



Perth District Health Unit

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February 23, 2010

The Honourable Margaret Best
Ministry of Health Promotion
777 Bay Street, 18th Floor
Toronto, ON M7A 1S5

Dear Minister Best:

With the successful implementation of the *Smoke-Free Ontario Act* on May 31, 2006, the Ministry of Health Promotion proved its commitment to protecting Ontarians from exposure to second-hand smoke.

Research shows that the levels of outdoor second-hand smoke near active smokers can be as high as levels of second-hand smoke in an enclosed space.

To respond to this issue, many municipalities, with support from public health are amending their current smoke-free by-laws to include outdoor spaces.

In January, the Perth District Health Unit's Board of Health received the enclosed staff report on the Future Directions for Smoke-Free By-Laws and Municipal Policies. Upon receipt of this report, the Board of Health required staff to draft a letter to the Ministry of Health Promotion recommending that the Province adopt legislation that will amend the *Smoke-Free Ontario Act* to include outdoor spaces such as parks and playgrounds.

Beyond protecting residents from exposure to second-hand smoke, legislation that prohibits smoking in outdoor spaces:

- reduces role modeling to children
- reduces social acceptability of tobacco use
- reduces littering and environmental harm
- supports quit attempts
- reduces smoking relapses.

The Perth District Health Unit encourages the Ministry to take this next proactive step in protecting individuals from the hazards of second-hand smoke.

Yours truly

Miriam Klassen, MD
Acting Medical Officer of Health

Encl

c: Bob Stark, Deputy Minister, Ministry of Health Promotion
Denis Gertler, Director Smoke-Free Ontario, Ministry of Health Promotion
Pat Vanini, Executive Director, Association of Municipalities of Ontario
Perth County Municipalities
Ontario Boards of Health



Date: January 13, 2010
To: Board of Health
From: Janet Jackson, Tobacco Program Manager
Subject: **FUTURE DIRECTIONS FOR SMOKE-FREE BY-LAWS AND MUNICIPAL POLICIES**

PURPOSE:

This report outlines the future directions for municipal smoke-free by-laws and policies.

FINANCIAL IMPLICATIONS AND IMPACT STATEMENT:

There are no financial implications resulting from this report; covered by Smoke-Free Ontario funding.

RECOMMENDATIONS:

It is recommended that the Board of Health:

1. Endorse in principle that smoke-free outdoor spaces help create healthy, supportive environments for children, youth and adults.
2. Recommend municipalities amend their current smoke-free by-laws to include smoke-free outdoor spaces (parks, playgrounds, recreation fields or facilities and municipal entrances/exits).
3. Recommend municipalities, and landlords implement no-smoking policies to reduce second-hand smoke exposure in multi-unit dwellings.

BACKGROUND:

Tobacco use is the single most preventable cause of chronic disease and death in Canada. It is undisputable that there is no safe level of exposure to second-hand smoke. New research has shown that the outdoor tobacco smoke near active sources, i.e., smokers over the course of one or more cigarettes can be comparable with average well-mixed indoor second-hand smoke particle levels observed in living rooms or bedrooms during smoking.¹ The amount of toxins in the air increases with the number of smokers in the area. Children are more susceptible to the health effects of second-hand smoke than adults. Experts and research highlight the need and importance of by-laws and legislation to protect people from the harmful effects of second-hand smoke.²

In order to address this issue, many municipalities across the province are amending their smoke-free by-laws to include outdoor spaces. Section 115 of the *Municipal Act, 2001*, c.25 authorizes the council of a local municipality to pass a by-law regulating the smoking of tobacco in public places and workplaces within the municipality.

Additional rationale for outdoor bans includes the following:

- reduces role modeling to children
- reduces social acceptability of tobacco use
- reduces littering and environmental harm
- supports quit attempts
- reduces smoking relapses

Staff Report

Below is a summary of some of the amendments needed to make smoke-free by-laws more comprehensive.

Outdoors:

- 100% smoke-free parks
- Smoke-free playgrounds with smoke-free buffer zones eg. 9m setbacks
- 100% smoke-free community events
- 100% smoke-free beaches
- 100% smoke-free patios
- Buffer zones around smoke-free patios
- Buffer zone around bus stops or shelters
- 100% smoke-free municipal property
- Buffer zone for entrances/exit to municipal buildings

Indoors:

- 100% smoke-free hotels
- Include a broader definition of smoking, i.e. include hookah
- No-smoking policies in multi-unit dwellings

Attached to this report is an environmental scan of municipalities throughout Ontario that have enacted by-laws to include outdoor spaces. Some municipalities have chosen to prohibit outdoor smoking on any property owned or occupied by the municipality which includes but is not limited to parkland, playgrounds, sports field etc. Whereas other municipalities such as Woodstock have implemented by-laws which prohibit smoking or holding lit tobacco a specific distance (setback) from playgrounds, recreational fields, bus stops and municipal facilities. The definition of community events may include but not be limited to parades, outdoor concerts, sports tournaments or Canada Day celebrations.

Findings from the City of Woodstock comprehensive outdoor smoke-free by-law show that most smokers (73%) and non-smokers (92%) support the by-law after being in place for approximately one year. The overwhelming majority of residents felt that the by-law was good for the health of the children of Woodstock, and that the by-law had not had significant negative impact on use of facilities including parks and recreational fields. Further, a third of smokers reported that the outdoor by-law has helped them to cut down how much they smoke and almost a fifth of smokers reported that the by-law has made them more likely to quit smoking. Approximately half of the quitters in the study sample also reported the by-law helped them to stay quit.³

Smoke-free housing

The issue of second-hand smoke and multi-unit dwellings arises when air and therefore second-hand smoke is transferred from unit to unit via shared walls or floors. Smoke-free housing is about increasing the options for individuals to live in a smoke-free environment. Landlords or property managers of private or non-profit housing can implement no-smoking policies that prohibit smoking in the unit, part of the building, the whole building or the entire property. A no-smoking policy does not: prohibit smokers from renting accommodation, evict current smokers, force tenants to quit smoking or force landlords to provide non-smoking accommodations. However, by law, such a policy would only apply to new tenants signing new leases. All existing tenants must be grandfathered during the length of their tenancy or consent in writing to the new policy.

COMMENTS:

More information on the issue of second-hand smoke in multi-unit dwellings can be found at www.smokefreehousingon.ca

CONTACT:

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LIST OF ATTACHMENTS:

Environmental Scan smoke-free by-laws

REFERENCES:

- ¹ Klepeis, N.E., Ott, W.R., Switzer, P. (2007) Real-Time Measurement of Outdoor Tobacco Smoke Particles. *Journal of the Air & Waste Management Association*, 57: 522-34
- ² Ontario Tobacco Research Unit, LEARN Project. (2008). Update: What is the Scientific Rationale for Environmental Smoke (ETS) and Outdoor Air Regulation, and the Evidence-Based Supports for Policy Development? Toronto, ON: Ontario Tobacco Research Unit
- ³ Kennedy, R.D., Fong, G.T., Thompson, M.E., University of Waterloo, Kaufman, P.K., Ferrence, R., Schwartz, R., Ontario Tobacco Research Unit (2009) Evaluation of Woodstock, Ontario's Outdoor Smoking By-Law A Longitudinal Study of Smokers and Non-Smokers poster presentation 6th National Conference on Tobacco and/or Health, November 2009

