

THE CITY OF TORONTO

City Clerk's Division

Minutes of Board of Health

Meeting No. 7

Monday, July 16, 2001

The Board of Health met on Monday, July 16, 2001 in Committee Room No. 1, 2nd Floor, City Hall, Toronto, commencing at 1:10 p.m.

Members Present:

Councillor Joe Mihevc, Chair	x
Councillor Sandra Bussin	x
Councillor John Filion	x
Councillor Irene Jones	x
Councillor Jane Pitfield	x
Councillor Michael Prue, Vice Chair	x
Ms. Helen Chan	x
Mr. Brian Hyndman	x
Mr. Brian MacKay	x
Dr. Rosana Pellizzari	x
Ms. Nancy Peters	x
Trustee Mark Stefanini	x
Mr. Lee Zaslofsky	x

Also Present:

Ms. Fiona Nelson

Confirmation of Minutes.

On motion by Councillor Prue, the Minutes of the Board of Health meeting held on June 18, 2001, were confirmed.

7.1 Appointment of Associate Medical Officer of Health.

The Board of Health had before it a report (June 25, 2001) from the Medical Officer of Health, advising the Board of Health on recent appointments of Associate Medical

Officers of Health (AMOH's); advising that there are no financial implications resulting from the adoption of this report; and recommending that:

- (1) the recommended designations of Associate Medical Officers of Health as outlined in this report be transmitted to City Council and to the provincial Minister of Health for approval; and
- (2) the authority be granted to introduce the necessary bill in Council to give effect to the above recommendation.

On motion by Councillor Prue, the Board of Health recommended to City Council, for its meeting on July 24, 2001:

- (1) that the following new Public Health Physicians be appointed as Associate Medical Officers of Health for the City of Toronto Health Unit, and that this recommendation be transmitted to the Provincial Minister of Health and Long Term Care for approval :

Dr. Michael Finkelstein
Dr. Bonnie Henry; and
Dr. Karl Kabasele;

- (2) that the appointments of the following former Public Health Physicians as Associate Medical Officers of Health for the City of Toronto Health Unit be rescinded:

Dr. Shelley Deeks; and
Dr. Monir Taha; and

- (2) that authority be granted to introduce the necessary bill in Council to give effect to the above recommendations.

(Clause No. 1, Report No. 5)

7.2 Response to the Jordan Heikamp Jury Inquest Recommendations.

The Board of Health had before it a report (July 4, 2001) from the Medical Officer of Health, responding to those recommendations from the Jordan Heikamp Coroner's

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Inquest that pertain to Toronto Public Health; advising that there are no financial implications resulting from the adoption of this report; and recommending that:

- (1) Toronto Public Health advocate for additional provincial funding for additional staff to visit high-risk families and to provide staff training, outreach and targeted promotion of the Healthy Babies Healthy Children (HBHC) Program;
- (2) Toronto Public Health, in collaboration with the City's Shelter, Housing and Support Division and other key stakeholders, develop referral and service co-ordination protocols for shelters who serve homeless youth who are pregnant or parents with children under six;
- (3) the Board of Health forward this report to the Children and Youth Action Committee and to the Community Services Committee for information; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

The Board of Health also had before it a communication (July 16, 2001) from Councillor Pam McConnell, requesting the Medical Officer of Health to report to the Board this fall on the desirable level of pre-natal and post-natal services.

Councillor Olivia Chow appeared before the Board of Health in connection with the foregoing matter.

Nancy Peters declared an interest in this matter in that her employer provided evidence to the Inquest.

On motion by Dr. Pellizzari, the Board of Health recommended to the Community Services Committee:

- (1) adoption of the foregoing report (July 4, 2001) from the Medical Officer of Health; and that
- (2) Toronto Public Health facilitate a process with other Toronto health care service providers, such as hospitals and Community Care Access Centres (CCACs) to explore the possibility of organizing and resourcing a 24-hour phone line and breastfeeding support service;
- (3) the Medical Officer of Health report to the Board of Health in the fall on specific resources needed by the City and Province in

order to fully implement the Jury's recommendations; and **(moved on behalf of Councillor Chow)**

- (4) the Chairs of the Board of Health and Community Services Committee be requested to meet with their provincial counterparts to discuss the foregoing recommendations. **(moved on behalf of Councillor Chow)**

(Community Services Committee; Children and Youth Action Committee; Commissioner of Community Services; Chairs, Board of Health; Medical Officer of Health; c. Councillor Olivia Chow; Councillor Pam McConnell; c. Ms. Jane Speakman, Legal Services – July 17, 2001)

7.3 Leaf Blowers and Other Lawn Garden Equipment.

The Board of Health had before it a report (July 3, 2001) from the Medical Officer of Health, reporting from a public health perspective on noise and air pollutant emissions from leaf blowers; an acceptable noise level for leaf blowers and other lawn/garden equipment; whether a leaf blower by-law or ban is justified based on health concerns; and by-laws and bans in major cities in North America that restrict leaf blower use; advising that there are no financial implications resulting from the adoption of this report; and recommending that:

- (1) the Board of Health request the City Solicitor to report on the extent to which the City has the authority to regulate and prohibit the operation of gas-powered leaf blowers within the City of Toronto;
- (2) the Board of Health request the General Manager of the Parks and Recreation Division, the Commissioner of Works and Emergency Services, and the Canadian Union of Public Employees (Local 416) to report back on:
 - (a) the implications on City operations and budget of a by-law to prohibit the operation of gas-powered leaf blowers; and
 - (b) suggested parameters for such a by-law (e.g., exemptions for use during specified times of the year), if deemed necessary to mitigate adverse impacts on operations;
- (3) the Board of Health request the Ontario Ministry of the Environment to convene a multi-stakeholder task group to develop health-protective standards for noise,

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exhaust and evaporative emissions to be met by manufacturers of lawn/garden equipment;

- (4) the Board of Health forward this report to the Planning and Transportation Committee and the Works Committee for their consideration;
- (5) the Planning and Transportation Committee seek public input on this report at Community Councils (at the same time that Community Councils give consideration to the Urban Development Services report on a harmonized Noise By-law for Toronto);
- (6) the Medical Officer of Health forward a copy of this report for information to: the Occupational Health and Safety Coordinating Committee of the City of Toronto; Toronto Cancer Prevention Coalition; City Agencies, Boards and Commissions; Environment Canada; Ontario Public Health Association; Ontario Ministry of Health; Health Canada; Ontario Ministry of Labour; Ontario Federation of Labour; Workplace Safety and Insurance Board; The Occupational Health Clinics for Ontario Workers Inc.; Landscape Ontario; Ontario Parks Association; Canadian Hearing Society; Canadian Centre for Occupational Health and Safety; NoiseWatch; the League for the Hard of Hearing; Industry Canada; the Canadian Standards Association; and the Noise Pollution Clearinghouse; and
- (7) the appropriate city officials be authorized and directed to take the necessary action to give effect thereto.

The Board of Health also had before it the following communications:

- (i) (July 16, 2001) from Ms. Judith Deutsch, Toronto;
- (ii) (July 16, 2001) from Dr. Keith Stewart, Smog and Climate Change Coordinator, Toronto Environmental Alliance; and
- (iii) (July 16, 2001) from Ms. Ramona Burke, Toronto.

The following persons appeared before the Board of Health in connection with the foregoing matter:

- Mr. James Deutsch;
- Ms. Joan Dubros;
- Ms. Cheryl Shour, Organic Landscape Alliance;
- Mr. Keith Stewart, Toronto Environmental Alliance;
- Ms. Rhona Swarbrick;
- Mr. Eric Greenspoon, NoiseWatch;
- Mr. Tony Di Giovanni, Landscape Ontario;
- Mr. Steve James, Echo Power Equipment (Canada); and
- Councillor Jack Layton.

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(A) Mr. Hyndman moved that:

- (1) the report (July 3, 2001) from the Medical Officer of Health be adopted, subject to amending Recommendation Nos. 1 and 2(a) by adding the words "and electric" after the word "gas-powered" so that such recommendations shall now read as follows:

"(1) the Board of Health request the City Solicitor to report on the extent to which the City has the authority to regulate and prohibit the operation of gas-powered leaf blowers within the City of Toronto;

(2) the General Manager of the Parks and Recreation Division, the Commissioner of Works and Emergency Services, and the Canadian Union of Public Employees (Local 416) be requested to report back on:

- (a) the implications on City operations and budget of a by-law to prohibit the operation of gas-powered and electric leaf blowers; and" **(Carried)**

and further that,

Councillor Mihevc appointed Councillor Prue Acting Chair and vacated the Chair.

(B) Councillor Mihevc moved that,

- (1) the Planning and Transportation Committee be requested, during its deliberations on the draft harmonized Noise By-law, to recommend that the operation of a device that blows or vacuums leaves, grass clippings or debris be prohibited:

(a) at all times in quiet zones and on residential properties; and

(b) between 6:00 pm and 8:00 am on weekdays, and at all times on Saturday

and Sunday, on non-residential properties; and

- (2) the Medical Officer of Health be requested to prepare a position paper for public discussion after the harmonized Noise By-law has been considered by the Planning and Transportation Committee at which time a method for public hearings will be established; **(Carried)**

The Board, in summary, recommended to Planning and Transportation and Works Committees that:

- (1) the City Solicitor be requested to report on the extent to which the City has the authority to regulate and prohibit the operation of gas-powered and electric leaf blowers within the City of Toronto;
- (2) the General Manager of the Parks and Recreation Division, the Commissioner of Works and Emergency Services, and the Canadian Union of Public Employees (Local 416) be requested to report back on:

the implications on City operations and budget of a by-law to prohibit the operation of gas-powered and electric leaf blowers; and

suggested parameters for such a by-law (e.g., exemptions for use during specified times of the year), if deemed necessary to mitigate adverse impacts on operations;

- (3) the Ontario Ministry of the Environment be requested to convene a multi-stakeholder task group to develop health-protective standards for noise, exhaust and evaporative emissions to be met by manufacturers of lawn/garden equipment;
- (4) this report be forwarded to the Planning and Transportation Committee and the Works Committee for their consideration;
- (5) the Planning and Transportation Committee be requested to seek public input on this report at Community Councils (at the same time that Community Councils give consideration to the Urban Development Services report on a harmonized Noise By-law for Toronto);
- (6) the Planning and Transportation Committee be requested, during its deliberations on the draft harmonized Noise By-law, to recommend that the operation of a device that blows or vacuums leaves, grass clippings or debris be prohibited:
 - (a) at all times in quiet zones and on residential properties; and

- (b) between 6:00 pm and 8:00 am on weekdays, and at all times on Saturday and Sunday, on non-residential properties;
- (7) the Medical Officer of Health be requested to prepare a position paper for public discussion after the harmonized Noise By-law has been considered by the Planning and Transportation Committee at which time a method for public hearings will be established;
- (8) the Medical Officer of Health be requested to forward a copy of this report for information to: the Occupational Health and Safety Coordinating Committee of the City of Toronto; Toronto Cancer Prevention Coalition; City Agencies, Boards and Commissions; Environment Canada; Ontario Public Health Association; Ontario Ministry of Health; Health Canada; Ontario Ministry of Labour; Ontario Federation of Labour; Workplace Safety and Insurance Board; The Occupational Health Clinics for Ontario Workers Inc.; Landscape Ontario; Ontario Parks Association; Canadian Hearing Society; Canadian Centre for Occupational Health and Safety; NoiseWatch; the League for the Hard of Hearing; Industry Canada; the Canadian Standards Association; and the Noise Pollution Clearinghouse; and
- (9) the appropriate city officials be authorized and directed to take the necessary action to give effect thereto.

(Planning and Transportation Committee; Works Committee; Medical Officer of Health; City Solicitor; General Manager, Parks and Recreation Division; Commissioner, Works and Emergency Services; Canadian Union of Public Employees, Local 416; Ontario Ministry of the Environment; c. Ms. Jane Speakman, Legal Services; Interested Persons – July 17, 2001)

7.4 Health Effects of Noise.

The Board of Health had before it a report (June 27, 2001) from the Medical Officer of Health, reporting on the process of seeking epidemiological data on the health effects of noise, as requested by the Board of Health; advising that there are no financial implications resulting from the adoption of this report; and recommending that:

- (1) the Board of Health request the Commissioner of Works and Emergency Services, in consultation with the Commissioner of Urban Development Services and the Medical Officer of Health to:
 - (a) develop a uniform noise monitoring program that specifies the targets for monitoring (such as population subgroups or geographic locations), sampling methods, protocol for data collection, data analysis, and reporting;

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- (b) consider appropriate remedial measures when the levels of noise exceed the thresholds for adverse health effects; and
- (2) the appropriate city officials be authorized and directed to take the necessary action to give effect thereto.

The Board of Health also had before it a communication (July 12, 2001) from Ms. Ruth E. Perkins, Toronto, concerning noise pollution.

The following persons appeared before the Board of Health in connection with the foregoing matter:

- Mr. Richard Boehnke; and
- Ms. Deborah Sheriton, Director, NoiseWatch

Chris Andrew, Works and Emergency Services; Frank Weinstock, Urban Development Services; and Gary Welsh, Works and Emergency Services, addressed the Board.

On motion by Mr. MacKay, the Board of Health:

- (1) adopted the report (June 27, 2001) from the Medical Officer of Health; and further, that
- (2) the role of the Commissioner of Urban Development Services be limited to making planning-related comments to the final report only;
- (3) all decision for study direction and data interpretation in the proposed report be based exclusively upon public health factors as determined solely by the Medical Officer of Health;
- (4) that the Lester B. Pearson International Airport monitoring on aircraft noise be based upon the report by Aercoustics Engineering Ltd. commissioned by Works and Emergency Services, as reviewed and received by City Council on June 7, 8 and 9, 2000 through Works Committee Report No. 12; and

On motion by Councillor Jones,

- (5) the Medical Officer of Health be requested to report to the Board of Health on the staffing needs to implement a seven-day, 24 hours a week noise control program.

(Commissioner of Works and Emergency Services; Commissioner of Urban Development Services; Medical Officer of Health; c. Ms. Jane Speakman; Interested Persons – July 17, 2001)

7.5 Response to the Proposed Provincial Regulation regarding Lakeview Generating Station.

The Board of Health had before it a report (July 10, 2001) from the Medical Officer of Health, responding to the proposed provincial Regulation regarding electricity production at the Lakeview Generating Station; advising no direct financial implications for the City of Toronto; and recommending that:

- (1) the Board of Health and City Council convey their opposition to a proposed provincial Regulation which would allow the Lakeview Generating Station to continue using inefficient technology instead of high efficiency, combined cycle natural gas turbines in order to reduce the adverse health impacts arising from environmental pollution; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Mr. MacKay, the Board of Health recommended to City Council, for its meeting on July 24, 2001, adoption of the foregoing report.

(Clause No. 2, Report No. 5)

7.6 Strategy to Achieve a Phase Out of Non-essential Outdoor Uses of Pesticides.

The Board of Health had before it a (July 10, 2001) from the Medical Officer of Health, responding to a request from the Chair of the Board of Health to develop a strategy to phase out non-essential outdoor uses of pesticides on public and private property; advising no financial implications stemming from this report, further that any budget implications arising from an approved action plan will be considered in a future budget cycle; and recommending that the Board of Health:

- (1) request City Council to authorize the Pesticides Subcommittee of the Toronto Interdepartmental Environment Committee (TIE) to:
 - (a) determine public attitudes towards greater restriction on the non-essential outdoor use of chemical pesticides on private property;
 - (b) continue to identify alternatives to the outdoor use of chemical pesticides;
 - (c) continue to consult with organic and traditional lawn care companies regarding chemical pesticide phase out options;
 - (d) develop a strategy to phase out non-essential outdoor uses of pesticides on private property, including an expanded education and outreach campaign targeted at pest control companies and the general public;
 - (e) submit the recommended strategy to the Board of Health and other appropriate standing committees for consideration;

- (2) request City Council to direct the City Solicitor, in consultation with the Pesticides Subcommittee of the Toronto Interdepartmental Environment (TIE) Committee, to report to City Council on the most appropriate legal mechanisms by which the City can phase out non-essential outdoor use of pesticides; and

- (3) authorize and direct the appropriate City Officials to take the necessary action and give effect thereto.

The Board of Health also had before it the following communications:

- (i) (July 16, 2001) from Mr. Douglas Counter, Toronto;
- (ii) excerpts from 114957 Canada Ltee v. Hudson (Town);
- (iii) (undated) from Dr. A.J. Fegelman, Toronto; and
- (iv) (undated) from Landscape Ontario Horticultural Trades Association.

The following persons appeared before the Board of Health in connection with the foregoing matter:

- Mr. Dan Passmore, Frechette Lawn Care;
- Mr. Mike Ufkes, Weed Man;
- Mr. Douglas Counter;
- Ms. Cheryl Shour, Organic Landscape Alliance;
- Mr. Rich Whate, Toronto Environmental Alliance;
- Mr. Tony Di Giovanni, Lanscape Ontario;
- Councillor Denzil Minnan-Wong; and
- Councillor Frances Nunziata.

Councillor Prue in the Chair.

On motion by Councillor Mihevc, the Board of Health advised City Council, for its meeting on July

24, 2001, of having endorsed, in principle, the regulation of cosmetic pesticides in the City of Toronto and recommended that:

- (1) the Medical Officer of Health, pending affirmation by the City Solicitor on the legality of introducing a by-law to restrict cosmetic pesticide use in the City of Toronto, be requested to prepare a public discussion document and seek broad input on the nature and scope of a potential pesticides by-law;
- (2) the Board of Health and Toronto City Council establish a Reference Group of interested Board members, Councillors, representatives from Economic Development, Culture and Tourism and Works and Emergency Services Departments, to engage in public consultation and to provide input to the Pesticides Sub-committee of the Toronto Interdepartmental Environment Committee (TIE); **(amended by Councillor Prue for Councillor Denzil Minnan-Wong)**
- (3) the Commissioner of Urban Development Services be requested to report on the possible inclusion of cosmetic pesticide use within the Official Plan;
- (4) the Medical Officer of Health be requested to submit an interim report to the Board no later than the November 26, 2001 Board of Health meeting;
- (5) City Council authorize the Pesticides Sub-committee of the Toronto Interdepartmental Environment Committee (TIE) to:
 - (a) determine public attitudes towards greater restriction on the non-essential outdoor use of chemical pesticides on private property;
 - (b) continue to identify alternatives to the outdoor use of chemical pesticides;

- (c) continue to consult with organic and traditional lawn care companies regarding chemical pesticide phase out options;
 - (d) develop a strategy, in consultation with the City Solicitor, to phase out non-essential outdoor uses of pesticides on private property, including the proposed enactment of a by-law, and an expanded education and outreach campaign targeted at pest control companies and the general public;
 - (e) submit the recommended strategy to the Board of Health and other appropriate standing committees for consideration;
- (6) Economic Development and Parks Committee be requested to explore opportunities to work with Organic Landscape Alliance to educate small businesses on pesticides-free lawn care techniques; and **(moved by Councillor Bussin)**
- (7) appropriate City Officials be authorized and directed to take the necessary action and give effect thereto.

Councillor Mihevc resumed the Chair.

On motion by Councillor Pitfield, the Board of Health further advised Council of having requested:

- A. the Medical Officer of Health to report back to the Board of Health on:
 - (i) in consultation with the City Solicitor, how the City could ban the sale of pesticide products in retail stores and on any other legal authority to effect the same;
 - (ii) what the Toronto Catholic District School Board, French Public and French Separate

- School Boards are doing with respect to pesticide uses on their properties;
- (iii) how the City could pursue some form of organic treatment as used by private organic companies;
 - (iv) the number of smog alert days in 2001 during the grass-cutting season and its impact on work schedules;
 - (v) the use of wildflowers and sea-grasses on boulevards as alternatives to pesticide uses; and
- B. the Medical Officer of Health to write to the Provincial Minister of the Environment for more information in light of the recent Supreme Court of Canada's ruling with respect to the Town of Hudson, Quebec.

On motion by Councillor Mihevc, the Board conveyed its congratulations to the Town of Hudson, Quebec and to the intervenors on the success of the Supreme Court of Canada case that upheld the municipality's authority to legislate restrictions on the use of cosmetic pesticides within its boundaries.

(Medical Officer of Health; Mayor Stephen Shaar, Town of Hudson, Quebec; c. Ms. Jane Speakman, Legal Services; Interested Persons – July 17, 2001)

7.7 Report from the Chair, Board of Health Nominating Sub-Committee to Select Local Health Committees.

The Board of Health received a verbal report from Dr. Rosana Pellizzari on the selection process for membership to the local health committees and upcoming information sessions, with invitations extended to Board members and Councillors, to encourage participation.

On motion by Mr. Zaslofsky, the Board of Health received the verbal report from Dr. Rosana Pellizzari.

**7.8 Role of Neighbourhood Residents
in Animal Control Cases.**

The Board of Health had before it a communication (July 12, 2001) from Councillor Olivia Chow regarding the Role of Neighbourhood Residents in Animal Control Cases.

On motion by Councillor Bussin, the Board of Health advised City Council of having concurred with the recommendations in the communication (July 12, 2001) from Councillor Chow subject to amending Recommendation No. (1) by adding the words “for advice” after the word “residents”, so that such recommendation now reads as follows:

“1. consult with affected residents for advice on what steps are necessary for the more effective control of the dog;”

and further, that the City Solicitor be requested to report directly to Council, for its meeting on July 24, 2001, on the recommendations embodied therein.

(City Solicitor; c. Medical Officer of Health; Councillor Olivia Chow; Ms. Jane Speakman, Legal Services – July 17, 2001)

(Clause No. 4, Report No. 5)

7.9 Declarations on Clean Air.

The Board of Health had before it a communication (July 5, 2001) from the Acting City Clerk, forwarding for information and advising that Council on June 26, 27 and 28, 2001 adopted the following motion by Councillor Layton, as amended, the operative paragraph of which reads:

“NOW THEREFORE BE IT RESOLVED THAT Council endorse the Toronto 2001 Inter-governmental Declaration on Clean Air signed by the Deputy Mayor on June 11, 2001;

AND BE IT FURTHER RESOLVED THAT the City of Toronto endorse the attached Toronto Declaration and the Communiqué to the United Nations Conference of Parties 7th Meeting on October 29 to November 9, 2001, signed in Toronto on June 20, 2001;

AND BE IT FURTHER RESOLVED THAT a copy of this Motion also be forwarded to the Board of Health and the Federation of Canadian Municipalities.”

On motion by Mr. MacKay, the Board of Health received the foregoing communication for information.

7.10 Raves.

The Board of Health was advised by the Chair of a request received from Councillor David Soknacki requesting an update on the usefulness of the safety protocol with respect to raves.

Councillors Nunziata and Chow addressed the Board.

On motion by Councillor Jones, the Board received the foregoing for information.

7.11 Board of Health/Toronto Public Health Senior Management Retreat Day.

The Chair advised of a retreat day to be planned in September, 2001 for Board of Health members and Toronto Public Health senior management.

The Board of Health adjourned at 4:35 p.m.

Chair