



Hon. Mark Holland, P.C., M.P.
Minister of Health
Address Locator 1801B
Ottawa, Ontario, K1A 0K9
Via Email: hccminister.ministresc@hc-sc.gc.ca

November 17, 2023

Re: Non-Enforcement of Health Canada Regulations for Cannabis Cultivation Facilities

Dear Minister,

I write today on behalf of constituents and the municipal government of Vernon, British Columbia in my constituency of North Okanagan-Shuswap who are contending with persisting nuisance odours emanating from a cannabis production facility licensed by your department, Health Canada.

According to the federal *Cannabis Act* and *Regulations*, control of outdoor odours originating from federally licenced indoor cannabis cultivation facilities is Health Canada's responsibility. According to the November 8, 2023, letter sent to you by City of Vernon mayor, Victor I. Cumming, City of Vernon Bylaw Compliance continues to work with the facility to achieve voluntary compliance to control outdoor cannabis odour. However, the city and its agencies have no jurisdictional authority to enforce federal regulations and compel the facility's operators to take actions required to eliminate nuisance odours.

In his letter to you, Mayor Cumming included a list of 44 complaints from residents going back to December 2021. Today, nearly two years later, residents continue to be affected by nuisance odours from the facility licensed by your department despite the complaints from residents and efforts of City of Vernon Bylaw Compliance.

Minister, this is not the first time that residents and communities in my constituency and beyond have been subjected to persistent nuisance-level odours from cannabis facilities that facilities, by the terms of their Health Canada licenses, are prohibited from emitting. These realities raise serious questions regarding Health Canada's systems for licensing, regulating, and enforcing regulations for cannabis cultivation facilities.

These realities also raise broader questions of whether Health Canada deploys enforcement actions to verify cannabis production facilities comply with other regulations and conditions of license related to quality assurance, analytical testing, security, agronomic inputs, and non-food chemical agents, to name a few.

In response to a similar matter in my constituency, your department wrote to another local government in the region stating that "holders of a Health Canada commercial licence to cultivate, process or sell cannabis must meet strict requirements in order to be licensed." Responses like this ring hollow for residents, communities, and local governments who are forced to live with persistent nuisance odours that Health Canada prohibits in regulations but refuses to enforce.

I also note that despite having a mandate to consider "economic, social, and environmental impacts of the *[Cannabis] Act*," the Expert Panel for the federal Legislative Review of the *Cannabis Act* recently released their "What We Heard" report that contains no mention of the problems of nuisance odours from cannabis production facilities licensed by your department.

Although other similar situations are well documented in online news stories from communities across Canada, the Expert Panel and your department seem unconcerned with contraventions of regulations and conditions of licenses.

Minister, I request your answers to the following questions:

1) How many Health Canada personnel are dedicated to verifying and enforcing compliance with Health Canada's cannabis production license conditions and requirements in British Columbia?

2)(a) Since cannabis' legalization on October 17, 2018, how many cannabis production facility inspections have Health Canada executed in British Columbia?

(b) What were the dates and location (city/town) of the inspections.

3)(a) Since cannabis' legalization on October 17, 2018, how many Health Canada licenses for cannabis production facilities in British Columbia have been suspended or revoked?

(b) What were the dates and location (city/town) of the suspensions and revocations?

(c) What were the reasons for each of the suspensions or revocations?

4) (a) Since cannabis' legalization on October 17, 2018, what other corrective measures has Health Canada ordered from cannabis production facilities in British Columbia that were found to be in noncompliance with Health Canada's cannabis production license conditions and requirements?

(b) What were the actions required, dates and location (city/town) of the corrective measures ordered?

I look forward to your timely response.

Yours sincerely,



Mel Arnold, M.P.
North Okanagan- Shuswap

Cc.

Mr. Victor I. Cumming, Mayor, City of Vernon, British Columbia
City Council, City of Vernon, British Columbia

M.P. Stephen Ellis, Official Opposition Shadow Minister for Health