

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Revised Guidance Note on Hazards in Clandestine Drug
Labs and Illegal Marijuana Grow Operations**

DATE OF ISSUE:	November 22, 2019
CLASSIFICATION:	General Information
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At the request of the Ministry of Labour, I am sharing a communication regarding a revision to Guidance Note #6: Hazards in Clandestine Drug Labs and Illegal Marijuana Grow Operations, as made by the Ontario Police Health and Safety Committee (OPHSC).

For further details, please review the memo from Assistant Deputy Minister Peter Augruso and the OPHSC Guidance Note, both attached.

Sincerely,

A handwritten signature in black ink that reads "Marc Bedard".

Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

**Ministry of Labour,
Training and Skills
Development**

Office of the Assistant
Deputy Minister
Operations Division

400 University Avenue
14th Floor
Toronto ON M7A 1T7
Tel.: 416 326-7667
Fax: 416 212-4455

**Ministère du Travail, de la
Formation et du Développement
des compétences**

Bureau du
sous-ministre adjoint
Division des opérations

400, avenue University
14^e étage
Toronto ON M7A 1T7
Tél. : 416 326-7667
Télec. : 416 212-4455



November 7, 2019

MEMORANDUM TO: Marc Bedard
Assistant Deputy Minister, Public Safety Division
Ministry of the Solicitor General

FROM: Peter Augruso
Assistant Deputy Minister, Operations Division
Ministry of Labour, Training and Skills Development

**Subject: Revised Police Section 21 Committee Guidance Note #6:
Hazards in Clandestine Drug Labs and Illegal Marijuana Grow Operations.**

The Ontario Police Health and Safety Committee (OPHSC) is appointed by the Minister under Section 21 of the Occupational Health and Safety Act for the purpose of advising the Minister and making recommendations on occupational health and safety issues that affect police personnel across Ontario.

The OPHSC has revised GN #6: Hazards in Clandestine Drug Labs and Illegal Marijuana Grow Operations to enhance the information on risk assessments and to include reference to *CAN/CGSB/CSA-Z1640-18 Personal protective equipment (PPE) for investigating and dismantling clandestine drug laboratories*.

The Ministry of Labour, Training, Skills and Development is seeking the continued support of SOLGEN in raising awareness of health and safety issues by distributing the attached guidance note to police personnel at all levels within the policing community.

Yours sincerely,

A handwritten signature in blue ink that reads "Peter Augruso".

Peter Augruso
Assistant Deputy Minister
Operations Division
Ministry of Labour

Memorandum



November 2019

To: Marc Bedard
Assistant Deputy Minister, Public Safety Division
Ministry of the Solicitor General

From: Ontario Police Health and Safety Committee
Labour and Management Co-Chairs

Re: *Guidance Note (GN) #6: Hazards in Clandestine Drug Labs and Illegal Marijuana Grow Operations - revised*

The Ontario Police Health and Safety Committee (OPHSC) is appointed by the Minister of Labour under Section 21 of the *Occupational Health and Safety Act* for the purpose of advising the Minister of Labour and making recommendations on occupational health and safety issues that affect police personnel across Ontario.

As you know, police personnel face unique occupational health and safety hazards that may not specifically be addressed in Ontario's *Police Services Act*, its regulations, or in supporting policing guidelines.

The OPHSC has revised *Guidance Note #6: Hazards in Clandestine Drug Labs and Illegal Marijuana Grow Operations* to expand on the risk assessment process and to include reference to *CAN/CGSB/CSA-Z1640-18 Personal protective equipment (PPE) for investigating and dismantling clandestine drug laboratories*.

The OPHSC is seeking your support in ensuring this guidance note is distributed broadly within the policing community.

Sincerely,

A handwritten signature in black ink, appearing to be "Mark Baxter".

Mark Baxter
Labour Co-Chair
Police Association of Ontario

A handwritten signature in blue ink, appearing to be "Bryan Larkin".

Bryan Larkin
Management Co-Chair
Ontario Association of Chiefs of Police



Ontario Police Health and Safety Committee

Guidance Note #6

Hazards in Clandestine Drug Labs and Illegal Marijuana Grow Operations

This guidance note has been developed to provide general information to police service employers, supervisors, workers, joint health and safety committees and health and safety representatives about some of the occupational health and safety issues related to clandestine drug labs and illegal marijuana grow operations.

Introduction

First responders, including police, fire and EMS are at serious risk from exposure to hazards found in clandestine drug labs, illegal cannabis extraction labs and illegal marijuana grow operations during investigation and/or dismantling of these operations.

Clandestine drug labs (CDLs) are makeshift laboratories for manufacturing illicit drugs such as methamphetamines, fentanyl, carfentanil, cocaine, etc. An illegal marijuana grow operation (MGO) is an indoor or outdoor space that is or has been used for production of marijuana without the proper authorization from Health Canada. These operations could also include illegal cannabis extraction labs that use highly flammable solvents in the production process.

Hazards

The nature and type of hazards found in these illegal operations may vary because of differences in the type and size of the operations, production processes, laboratory operator knowledge, location (e.g. commercial, residential, rural, urban) etc.

As new illicit drugs emerge the nature and type of hazards can evolve making it challenging for services to obtain real-time risk information.

Hazards may include but not be limited to:

- fire and explosion
- exposure to pesticides, fertilizers, and other chemicals
- atmospheric contamination by flammable and explosive products (e.g. propane and natural gas)
- hazardous combinations of incompatible chemicals
- poor waste management
- accidental exposure to illegal drugs (inhalation, skin/eye contact, accidental puncture)
- excessive carbon dioxide (CO₂) exposure
- carbon monoxide (CO) and oxides of nitrogen

- reduced oxygen atmosphere
- confined spaces and structural hazards
- electrical hazards (e.g. faulty/poor wiring or electrical by-pass)
- structural collapse (e.g. holes in the floor, rot from water damage)
- slip, trip hazards
- booby trap (e.g. trip wires and other anti-personnel devices)
- ultra-violet light (UV) exposure (grow lamps)
- infectious agents (dirty needles, syringes, glassware)
- mold, fungus, and bacteria (e.g. legionella)
- violent behavior and presence of weapons

Risk Assessment

Prior to entering a CDL or illegal MGO, police services should conduct a pre-deployment risk assessment to determine type of lab and potential hazards. This pre-deployment risk assessment can help to inform initial selection of personal protective equipment (PPE) and other protective devices, response protocols, notifications (e.g. local utility authority, fire services, emergency medical services) etc. Hazards may also be present around the perimeter of the suspected lab, for example in the form of booby traps or chemical waste which has been improperly disposed of.

Situational risk assessments will also need to be ongoing to assess for current and emerging hazards based on site specific circumstances. The results of these assessments should continue to inform response protocols and PPE and resources required to maintain worker protections.

CAN/CGSB/CSA-Z1640-18 recommends the assessment of the scene to:

- establish perimeters and zones for activities to be performed;
- inform selection of PPE;
- determine resources required; and
- establish a process for continued risk assessment.

Occupational Health and Safety Act and Regulations

Under the *Occupational Health and Safety Act (OHSA)*, police service employers and supervisors have a duty to take every precaution reasonable in the circumstances for the protection of a worker (OHSA clause 25(2)(h) and clause 27(2)(c) respectively). This also applies to protecting police service workers who may be exposed to the hazards of clandestine drug labs and illegal marijuana grow operations.

Information, Instruction and Supervision

Under the OHSA, an employer is required to make a worker aware of hazards in the work and provide workers with information, instruction, and supervision to protect their health and safety. (OHSA clause 25(2)(d) and clause 25(2)(a)).

A supervisor is required to advise workers of any potential or actual health or safety dangers of which the supervisor is aware. (OHSA clause 27(2)(a)).

This includes making police service workers aware of hazards they may encounter at CDLs or illegal MGOs during their work activities.

Information and instruction may include, but is not limited to: training in situational risk assessments; hazmat training; use, proper inspections, storage and limitations of PPE; decontamination protocols; air quality testing and ongoing monitoring (if done by the police service); emergency response protocols; role and authority of the Site Safety Officer etc.

Personal Protective Equipment (PPE) and protective devices

Employers must ensure that any equipment, materials or protective devices provided by the employer are used as required by the OHSA regulations (OHSA clause 25(1)(d)) Supervisors must ensure that a worker uses or wears the equipment, protective devices or clothing that the worker's employer requires be used or worn (clause 27(1)(b)). PPE must be a proper fit for each worker.

Workers shall use or wear any equipment, protective devices or clothing that the employer requires to be used or worn (OHSA clause 28(1)(b)). As previously mentioned, employers must provide workers with information, instruction and supervision to protect their health and safety (OHSA clause 25(2)(a)) which may include information, instruction and supervision related to the use, proper inspections, storage and limitations of PPE.

PPE and other equipment, materials and protective devices provided by the employer must be maintained in good condition (OHSA clause 25(1)(b)). PPE should be inspected, maintained and used according to the product manufacturer's instructions (e.g. as recorded on a warning label or safety data sheet).

Personal Protective Equipment for police service workers entering a CDL or illegal MGO may include but not be limited to: respirators, self-contained breathing apparatus (SCBA) eye and face protection, skin protection (e.g. coveralls, gloves) etc. The type of PPE required will be based on a risk assessment and may change over time based on the results of the situational risk assessments.

Police service employers, in consultation with their joint health and safety committee (JHSC), may wish to refer to *CAN/CGSB/CSA-Z1640-18 Personal protective equipment (PPE) for investigating and dismantling clandestine drug laboratories* for guidance in conducting a risk assessment and selecting appropriate PPE.

Employers must also ensure that tools and equipment cannot create a spark and potentially ignite flammable or explosive agents (i.e. are intrinsically safe). This includes items such as intrinsically safe radios, flashlights, phones, voice amplifiers, air sampling pumps etc. Refer to the manufacturer's recommendations and/or consult a safety specialist for information on intrinsically safe equipment.

Safety Measures and Procedures

Safety measures and procedures may include but not be limited to:

- identification of a Site Safety Officer responsible for ensuring that all safety procedures and protocols are identified and adhered to.
- prioritization of response procedures to address worker protection, securing the area and protecting the public.
- coordinated protocol and procedures for emergency medical services, firefighting utility companies, etc. (Know when and how to request expert assistance).
- safe entry and exit procedures.
- identification of hazardous substances and other hazards such as booby traps, electrical contact, structural integrity etc.
- use, care and limitations of PPE and other protective devices.
- protocols and equipment for air and surface contamination testing prior to entering the site and ongoing while investigations are underway. Protocol should include who will do the testing (e.g. police services investigator, fire services, emergency response personnel).
- electrical power shut-off procedures (e.g. contact utility to safely shut off the power and ensure there are no by-pass hazards).
- decontamination resources and protocols for personnel, equipment and anything leaving the CDL or illegal MGO (e.g. evidence).
- measures and procedures for the safe handling and storage of evidence, including adequate ventilation of the storage area so as not to pose a health and safety risk, and assessment for chemical incompatibility to reduce the risk of an unwanted reaction.

Advancing a culture of health and safety together

Through careful risk assessment, planning, information, instruction and supervision, and the appropriate use of PPE we can all work together to protect workers from exposure to health and safety hazards and advance a culture of health and safety.

Acknowledgements

The Ontario Police Health and Safety Committee is made up of professionals in police services from across the province with representatives from the Police Association of Ontario, Ontario Provincial Police, Ontario Provincial Police Association, Toronto Police Service, Toronto Police Association, Ontario Association of Chiefs of Police, Ministry of the Solicitor General, Ministry of Labour, Training and Skills Development, Ontario Police College, Ontario Police Health and Safety Association, Ontario Senior Officers'

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Police Association and Public Services Health and Safety Association. The committee also receives input from experts in the police sector. The Ministry of Labour, Training and Skills Development (MLTSD) would like to thank the committee for their help in making this guidance note possible.

Additional Information

OPHSC Guidance Note #4: Worker Information, Instruction and Training
OPHSC Guidance Note #7: Searching Hazardous Sites
OPHSC Guidance Note #12: Competent Supervision
OPHSC Guidance Note #14: Field Drug Testing
OPHSC Guidance Note #15: Respiratory Protection Policy and Program
OPHSC Guidance Note #17: Infection, Prevention and Control

Adequacy and Effectiveness of Police Services Regulation

This regulation focuses on the effectiveness and integrity of investigations and does not specifically address the occupational health and safety hazards workers may be exposed to. Clause 12(1)(e) of the *Adequacy and Effectiveness of Police Services Regulation* requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into drug-related offences other than simple possession.

Section 29 of the *Adequacy and Effectiveness of Police Services Regulation* requires a police services board to have a policy on the investigation of drug-related offences other than simple possession.

For more information refer to O. Reg. 3/99 *Adequacy and Effectiveness of Police Services Regulation* at: <https://www.ontario.ca/laws/regulation/990003>

Additional references and resources

[Occupational Health and Safety Act](#)

O. Reg. 632/05 Confined Space (may apply in some circumstances)
<https://www.ontario.ca/laws/regulation/050632>

Reg.833 Control of Exposure to Biological and Chemical Agents (may apply in some circumstances) <https://www.ontario.ca/laws/regulation/900833>

CAN/CGSB/CSA-Z1640-18 Personal protective equipment (PPE) for investigating and dismantling clandestine drug laboratories.

RCMP Clandestine Synthetic Drug Labs
<http://www.rcmp-grc.gc.ca/drugs-droques/msdi-ilcmds/lab-eng.htm>

Ontario Police College
<http://www.opconline.ca>

Health and Safety System Partners

<http://www.labour.gov.on.ca/english/hs/websites.php>

This document should be shared with the workplace Joint Health and Safety Committee or Health and Safety Representative, incorporated into the workplace occupational health and safety policy and program and posted on the police service's intranet.

The Public Services Health and Safety Association may be contacted for assistance in the development and implementation of an occupational health and safety program, training and specialized services: <http://www.pshsa.ca/>

For more information, contact the Ministry of Labour, Training and Skills Development Health & Safety Contact Centre toll free at 1-877-202-0008.

For additional information on the requirements under the *Occupational Health and Safety Act* (OHSA), refer to http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm

This guidance note has been prepared to assist the workplace parties in understanding some of their obligations under the OHSA and the regulations. It is not intended to replace the OHSA or the regulations and reference should always be made to the official version of the legislation.

It is the responsibility of the workplace parties to ensure compliance with the legislation. This guidance note does not constitute legal advice. If you require assistance with respect to the interpretation of the legislation and its potential application in specific circumstances, please contact your legal counsel.

While this guidance note will also be available to MLTSD inspectors, they will apply and enforce the OHSA and its regulations based on the facts as they may find them in the workplace. This guidance note does not affect their enforcement discretion in any way.