazards to the community and environment as a result of having a grow operation inside a dwelling.

Complacency about the recreational use of marijuana, a general lack of awareness about the signs indicating the presence of a MGO, the dangers associated with growing marijuana indoors, uncertainty about to whom to report suspicious activity and

perhaps a fear of reporting are all factors that contribute to underreporting. Clearly defining what a MGO is and outlining the dangers associated with the activity may encourage Albertans to report a suspected MGO to their local law enforcement agencies. Some community coalitions and partnering law enforcement agencies have been doing a tremendous amount of work to raise awareness within the community. A province-wide awareness campaign, with partnership from involved industry, will certainly expand the public's knowledge of these risks associated with MGOs.

RECOMMENDATION 2:

Improve police reporting across the province to effectively and consistently track the MGO problem.

Law enforcement agencies collect and track information about the presence of grow operations independently, as evidenced by the maps included in this report by ALERT and the Calgary and Edmonton police services (Appendices 3-5). Establishing consistent data sets will make information about grow ops readily available to police authorities everywhere in the province and allow us to track the growth or reduction of grow operations in our communities, as well as other trends. This will help the province adapt and respond more effectively to MGOs.

ESTABLISHING NOTIFICATION PROTOCOLS

RECOMMENDATION 3:

Work with police agencies to establish protocols or ways to ensure municipalities are notified of a confirmed MGO.

In Alberta, there is currently no coordinated provincial protocol in place to ensure timely communication about MGOs between police agencies and municipalities. A communication protocol regarding notification procedures in Alberta is a first step to ensuring a quick and coordinated response to MGOs.

RECOMMENDATION 4:

Explore communication protocols and linkages to ensure all agencies that require knowledge of a MGO receive appropriate information.

There is no provincial communication protocol in place to ensure timely notification of municipalities, Alberta Health Services and other stakeholders once a MGO is detected and shut down. Establishing a communication protocol would allow agencies that need to know about a MGO to begin to take action to have these properties made safe.

PUBLICLY REPORTING CONFIRMED MGOs

RECOMMENDATION 5:

Explore the creation of a process to report information about confirmed grow ops. Make the information available to the general public as well as to agencies involved in the detection, notification and remediation of grow ops.

The need for access to information regarding grow ops was brought up in virtually every consultation. Making information available is an important part of a province-wide approach to grow ops. It is recommended that consideration be given to making available information on when a property has completed the remediation process.

RESOLVING DISCLOSURE ISSUES FOR REAL ESTATE AGENTS, MORTGAGE LENDERS AND INSURANCE COMPANIES

RECOMMENDATION 6:

Consider options to require real estate agents, when they have knowledge, to disclose to potential purchasers whether the property they are selling was previously used as a MGO.

RECOMMENDATION 7:

Work with mortgage lenders and insurance companies to ensure government actions under these recommendations will result in these agencies agreeing to mortgage and insure remediated former MGO properties.

RECOMMENDATION 8:

Work with mortgage lenders and insurance companies to develop ways to report suspected MGOs to the local police agency and municipality if they become aware a property either has been, or is currently being, used for these purposes.

Currently, there is no requirement in Alberta for mortgage lenders and insurance companies to notify the local police or the municipality if they are aware a property is or was a MGO. Mould, air quality, the presence of chemicals in the dwelling, electrical deficiencies and structural integrity issues are all potential dangers associated with former MGOs. Disclosure about these issues and their remediation makes sense. This recommendation works together with other recommendations to fill in the gaps of our current system and build a strong provincial strategy. Transparency and established criteria for successful remediation will give mortgage lenders and insurance companies confidence about supporting the reintegration of former grow ops into residential communities.

Community and Environmental Impact

Marijuana grow operators set up farming operations in residential homes to avoid police detection. Other advantages to using residential locations are proximity to freeways and supply routes, access to municipal water supplies and electricity, and discrete locations for selling product to traffickers. MGOs can be found in any building type or community throughout the province.

Grow ops present ongoing safety and health risks to neighbours and those living in the vicinity, whether the MGO is fully operational, the property is off limits until remediation has made the property safe, or the property is condemned or abandoned due to significant safety and health issues or structural damage. Environmental concerns range from the growth of mould causing compromised indoor air quality to the use of water siphons that absorb backflow of chemicals and transmit these toxins to surrounding environments. Improper use and disposal of chemicals such as fertilizers, herbicides and pesticides pose threats to soil, air and water. Often these chemicals are abandoned at MGOs and become the responsibility of whoever takes on the responsibility for the property. This issue is further compounded by the fact that there are currently no standardized qualifications for environmental and remediation contractors who are responsible for dealing with contaminated properties used as MGOs.

ESTABLISHING GUIDELINES, PROTOCOLS AND QUALIFICATIONS FOR ENVIRONMENTAL ISSUES

RECOMMENDATION 9:

Establish environmental contamination testing guidelines.

RECOMMENDATION 10:

Establish protocols for the disposal of hazardous materials found at a MGO site.

RECOMMENDATION 11:

Establish qualifications for environmental and remediation consultants.

There are no provincial requirements for soil or water quality testing at former MGO properties. Without establishing such environmental requirements, it is impossible to ensure remediation has achieved a set standard. Lingering toxicity caused by the grow operation may go undetected for years.

Further, there are no set credentials for environmental or remediation consultants, calling into question their qualifications to advise on the remediation of former grow operations. I heard from stakeholders that qualifications for consultants and contractors should be defined.

Our stakeholders also felt the process for removing hazardous materials left behind at grow ops should be defined rather than dealt with on an ad hoc basis. These materials endanger first responders, contractors, consultants and the environment.

Inspection and Remediation

Can a property used as a grow operation be fully remediated? This question came up frequently during consultations. Seventeen of the 37 recommendations in this report relate specifically to inspection and remediation. Processes across the province are inconsistently followed, and because of this, it is difficult to determine if the issues are being adequately addressed.

A lack of remediation standards was one of the major gaps found through the consultation process. Given there is no minimum qualification or even a certification process for environmental and remediation consultants, how can a building be labeled as safe to rebuild or inhabit?

When a building has been made safe, the public currently has no access to information about the types of inspections that were conducted, the findings of these inspections, the permits subsequently applied for and received, and the type of work that was done to remediate. This is another area where the proposed process to make information available (Recommendation 5) will prove effective.

Across the province, there is inconsistent access not only to remediation services, but also to inspections, and this too is a gap that needs to be filled to ensure MGOs are dealt with consistently across the province.

STANDARDIZING PROCESSES AND PERMITS

RECOMMENDATION 12:

Develop a provincial inspection and remediation process guideline for municipalities when dealing with grow ops.

RECOMMENDATION 13:

Develop and make publicly available standardized inspection and remediation permits, forms and associated processes for the province.

There are two categories of inspections: 1) health inspections, which can focus on indoor air quality, presence of mould and other toxins, and 2) safety inspections,

which can focus on electrical, building, fire, gas, plumbing and private sewage. When a decision is made to remediate a property, the owners have to investigate all aspects of these categories to determine the number and type of inspections needed to effectively remediate the property. Should they contact each type of safety codes officer as well as an Alberta Health Services inspector? Each inspector or officer has a specific area of expertise and none are authorized to comment on issues outside their specialized areas. A consistent provincial process for inspection and remediation of former MGOs will address major challenges in ensuring these properties are remediated to an appropriate standard.

FACILITATING AGENCY COMMUNICATION

RECOMMENDATION 14:

Outline the roles of the various agencies involved in the MGO inspection and remediation process to address ongoing confusion and debate about individual responsibilities.

RECOMMENDATION 15:

Explore ways to remove barriers to improve information sharing among agencies involved in inspecting and remediating MGOs to ensure these properties are remediated.

Safety codes officers, health inspectors and environmental consultants are well versed in their areas of specialty, unlike members of the general public. Taking on the remediation of a grow op requires owners to gain knowledge about these specialties, to seek out a variety of expert opinions on what needs to be done, and to obtain approvals for all of the work once it is completed. There is every possibility that an owner inadvertently will not contact one or more officers, inspectors or consultants that would make the difference between a fully remediated and an incompletely remediated property. Or, one or more of those involved in the remediation process may have information that affects another agency, yet there is no protocol that promotes effective information sharing about remediation and inspection issues.

IMPLEMENTING A CLASSIFICATION SYSTEM

RECOMMENDATION 16:

Explore the creation of a classification system to indicate the level of remediation required for a MGO property, for example, from levels 1 to 5.

Not all marijuana grow ops cause the same amount of damage to a residence. Each grow op poses its own level of health and safety risks, which can only be assessed by qualified professionals. Identifying the level of damage caused by a grow op would streamline the remediation process and enable the appropriate remediation for the individual property to occur. In High River, after the serious flooding of summer 2013, a classification system of colour-coding (green, yellow, orange and red) described the level of damage to the home and the permits required to remediate the property. A similar type of classification system for confirmed MGOs would streamline the remediation process. When inspectors assign a classification to a property, owners would be aware of the work required. Also, the classification would inform future purchasers of the home about the level of damage the home sustained while used as a MGO.

LEGISLATING LANDLORD RESPONSIBILITIES

RECOMMENDATION 17:

Consider legislation requiring landlords to inspect a property yearly and evict a tenant immediately if a grow op is discovered. Create and distribute communication materials about the inspection process to landlords.

Rental properties are popular among marijuana grow operators. Without knowing the signs of a grow op, landlords may be unaware they are looking at evidence of a MGO on their rental property. Even knowing the signs, without regular, informed inspections, landlords may be unaware that a grow op exists on their property. When landlords find evidence of a grow op, they may lack the authority to evict the tenants.

ADDRESSING HOME INSPECTOR RESPONSIBILITIES

RECOMMENDATION 18:

Explore ways to incent or require home inspectors to report any suspicion of a current or former MGO to the municipality. Address the current limitations that require their client's written permission for reporting anything more than immediate danger.

Home inspectors are currently limited by privacy rules to report only immediate danger, unless they get their clients' written permission. As home inspectors have the opportunity to examine all areas of a home, they may become aware of signs of current or previous MGO activity. Requiring home inspectors to report this information will help ensure appropriate remediation is undertaken.

ENSURING MUNICIPAL AUTHORITY TO REMEDIATE

RECOMMENDATION 19:

Consider legislation to ensure all municipalities have the authority to deal with the hazardous issues of a property.

Municipal bylaws deal with unsightly or unsafe derelict properties, but fail to deal with a building's structural issues. Since MGOs usually do present structural changes to the property, municipalities need the authority to address these issues to make the property safe.

REQUIRING TIMELY AND COST-EFFECTIVE REMEDIATION OF PROPERTIES

RECOMMENDATION 20:

Support municipalities in requiring people to make a property safe for rebuilding within a legislated period of time.

The remediation process is complex and involves many players. In rural municipalities, where there may be fewer processes in place for dealing with MGOs than there are in larger urban centres, there is uncertainty about who is responsible for remediation. The delay in remediation that occurs as responsibilities are sorted out is furthered by owners who are absent, reluctant or refuse to remediate the property. A fiscally responsible solution for municipalities that supports their efforts to remediate properties would prevent such a delay in remediation and ensure buildings do not become abandoned and attract undesirable activity such as graffiti and vandalism.

RECOMMENDATION 21:

Explore with municipalities the possibility of a faster, more efficient process than the current tax roll system to help municipalities recover the costs associated with remediating or demolishing an abandoned property formerly used as a grow op.

Municipalities currently are not able to expense the costs associated with remediating or demolishing an abandoned property that was formerly used as a marijuana grow op except by charging the expenses to the tax roll and then waiting three years to take the property for unpaid taxes. Because of this time delay, use of the tax roll to pay for remediation is an inefficient and ineffective practice.

PARTNERING FOR GREATER CAPACITY TO REMEDIATE

RECOMMENDATION 22:

Encourage partnerships between municipalities that have more experience with MGOs and those that lack experience and capacity to deal with the marijuana grow ops in their communities.

Larger municipalities have dealt with hundreds of MGOs over the years and have developed a number of effective approaches to detecting, dismantling and remediating the properties. Sharing these experiences and approaches with smaller municipalities that have had fewer, if any, MGOs in their communities will facilitate a more consistent province-wide approach.

ASSIGNING RESPONSIBILITY TO REMEDIATE

RECOMMENDATION 23:

Explore ways for mortgage holders of abandoned grow op properties to take title and either make the property safe for rebuilding or demolish the property.

Because mortgage holders are not required to take action on MGOs that have been shut down, the properties can become derelict, either because of willful mortgage fraud or because the property owner simply walks away from the problem. The goal is to make the property safe to rebuild so it can be reintegrated into the community as soon as possible, eliminating the lingering stigma associated with the property.

CREATING PUBLIC INFORMATION ABOUT THE REMEDIATION PROCESS

RECOMMENDATION 24:

Create a publicly available checklist of steps for homeowners to follow to ensure a MGO is properly remediated.

Homeowners of formerly licensed and illegal grow operations are often unaware of the extent of the health and safety issues that exist when marijuana has been grown in a home, particularly if there have been modifications to the home to steal from utility companies and other structural changes to heating and venting processes to enhance plant growth. A checklist would help the homeowner identify the many possible issues that need to be addressed.

RECOMMENDATION 25:

Promote educational awareness of occupational health and safety standards for working in and remediating former grow ops.

During stakeholder consultations, we heard that many contractors involved with MGO remediation may not be wearing proper personal protective equipment. Until a property has passed indoor air quality inspections, it is not safe to breathe the air, and until a property has passed assessments by safety codes officers, it may be structurally unsound. All contractors who assist with remediation need to be protected by occupational health and safety standards when working on these premises.

RECOMMENDATION 26:

Consider ways to ensure MGOs are remediated only after the proper permits and inspections are obtained.

When homeowners choose to oversee and/or conduct the remediation process themselves and then sell the property, the buyer may be unaware of the extent or type of remediation that has taken place and whether the remediated property meets safety codes and health inspection guidelines. This recommendation seeks to prevent private remediation where standards cannot be enforced and where the owner remediates to sell and does not disclose the property has been a MGO.

RECOMMENDATION 27:

Develop a certificate program for MGO remediation modelled after Alberta Environment and Sustainable Resource Development’s Remediation Certification program indicating the property has no remaining toxic hazards.

Alberta Environment and Sustainable Resource Development’s Remediation Certificate Program applies to petroleum storage sites. To ensure that these sites are appropriately reclaimed, the department “issues approvals, collects security, conducts inspections, issues reclamation certificates, develops information documents, undertakes compliance and publishes reports and certificates.”⁴ A similar program for MGO remediation could encourage successful remediation that adheres to set process guidelines, as suggested in Recommendation 12.

Child Protection

Children living in a marijuana grow operation are exposed to a range of safety and health hazards. Physical dangers include exposure to mould and toxic chemicals, electrocution and fire hazards, as well as dangers associated with criminal activity.

Children may also be victims of neglect if their parents or caregivers are preoccupied with cultivating and selling marijuana and/or suffer from substance addiction.

If a child is drug endangered, the police and Alberta Human Services have the authority to remove the child under the *Drug Endangered Children Act*.

RECOMMENDATION 28:

Develop a communications plan regarding the *Drug Endangered Children Act* that:

- **Outlines the roles and responsibilities of police in exercising their authority;**
- **Provides guidance for exercising that authority; and**
- **Increases awareness of the significant risk to children exposed to drug manufacturing, trafficking and other serious drug activity.**

⁴ Alberta Environment and Sustainable Resource Development.
<http://environment.alberta.ca/01107.html>. Accessed July 30, 2013.

Knowing the powers available under the *Drug Endangered Children Act* will ensure appropriate intervention takes place to remove children from unsafe living situations.

Safety and Health Hazards

Marijuana grow ops pose long-term health and safety concerns. They rely on the heavy use of chemicals (pesticides, fungicides, herbicides) and increased carbon dioxide emissions within dwellings to promote plant growth.

The property is also often structurally modified to enhance plant growth. For example, MGO operators often make changes to a building's power, mechanical and plumbing systems. These conditions can result in mould growth and air toxicity that can lead to respiratory problems or more serious conditions. They may also present a number of other health hazards such as poisoning, electrocution, fire and explosion.

MAKING INSPECTIONS MANDATORY

RECOMMENDATION 29:

Consider allowing court orders to be granted for mandatory health and safety inspections of reported MGO properties.

There currently are no provisions for requiring inspections of suspected marijuana grow ops. Inspections would identify a MGO's lingering and long-term threats. Giving municipalities the authority to request court orders for mandatory inspections would allow them the ability to effectively deal with the MGOs in their communities.

ESTABLISHING GUIDELINES AND CREDENTIALS FOR TESTING INDOOR AIR QUALITY

RECOMMENDATION 30:

Consider establishing indoor air quality testing guidelines as part of the remediation process.

Many operators of MGOs use hydroponic equipment and make changes to the heating, ventilation and air conditioning mechanisms in houses, causing high concentrations of airborne irritants. Air quality standards for mould, fungus and humidity are not addressed in building codes and are not formally identified. The benefits of establishing indoor air quality testing guidelines would extend to other properties, such as those exposed to floods or other contaminating conditions. For example, with the 2013 flood in southern Alberta, the growth of mould was a concern in many houses, necessitating rigorous remediation and re-testing of indoor air quality before homes could be deemed habitable.

RECOMMENDATION 31:

Consider establishing qualifications for experts who conduct indoor air quality testing.

Qualifications for individuals who are hired to assess and remediate MGOs (including for indoor air quality) are not adequately defined. Standardizing qualifications would ensure indoor air quality concerns are addressed by qualified individuals and agencies across the province.

Utility Usage and Theft

Marijuana grow ops use high amounts of electricity and water to support their operations. In order to avoid detection by utility companies, and/or to avoid paying for the high energy costs associated with their operations, many MGO operators make structural changes to the electricity and water meters attached to their properties. Other operators who use the same high amounts of electricity and water may choose to pay for these utilities to avoid suspicion by utility companies. With either approach, if a utility company were to follow electricity and water consumption patterns of a home over time, the company would be in a position to identify suspicious activity. A graph outlining electrical consumption patterns (Appendix 6) clearly shows the presence of a MGO.

During consultations, utility companies expressed concern about privacy issues, noting their legal counsel typically advises against disclosure of information about client's electricity usage. There was a variety of opinions about the extent to which privacy legislation enables or prohibits information sharing to aid in the detection of MGOs. Further, utility companies noted concerns for their employees' safety because if tips about MGO activity were shared with police authorities, the linesmen and other utility employees visiting the premises could face retaliatory measures.

At present, there are no immediate incentives for utilities to monitor electricity and water use because unpaid utility usage is considered part of the line loss every electric distribution system is subject to and which is caused by a number of factors, including line loss through heat, theft or other issues. This is deemed "unaccounted for energy." By charging this line loss back to the customers, the utility companies are able to recoup their costs while the MGO operators continue to steal the electricity.

ENCOURAGING CORPORATE CITIZENSHIP

RECOMMENDATION 32:

Examine options to encourage corporate citizen responsibility in finding and stopping MGOs.

The presence of grow operations costs the community. The safety concerns, general nuisance, decreased property values, and likelihood of utility theft are all associated costs the community must bear. Corporations often pride themselves on their corporate citizenship and do play a large role in the safety of our communities, especially when they have access to information about the presence of MGOs. There are a number of ways corporations could contribute to making Alberta grow op free. Using advanced technology is not the only approach, and I recognize utility companies do not commonly use new technology, such as smart meters, to monitor electricity and water theft because these are not considered cost-effective options. Other approaches include instructing journeymen and other employees in the field about the need to report suspected MGOs in communities.

The reporting of electricity and water theft by utility companies to police is impacted by three key issues: 1) a lack of agreement regarding utility companies' areas of responsibility, 2) uncertainty regarding privacy concerns and 3) company concerns for employee personal safety if an employee is threatened by a MGO operator for reporting a MGO. However, MGOs could be detected more often if utilities were monitoring patterns and reporting suspected MGOs.

ADDRESSING PRIVACY CONCERNS HELD BY UTILITY COMPANIES

RECOMMENDATION 33:

Review the barriers preventing the flow of information between utility companies and police authorities, and identify the barriers that can be addressed. In the context of the Supreme Court of Canada decision in R v. Gomboc, identify the information that is appropriate to be shared and give police agencies access to the information that can be used to identify active marijuana grow ops.

Electricity usage information can help police identify active marijuana grow ops. When this information is withheld, the crime and its profits continue unabated. In the case of R. v. Gomboc, the Supreme Court of Canada addressed a situation where a MGO was discovered in a home after an Alberta electrical provider made a customer's electricity consumption data available to a policy agency. The court decided the provision of the data was permissible. Under the guidance of R. v. Gomboc, the questions and concerns electricity companies have regarding privacy need to be addressed so MGOs can more quickly be detected and shut down.

RECOMMENDATION 34:

Develop educational packages for all electricity suppliers to provide focused information on the relationship between MGOs and electricity theft. Information about who should be notified of suspected grow ops should be included in these packages.

Although present across the province, grow operations seem to be more prevalent in the major centres and authorities there have developed expertise in detecting MGOs. An education campaign to share this information across the province will help enhance detection of illegal operations in rural areas. Such a campaign will also provide Rural Electrical Associations with information about who to notify about suspected grow ops.

Licensed Grow Ops—Medical Marijuana Access Program (MMAP)

The federal Medical Marijuana Access Program (MMAP) came into effect in 2001 to support individuals with serious health issues who require marijuana to alleviate their pain and suffering. Under this program, the federal government issued licenses to individuals to produce the drug for personal use, or to growers interested in supplying marijuana for individuals in the program.

Despite its success in providing supports to these Canadians, the program has faced a number of challenges relating to the lack of regulation and inspection. Police investigators with ALERT report incidents where some growers exceed the number of plants they have been permitted to grow for personal use and/or produce the drug for other purposes.

During the consultations, law enforcement agencies told us many licensed operations are as susceptible to similar health and safety concerns as are illegal operations.

In June 2013, Health Canada announced the new Marijuana for Medical Purposes Regulations, which come into force on March 31, 2014, and present a number of changes to the federal program. Changes include allowing the production of dried marijuana and its sale and distribution by commercially licensed producers to an individual who can possess it. The new regulations allow patients who have obtained a signed medical document from a health care provider to purchase the appropriate amount of marijuana for their condition directly from these licensed producers.

While permits to individuals to grow marijuana will be eliminated, safety and health concerns about the houses that previously housed licensed MGOs remain. Proposed changes have also raised questions about how to protect the health and safety of the surrounding communities and about the location and security of these commercial properties.

DELIVERING A TARGETED COMMUNICATION PLAN

RECOMMENDATION 35:

Develop a communication and awareness campaign directed at homeowners of former and current licensed MGOs to encourage them to voluntarily submit to a health and safety inspection.

There is a general lack of public awareness regarding the hazards associated with growing marijuana indoors, even among licensed operations. Many operators are unaware of long-term effects on the home or the precautions they should take if they choose to remediate a property.

GOVERNING COMMERCIAL GROW OPS

RECOMMENDATION 36:

Explore ways to regulate the operation of commercial grow ops licensed through MMAP, including the location of these operations and all other issues under provincial authority.

A number of matters related to provincial regulation of federally licensed commercial grow ops were raised during consultations. For example, the locations of commercial grow ops within our communities, security arrangements for these facilities and inspection of the facilities were raised as unresolved issues.

IMPLEMENTING THE RECOMMENDATIONS

RECOMMENDATION 37:

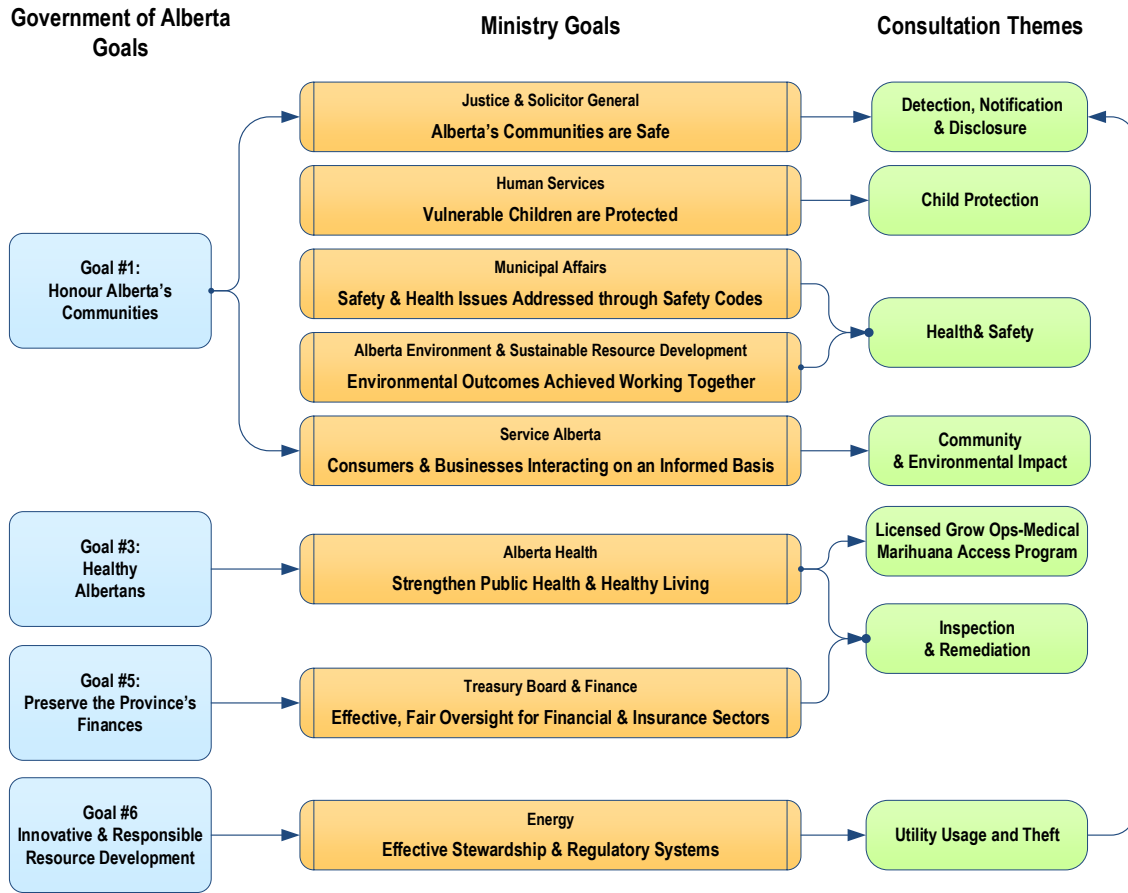
Develop progress reports every six months for a two-year period to ensure the recommendations are effectively implemented.

I am aware these recommendations will require a significant amount of cooperation and coordination for effective and efficient implementation. To this end, I suggest developing progress reports every six months over two years to guide the implementation of my recommendations. Accountability is key for successful implementation.

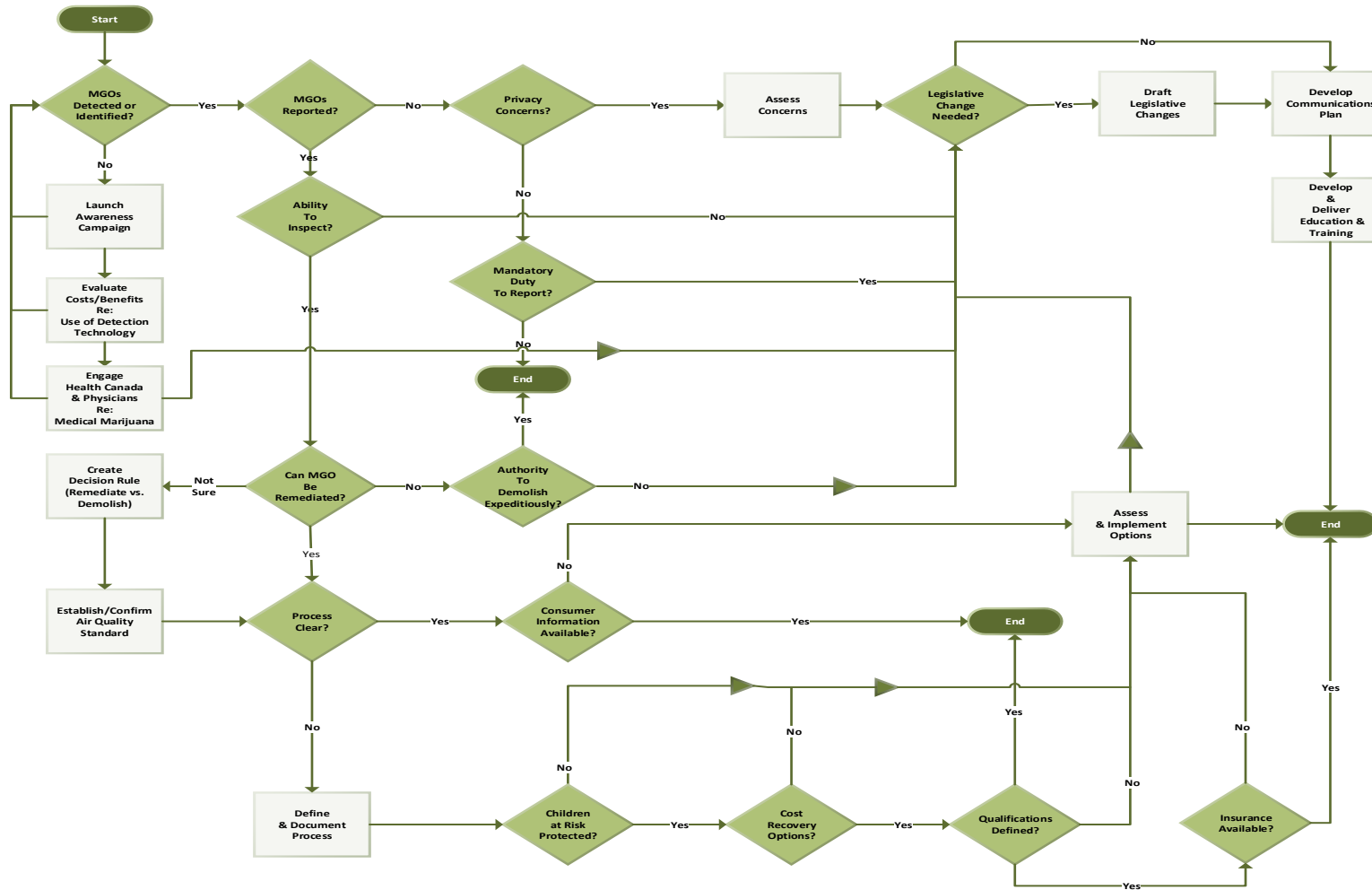
Concluding Comments

The recommendations in this report address complex, interrelated issues. A number of the recommendations can be achieved quickly, while others are more long-term strategies and actions. Together, the recommendations comprise a comprehensive, integrated and province-wide approach to addressing MGO-related issues. My involvement in the flood recovery work in southern Alberta over the last several months has shown me that we can accomplish great things when we work together. I have the same confidence that government can work together to increase our province's capacity to adequately remediate former MGO properties and safely reintegrate them into the community.

Appendix 1: The Consultation Framework

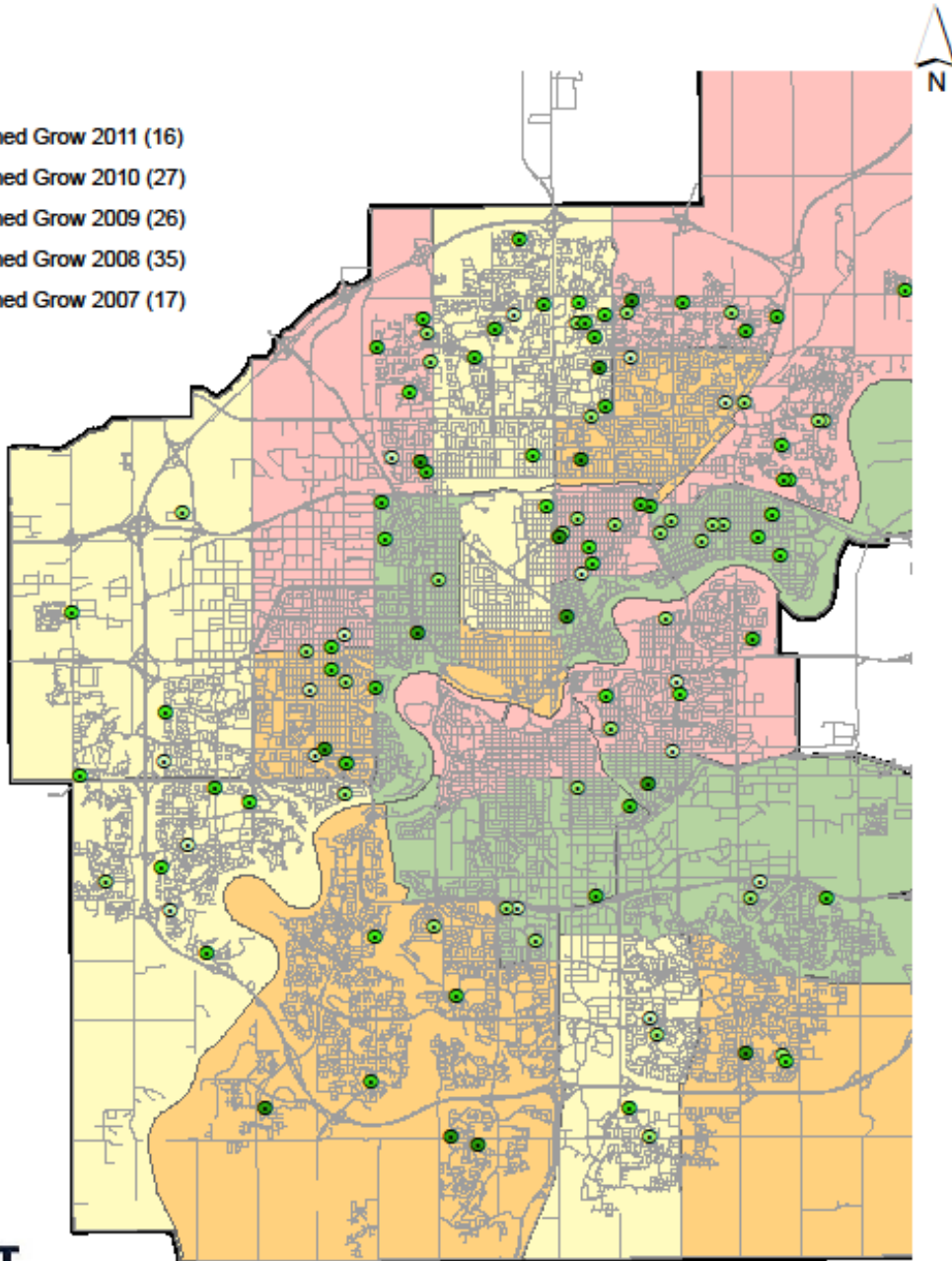


Appendix 2: Logic Model



City of Edmonton Confirmed Grow Ops 2007 - 2011

- Confirmed Grow 2011 (16)
- Confirmed Grow 2010 (27)
- Confirmed Grow 2009 (26)
- Confirmed Grow 2008 (35)
- Confirmed Grow 2007 (17)

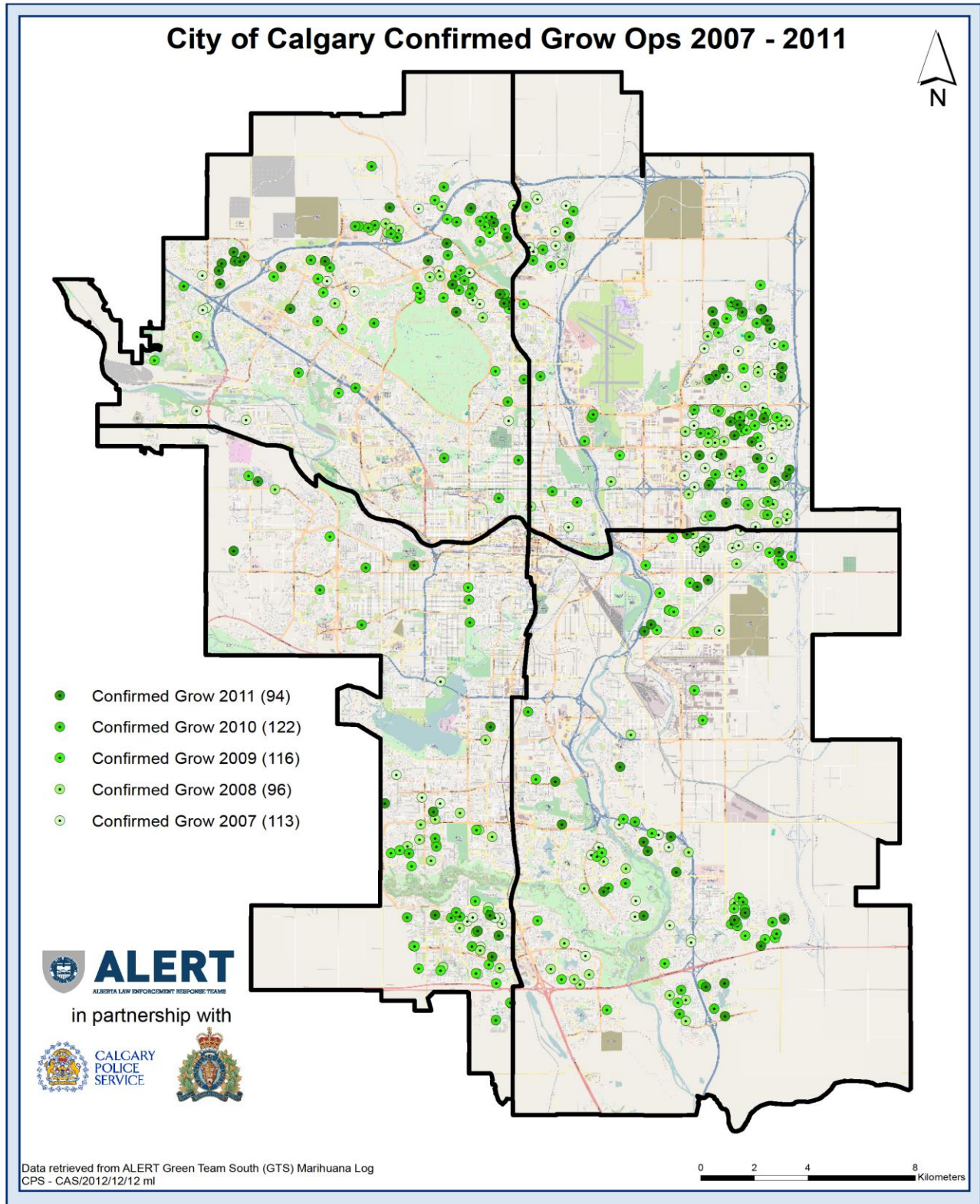


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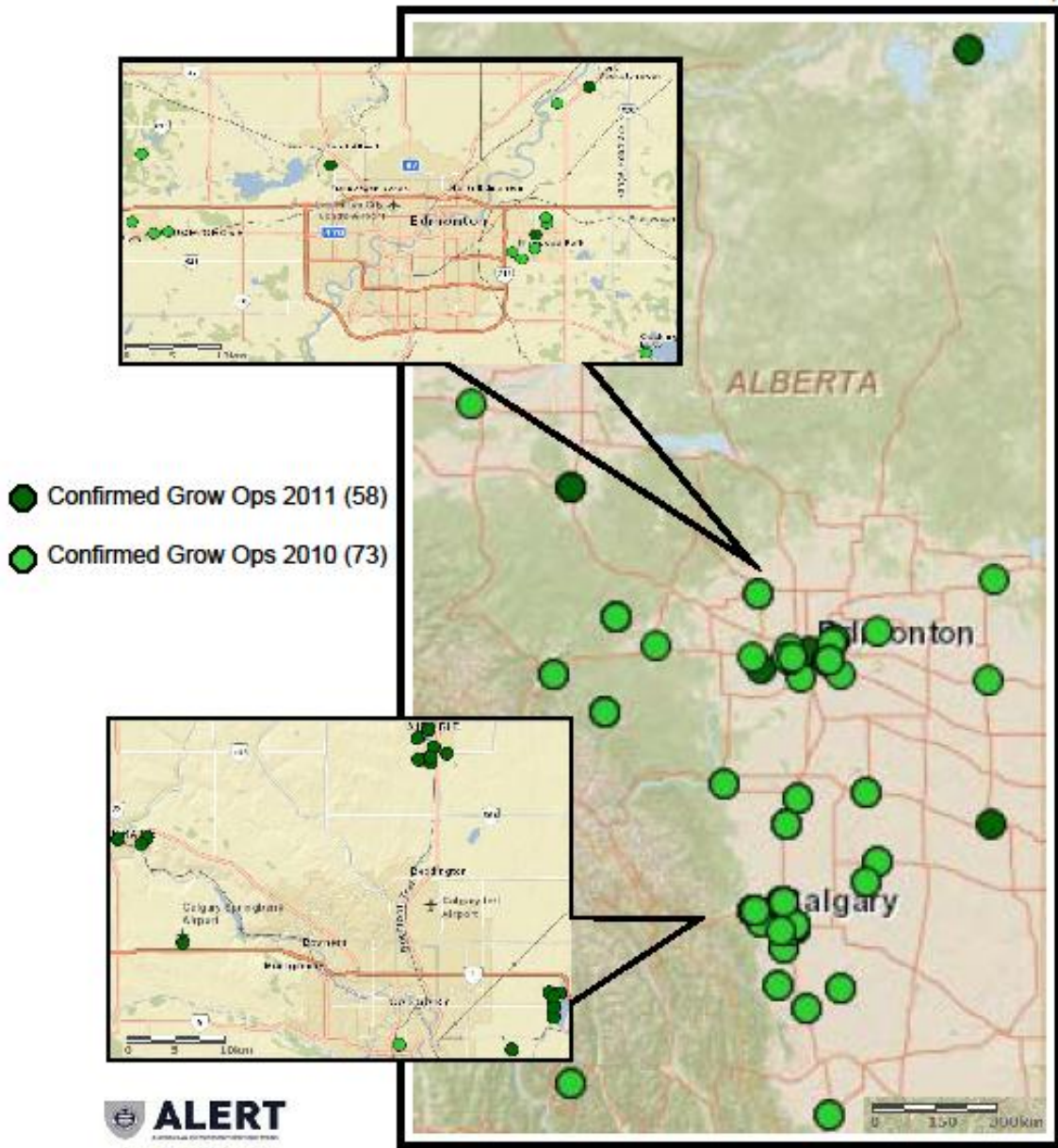


Data retrieved from ALERT Green Team North Marijuana Log
EPS-2013/01/02 LT

0 0.75 1.5 3 4.5
Kilometers



Confirmed Grow Ops in Rural Alberta 2010 – 2011



Data retrieved from ALERT Green Team South and North Marihuana Logs
EPS-2013/01/08 AF and LT

Appendix 6: Electrical Consumption Examples

