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**Official Report
of Debates
(Hansard)**

Friday 29 April 2005

**Journal
des débats
(Hansard)**

Vendredi 29 avril 2005

**Standing committee on
finance and economic affairs**

**Tobacco Control Statute Law
Amendment Act, 2005**

**Comité permanent des finances
et des affaires économiques**

**Loi de 2005 modifiant des lois
en ce qui a trait
à la réglementation
de l'usage du tabac**

Chair: Pat Hoy
Clerk: Trevor Day

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Friday 29 April 2005

Vendredi 29 avril 2005

The committee met at 0900 at the Special Event Centre, Tillsonburg.

**TOBACCO CONTROL STATUTE LAW
AMENDMENT ACT, 2005**

**LOI DE 2005 MODIFIANT DES LOIS
EN CE QUI A TRAIT
À LA RÉGLEMENTATION
DE L'USAGE DU TABAC**

Consideration of Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts / Projet de loi 164, Loi visant à modifier le titre et la teneur de la Loi de 1994 sur la réglementation de l'usage du tabac, à abroger la Loi limitant l'usage du tabac dans les lieux de travail et à apporter des modifications complémentaires à d'autres lois.

The Chair (Mr. Pat Hoy): The standing committee on finance and economic affairs will now come to order. The committee is pleased to be in Tillsonburg this morning.

Mr. Ernie Hardeman (Oxford): On a point of order, Mr. Chair: On behalf of the citizens of Oxford county and the great riding of Oxford—as I said to you as we came in, it's one of the best two ridings in Ontario, and to all the members of the committee, I would just point out that you can debate among yourselves whose the second riding might be—it is a pleasure to welcome the standing committee on finance and economic affairs to Oxford county to have a day of hearings on the smoke-free Ontario legislation.

I think it's particularly important that we have this hearing. Although the issue of smoking—

The Chair: You were bringing greetings.

Mr. Hardeman: I know. It's part of the greeting and I think it's important. I want to thank the committee and the government for coming here for this purpose, because in Oxford it isn't an issue of smoking; it is an issue of the impact that this bill would have on our community. I hope we will hear the positions of the different factions of our community as to what impact this will have—

The Chair: Thank you, Mr. Hardeman. That's not a point of order.

It's my understanding that the three parties agreed yesterday to allow the mayor of Tillsonburg to bring brief

greetings. If the mayor of Tillsonburg would come forward, please, and if you would just identify yourself for the purpose of Hansard, you could bring your greetings.

Mr. Stephen Molnar: Thank you very much, Mr. Chairman. My name is Stephen Molnar. It's my pleasure and honour to be the mayor of the corporation of the town of Tillsonburg. Welcome, members.

On behalf of the municipal council and the nearly 15,000 residents of the town of Tillsonburg, it's a pleasure to welcome this distinguished standing committee on finance and economic affairs to our community this morning. It was with great anticipation that our community became aware that the provincial government was stepping out into rural Ontario to conduct public hearings on Bill 164. It was, however, of deep concern that this municipality's original request, as supported by a resolution of our council, was not initially extended the privilege of representation. However, my concerns have been tempered somewhat with the offer to bring greetings to you all this morning. I thank you for this indulgence and I would like to recognize the efforts of the honourable members Mr. John Wilkinson and Toby Barrett for their support and encouragement.

My welcome here is sincere and my comments will be brief.

I'd like to recognize the panel represented here today as the finance and economic affairs committee. This direction is not lost on the constituents, whom I am most honoured to represent. While as a municipality we do recognize and support initiatives that focus on the aspect of smoking as a significant health risk, we also appreciate and rely significantly on the economic benefits from the products of a legal agricultural product.

Isn't it ironic that the building we are meeting in today, the Tillsonburg Special Event Centre, was until recently a thriving warehouse operation for the Ontario Flue-Cured Tobacco Growers' Marketing Board? What was once a reliable source of required tax assessment revenue and a source of family income for over 130 workers has been purchased by the community to protect the social and cultural opportunities that this once proud industry had helped to provide for.

Tillsonburg, a small rural community, once noted in song because of the influences of a proud, legal and productive industry, has been severely impacted as the result of an imbalance in the measures taken to achieve

an agreed-on common good. An anti-smoking policy and productive legislation should be encouraged, and our community supports this initiative. However, when the anti-smoking strategy publicly became an anti-tobacco strategy, the lives and well-being of generations of proud Ontarians have been compromised.

I will defer on some of the comments with respect to the committee and they will be presented in text at a later time, Mr. Chairman; that is with respect to the opportunity that you, along with your committee, have provided me this morning.

My comments would conclude in support for Mr. McGuinty's concerns regarding federal transfer deficits to Ontario. I'd like to suggest that we as a community join you in his and your efforts in supporting this initiative. In closing, I offer you this support, while reviewing texts from a recent speech from our distinguished Premier:

"Ontarians are proud Canadians—proud to be the country's economic engine, proud to be its heart, proud to contribute to our fellow Canadians' well-being.... We're asking for fairness," to keep more of Ontarians' money here in Ontario. "We want to strengthen our province so we can continue to serve our country."

0910

I thank you again, and I'll leave you with this message: Residents of Tillsonburg are proud Ontarians. We're proud to be part of the province's social and economic engine. We're proud to contribute to our fellow Ontarians' well-being. We're asking for fairness, to keep more of Tillsonburg's resources here in Tillsonburg. We want to strengthen our community so we can continue to serve our province. We demand nothing more; we expect nothing less.

To the members, to your supporting staff and to the attending public, I once again welcome you to the town of Tillsonburg. I wish you well in your deliberations today, and I extend an offer to return any time to the open and friendly environment of the town of Tillsonburg, a place to build your future.

Thank you very much, Mr. Chairman. Good luck.

The Chair: Thank you, Mayor.

Interruption.

The Chair: Order, please. I want to make an announcement. I'm advised that there's coffee in the back corner of the room. As well, the committee will accept written submissions up until 5 o'clock today, as agreed upon by the subcommittee.

EXPOSÉ SMOKE-FREE YOUTH PROJECT

The Chair: Now I call on the Exposé Smoke-Free Youth Project to come forward please. Good morning. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I would ask you to identify yourself for the purposes of our recording Hansard. You may begin.

Mr. Trevor Haché: Good morning to everyone. My name is Trevor Haché. I address you today on behalf of

Ottawa's Exposé Smoke-Free Youth Project. Exposé is run in 51 Ottawa-area high schools, and it encourages students to examine the facts, express their thoughts and expose the truth about tobacco. I'm also a former resident of Norfolk county, which is just east of Tillsonburg, in what is commonly referred to as tobacco-growing country.

Before I tell you more about Norfolk, first some more information about Exposé. Exposé youth are committed to tobacco control so that their friends, classmates and siblings do not become addicted to tobacco industry products. In the schools and on its Web site, Exposé works to dispel tobacco company-promoted myths. The following information, which is taken directly from Exposé's Web site, discusses how tobacco advertising works in Canada. It quotes the tobacco industry's own documents, which state that marketing cigarettes to young people is essential to the long-term viability of the industry. I'm quoting now from the Exposé Web site:

"For many years, the major tobacco companies have pledged their unequivocal opposition to youth smoking, and their commitment to reducing it.

"However, their private comments ... illustrate how deceitful these pledges have always been. Despite the tobacco industry's 'public' position on youth smoking, the reality paints a different picture. The vast majority of all regular smokers begin before age 18. Very few people try their first cigarette outside of childhood. In other words, if large numbers of kids did not try smoking, become regular users, and turn into addicted adult smokers, the big cigarette companies would eventually not have enough adult customers to make staying in business worthwhile. The real truth is cigarette companies are addicted to underage smoking."

The following are some direct quotes from internal tobacco industry documents that have been released through litigation:

"New smokers are critical to continued growth in the market." This is from R.J. Reynolds in 1989.

ITL, which is an acronym for Imperial Tobacco Limited: "ITL has always focused its efforts on new smokers believing that early perceptions tend to stay with them throughout their lives. ITL clearly dominates the young adult market today and stands to prosper as these smokers age and as it maintains its highly favourable youthful preference." That's from Imperial Tobacco in 1989.

"Marketing activities have historically been and continue to be targeted at young smokers due to their greater propensity to change brands." That's from Imperial Tobacco in 1995.

I'm closing the quotes now on the text from Exposé's Web site.

Besides exposing the truth about big tobacco on its Web site, Exposé has been working to support Bill 164. Just yesterday in Toronto, Exposé youth delivered 24,000 signed postcards to Health Minister George Smitherman. The postcards are addressed to Premier Dalton McGuinty. They urge the Premier to ban smoking in work-

places and public places in Ontario, and they also urge the government to ban power walls.

Tobacco industry power walls advertise tobacco products to kids in more than 8,400 convenience stores across Ontario. In a letter addressed to Ontario's standing committee on finance and economic affairs—the committee I'm in front of today—dated April 28, 2005, the Exposé students state, "We want you to ban power walls. We want them out of sight so that cigarettes are out of minds. If there are no power walls, there is no temptation to buy cigarettes. This will help ex-smokers stay smoke-free."

The students question the logic behind allowing the world's most deadly consumer product, the cigarette, to be sold alongside candy bars and bubble gum, in plain sight. They recognize that power walls are the most important advertising medium available to the tobacco industry in Canada today.

While governments across Canada have promised to stop tobacco advertising that impacts on kids, the Ontario government seems poised to back down in the face of lobbying pressure. The government has indicated that it will only ban retail countertop displays but could continue to allow power walls, which are the other major form of tobacco advertising at point of sale. Because of that, the Exposé students are questioning the government's commitment to public health, especially in light of the fact that both Saskatchewan and Manitoba have successfully banned power walls.

The students of Exposé believe power walls should be replaced by health messages. Exposé urges the government to use some of its mass media funding dedicated to tobacco control to pay for advertising space on the cabinets that cigarettes would be hidden inside. Instead of a power wall of deadly products, customers who visit convenience stores could see health messages instead. Surely this presents an opportunity for the government to hit its target audience, smokers and young people, with advertising that warns them about the risks associated with tobacco use. Government-funded tobacco control advertisements in convenience stores may be something convenience store owners themselves would be agreeable to.

Even if the government chooses not to pay convenience store owners for health messaging ads placed where power walls traditionally have been, it's important to note that there are dozens of other companies selling products that would likely want to have access to those prime store locations. Those companies would likely pay a premium dollar for that location, just as tobacco companies paid \$88 million in 2003.

Also, over the short term, it is highly unlikely that cigarette sales will decrease at all in retail outlets. As many years pass and Canadian children grow up being exposed to less and less tobacco industry advertising, it is hoped fewer young people will take up smoking. But in the short term, I think it's fair to suggest that sales of cigarettes will remain at their current levels, allowing other companies that sell less harmful products the

opportunity to bid on the space that tobacco companies have, up until now, held a virtual monopoly on.

As I mentioned earlier, Exposé youth fully support the government's plan to ban smoking in the province. I would also thank the government for this initiative. I urge you to enact the smoking ban as soon as possible.

Between 2001 and 2003, when I lived in Norfolk county and worked as a newspaper reporter, I witnessed firsthand the negative consequences of allowing municipalities to regulate where people can and cannot smoke. As you will hear from other presenters today, Norfolk county has a long history of growing tobacco, but what you might not hear from the other presenters is that Norfolk also has a majority of people who support smoke-free legislation.

In the summer of 2002, the Haldimand-Norfolk health unit received funding to conduct the Smoke-Free Living Project from the Ministry of Health and Long-Term Care. There were three phases to the project, the first of which was a telephone survey of adults age 19 and over. The survey found that even in tobacco country, seven out of 10 survey respondents from Norfolk said the community should enact bylaws to restrict smoking to protect non-smokers and children. In fact, the survey found a strong majority of residents in Norfolk support 100% smoke-free public places. Survey respondents also stated that they would likely continue to patronize, and in many cases increase their patronage of, public places that had smoke-free areas.

0920

My message to committee members today is this: I urge you to not—I repeat—not be misled by anyone here today if they tell you that area residents are uniformly against smoke-free legislation. As the survey I just told you about indicates, the majority of people here are very much in support of smoke-free spaces in a way that mirrors opinion on this issue across the province.

The Chair: This round of questioning will go the official opposition.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): Thank you, Trevor, for testifying. I appreciate the research that you've done. Many of us know you from your work with the Simcoe Informer. Actually, Simcoe is a bigger tobacco town than Tillsonburg, not as big as Ohsweken, though. You're right; in fact the Toronto papers had articles yesterday about this government breaking promises. I'm not sure what kinds of promises were made to Garfield Mahood, for example, as quoted in the paper. But we do know the Liberal election campaign promise document: "The Liberals promise to ban behind-the-counter retail displays of tobacco products." You call them power walls; it's the back wall display. We do know, as you've indicated, that this legislation bans countertop displays and it proposes to make the size of the back wall smaller, but it doesn't propose to abandon it, as you have indicated.

Over the last four days of hearings we've heard information from all sides. In some information that came forward, the federal government I think had spent about

\$1 million on their research to get the anti-smoking message on packs. Half the pack is a no-smoking message. It was designed that way so that people could read it six feet away, on the back wall. This came forward from the federal government, anti-tobacco groups like yours and the health community. Now we have a recommendation from some of the same groups to put all of that material underneath the counter; there's something like 30,000 points of information. Again, did you see any disconnect here, where the government spends \$1 million getting those big messages so people can see them from the counter, and now they won't be able to see them? Any comments on that?

Mr. Haché: At the time, I'm sure the government put the warnings on the pack, probably for a variety of reasons. I'm not sure that the main reason they put the warnings on the pack was so that people could see them from behind the counter. Much of the importance of those warnings is that when people have cigarette packs and carry them around, every time they pull them out of their pocket, they see the warning. It's much more important from that perspective than from being able to see them from behind the counter. You said that I referred to the power walls as power walls. In fact, the tobacco industry refers to power walls. They actually coined the phrase "power wall" because they understand just how important that wall of products is to their marketing strategies.

Mr. Barrett: We know that, for example, up to 60% of convenience store sales are cigarettes. I don't know whether you've been talking to corner stores, convenience stores, tobacconists or cigar stores, for example. This came from testimony; there's a problem. With respect to cigar stores, children don't go into cigar stores; you can't buy gum or pop in there. There's a problem if you ban all display of tobacco and ban countertop displays in a cigar store; that's the only thing they sell. That store would be as empty as this tobacco warehouse is now. There would be nothing in there for the adult smoking customer that comes in. This legislation would ban countertop displays, and if you did have a ban on wall displays, the tobacconist, the cigar stores, would have the ability to display zero of their product. You'd be walking into an empty room. You would see nothing. In your work with the industry, do you see an amendment coming forward to give them an exemption? They don't sell to kids. They don't sell to non-smokers.

Mr. Haché: I don't know whether there's an amendment planned to deal with cigar stores specifically. You say that kids don't go into them, but there's certainly no proof of that. I mean, that's an opinion as far as I'm concerned.

Mr. Barrett: We have that from testimony.

The Chair: Thank you for your presentation.

DELHI BELGIAN CLUB LTD.

The Chair: I call on the Delhi Belgian Club Ltd. to come forward.

Good morning. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I would ask you to identify yourself for the purposes of our recording Hansard.

Ms. Anne Vankerbroeck: Good morning, Mr. Chairman, honourable government officials and members of the committee, I am Anne Vankerbroeck, president of the Delhi Belgian Club Ltd.

We, the directors and management of the Delhi Belgian Club, are very disappointed with the proposed legislation by the Ontario government to ban smoking in all public places, including in bars and on patios. A government overrun by a non-smokers' group and their one-sided ideas are trying to bulldoze the smokers off the edge of the earth without being given one chance to be heard or voice an opinion. We personally think that the smokers, including tobacco farmers, have been silent too long and are now being threatened almost as criminals or displaced persons. All other groups who want special rights or privileges are listened to by government and are granted their wishes, no matter how silly they might be in some cases to other people, because the civil rights code gives them that right.

The other dilemma is that a smoking ban will put another downward pressure on the production of the legal crop of tobacco in this area. Don't people in government realize that tobacco is the main source of income in this area and the livelihood of all tobacco farmers, businesses and the working people? The pinch is already heavily felt today. When an industry closes somewhere in the country, it becomes a national news item, but it seems that we are just a forgotten few.

At our hall, anyone who rents the auditorium can go smoking or non-smoking. We fully support and respect the renters and their wishes. In the same respect, a majority of our clientele in the bar area are smokers, and we would also like to respect their wishes. The lounge is large enough that you can easily sit where there is no smoke. We have card groups that play cards weekly. If they cannot smoke, we may lose them to their own homes. In these times, especially in the Delhi area, it is becoming a challenge to keep our ethnic halls afloat. The banning of smoking would simply put another nail in the coffin.

I am proud to be here today and given a chance to express myself. I hope that my efforts were not totally in vain.

Interruption.

The Chair: Order, please. I remind the crowd that we operate under the same rules as the Legislative Assembly and clapping is not permitted.

On this round, we go to the NDP and Ms. Martel.

Ms. Shelley Martel (Nickel Belt): Thank you, Ms. Vankerbroeck, for being here today. I'm not sure what the Delhi Belgian Club is. Would you mind explaining to those of us who are not from the area so we understand?

Ms. Vankerbroeck: We're the biggest Belgian hall in North America. We have a large auditorium. We host weddings, seminars and banquets. We also have a lounge

area in the basement. We have a games room where we have an archery club, a rhythm club, a euchre club and a dart club that all participate in the hall. We rent it out on a weekly basis to some dancers. We will rent the hall to any function that wants to come.

Ms. Martel: Thank you for clarifying that for me. I'm looking down at the bottom of the first page of the presentation, where you point out that there is "downward pressure on the production of the legal crop of tobacco in this area ... the pinch is already felt heavily today." Can you tell me why that is? Do you think it is because people are making a conscious decision either to not start smoking or to quit smoking, and that is a trend that we are seeing that has been reflected in this area?

0930

Ms. Vankerbroeck: Yes, I think they've made a conscious effort not to smoke. That's a democratic right and we all support that. One of my personal concerns is—now, this may be getting away from banning smoking, but if we ban smoking and if the tobacco industry is completely gone and we bring in tobacco from other countries, they're not regulated like we are in Ontario and we'll be bringing in tobacco products where we have no idea what chemicals have been put on. That's maybe not quite your answer.

Ms. Martel: We have heard that concern expressed before by other presenters in the other hearings. I think that's a legitimate concern that the committee needs to take account of, and I appreciate that you raised it again today.

When I spoke on this bill some time ago, a good part of my debate had to do with the commitment the government had made with respect to tobacco farmers when they introduced their whole strategy. At that time, the government had not made any announcement with respect to the \$50 million that it had pledged to the tobacco industry. I said very clearly at that time that it was going to require \$50 million and more, frankly, to do something different with this industry. You're quite right; where we're heading is that the move is going to be out of tobacco and we need to be figuring out, in light of that reality, how we're going to support farm families.

The government had also at the time of the commitment said they would bring the federal government on board and work together, both with a strategy and money. I don't know that there's been an announcement of any federal money and I'm not sure what, if any, efforts are going on by the provincial government to bring the feds on board. I do think it's going to require a lot more money than the \$50 million, and I gather the \$50 million has been announced.

I don't know if you have any sense of what's happened since that announcement, if any of the folks in this room who are part of the agricultural community have seen any of that money and have any idea how it's going to be dispersed, spent or allocated to them. Do you have any sense of that?

Ms. Vankerbroeck: Yes. Actually, we also grow tobacco. Right now, we are into a redux. We had to have

our bids in yesterday, today or tomorrow, and there is funding by the federal government. It's a reverse auction and it's being topped up a bit by the provincial government. But I think that when this is all said and done—I can't put a figure on it, but it's way not enough money to get the farmers out who need to get out. Another big problem is it's supposed to be transition money, but if we flood the market with another product or crop that is also being grown now, it's going to eradicate that product because it will just flood the market, and this is a big problem. You don't want to put your neighbours out of business because you're doing an alternative crop, but you've got to keep afloat too.

Ms. Martel: The alternative crop has to bring in enough income for you to make it worthwhile to grow it in the first place. Some of the farmers who spoke to me during the debate on this bill said they had tried alternative crops and it ended up costing them more than they were actually getting in return.

The second thing that happened was those who had a contract with some bigger corporations that sell the product—and I won't start to name names—suddenly found that those contracts this year had been cancelled because they're bringing in cheaper imports, essentially from the United States. So this is not an easy problem to deal with. It's going to take a very concerted effort and a concerted strategy between the federal and the provincial governments to figure out what to do.

I don't want to ask your own personal circumstance, but you're obviously looking at it. In terms of what's on the table right now, what does this do for you? I don't need to know any numbers, but—

Ms. Vankerbroeck: No, we are putting a bid in. We likely won't get out with it. I'm guessing there will be some that will be lower because they have to get out; the bankers are forcing them to get out. But it's a real consideration. My husband's 65; I'm 55. It's time we're looking at getting out.

We were forced a few years ago to put heat exchangers in, which cost mega-bucks. We did recoup some money on that, but many farmers, when they put their heat exchangers in, decided, "OK, it looks good in the industry. We'll go with a harvester. We'll go with the bins," which was another expense, and now the industry is declining and we're left with this huge debt, which initiated with having to put the heat exchangers in.

Ms. Martel: Thank you very much.

The Chair: Thank you for your presentation.

MIDDLESEX-LONDON HEALTH UNIT

The Chair: I'd call on the Middlesex-London Health Unit to come forward, please. Good morning. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I'd ask you to identify yourself for the purposes of our recording Hansard.

Dr. Graham Pollett: Thank you, Mr. Chair and members of the committee. My name is Graham Pollett. I'm

the medical officer of health with the Middlesex-London Health Unit. We thank you for the opportunity to speak to you this morning.

A few weeks ago, I had the wonderful pleasure of being a judge for a contest where school kids made hip-hop videos. Now, I'm not a hip-hop kind of guy, but this particular hip-hop song really struck a chord with me. It was an especially commissioned one-minute-long piece of music to encourage people, and in this case kids, to quit smoking or to not start at all. We watched more than 25 videos that day and I left the screening feeling quite uplifted. If all of these kids buy into the "quit smoking" message, then the work of this standing committee would be greatly reduced because we wouldn't have a smoking issue, and that's a good thing.

At the gala screening of the videos at a London cinema, as we presented certificates to the kids, I asked them if they realized that people used to be allowed to smoke in movie theatres. A ripple of laughter went through the room. At the same time, many of their parents quietly nodded their heads, remembering the not-so-distant past when people did smoke in movie theatres, in bank line-ups, on the job and on buses. Now, these same kids will never have to ask to sit in the no-smoking section of a restaurant in London or Middlesex county and they can go to a concert at the John Labatt Centre or a party at the Western Fair and they won't be subjected to second-hand smoke. Smoking will not be in their face, as the kids like to say. I'm proud to say that the Middlesex-London Health Unit has played a lead role in making that happen.

Londoners and citizens of Middlesex county love our no-smoking bylaws. Since enactment on July 1, 2003, in London and on August 1, 2003, in the county, we've had the pleasure of living in a 100% smoke-free environment in all public and workplaces. The county has seen a 100% compliance rate, including at bingo parlours in the county, which became 100% smoke-free in August of last year. The city of London has experience a 90% compliance rate. We've been vigilant in enforcing the bylaw and people appreciate that effort. We've even had citizens ask us if we can make restaurant patios smoke-free so that they can enjoy dining outside.

Just following the July 1, 2003, enactment of the bylaw, over 90% of city of London residents supported smoke-free workplaces. The majority of residents were strongly supportive—that is, 82.7%—and an additional 9.5% were somewhat supportive of smoke-free workplaces. This is according to our health index of last year.

According to this same survey, London residents now appear to be making the link between wanting their own workplaces smoke-free and understanding that many public places are also someone else's workplace. This is evidenced by the corresponding increase in support for public places such as bars, bingo and billiard halls, as well as bowling alleys, all of which are workplaces for many residents.

The county of Middlesex residents were a bit more sceptical of the new bylaw before it was introduced.

After all, tobacco is a cash crop in Middlesex county. But following the bylaw, 85% of Middlesex county residents supported smoke-free workplaces. County residents also now seem to be making the link between wanting to work in a smoke-free workplace and understanding that many public places are also someone else's workplace. The county has experienced a 100% compliance rate with the new bylaw.

These rates of compliance didn't come easily. We faced extremely strong opposition during the development phase, in particular from the hospitality industry. We even saw the formation of a new lobbying group established solely for the purpose of fighting the bylaws. Our public meetings were interesting to some, entertaining to others and challenging to everyone involved.

0940

The strongest argument against the bylaw was that people would go out of business. Studies show that the hospitality industry suffers no long-term effects from the implementation of no-smoking bylaws. Today, the bars along London's party strip, known as Richmond Row, are thriving, with lineups of people waiting to get inside. Less than 10% of bars and restaurants in the city have closed since the bylaw was enacted, and the industry acknowledges this is a typical number of closures to be expected in any year. The Western Fair racetrack and slots are packed and smoke-free. Other health units, such as Hamilton and Huron county, have come to us for help and used our bylaw as a template in their communities.

We fully support Bill 164, because it's even more comprehensive than our bylaw. We especially endorse the description of patios as an outside area with no roof. That makes it very clear. Our bylaw indicates that patios must have 35% of the enclosure open, and this has led to disputes regarding retractable canvas roofs and other issues. It's preferable, in our opinion, to clearly define what a patio is and state that it must not have a roof.

We don't support designated smoking rooms, and our bylaws don't permit them. We support a level playing field, and DSRs do not lead to a level playing field. What happens with DSRs is that owners with sufficient money or space, or both, can create one, while those without money or space have difficulty.

For us, the solution is clear: Keep the smoke outside. With DSRs, there is still a level of smoke in the rest of the operation, and Health Canada says there is no safe level of second-hand smoke.

We, in London and Middlesex county, experience a greater level of health and enjoyment living in a no-smoking jurisdiction. We strongly encourage the passage of Bill 164, to give all citizens of Ontario the same opportunity for good health.

The Chair: This round of questioning will go to the government.

Mr. John Wilkinson (Perth–Middlesex): Thanks, Graham. It's good to see you here today. As the member for Perth–Middlesex, I was obviously involved in hearing from constituents when we were going through the whole issue of going smoke-free in the county. I remember talking to the warden about it.

I have the honour of representing the people in Komoka-Kilworth, and there's a great restaurant there, the Little Beaver. Everybody goes there. It used to permit smoking, and they were very, very concerned that their business would die off when the county went smoke-free. I think their business is booming. It's better today than it's ever been.

I know that people have come and told us that there will be dislocation, but as a business person, the sense that it would be right across Ontario, so that there is no economic advantage either way—we have these areas where different counties or different communities are abutting, where it's permitted or not, and I think a lot of municipalities have come to us and said that it's far better, since we're the people who collect the taxes on tobacco, that there be one set of rules right across the province.

I was wondering, though, if you could comment on the whole concept of prevention. I know that our government is key in a lot of areas in regard to public health, and this part of an overall strategy to try to promote and cajole people into being healthier, since we all pay the cost of unhealthy lifestyles, because we live in this great country where we have public health care. So I was wondering, in your role as the medical officer of health, if you could comment about whether we're going down the right track, whether there are some places where we need to be even more aggressive, and any type of evidence you have that this is the right path for us to take. Because there are people who are telling us that we shouldn't be doing this.

Dr. Pollett: This is a very important component of the whole prevention piece: legislation and what the legislation requires in terms of what we refer to as environmental supports. No smoking in public places and workplaces complements all the education-related activities that are done with children, especially students, and also with adults in terms of continuing not to smoke if they're not smoking or perhaps assisting them to quit if they are. So they complement one another, but the legislation is a very key part of the overall prevention strategy to address the illnesses and deaths caused by tobacco.

Mr. Wilkinson: We hear a lot of comments about the need, in regard to children, to de-normalize smoking so that children are not given the false impression that smoking is a normal thing and therefore healthy. Adults all know that it is not healthy, and we have to make our choices.

It was interesting to hear from the people involved with public health, and also the lung association and the cancer society, what we need to do to get the message across that it's not normal. Could you comment on de-normalization and how important that is with children?

Dr. Pollett: It's absolutely critical that children understand not only that this isn't a cool thing to do, but what the consequences are. That's a very difficult message to get across to kids, particularly adolescents, who, as we all know, think they're going to live forever at that age. Consequently, it's extremely difficult. Legislation of this

nature is so important in that context, and that's why we strongly support the passage of Bill 164.

The Chair: Thank you for your presentation.

ADAM PAYLER

The Chair: I call on Adam Payler to come forward, please. Good morning. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I would ask you to identify yourself for the purposes of Hansard.

Mr. Adam Payler: My name is Adam Payler. First of all, I would like to thank the members of the legislative committee for giving me this great opportunity to express my views and the opinion of many other youth on the issue of the Tobacco Control Statute Law Amendment Act.

This is a great experience for me personally, and an excellent chance to illuminate the genuine and valid outlook of youth on a matter in which they are the primary concern. Youth indeed are the future, and becoming connected with the general feelings and opinions of them will certainly lead to a more flourishing and socially prosperous future.

In my opinion, there is only one thing worse to a non-smoker than coming home from a great evening out to find your clothes smell terrible due to the fact that they are saturated with the revolting stench of smoke, and that is knowing that this same smoke is slowly eroding your health, through your lungs and heart and ultimately your life. Second-hand smoke increases your risks greatly for developing cancer—especially lung cancer—heart disease, stroke and other respiratory illnesses. This is not something new. In fact, the International Agency for Research on Cancer, the US Surgeon General, Health Canada and the Ontario Medical Association have all affirmed that second-hand smoke is a serious cause of disease, and stating otherwise would only promote the views of the tobacco industry.

On a more personal note, I am a 15-year-old student in grade 9 who attends St. Joseph Catholic high school in St. Thomas. I am very much involved in my school community, participating actively on many of our sports teams. To me, the issue of the ban on smoking in all public places is very clear: It is simply a right-and-wrong issue, with no in-between. From the education I have received in our school system on the harmful consequences of smoking, not only for those who actually smoke but for those who are in the vicinity, I am able to say that I am in strong support of this legislation.

I'm all for a democratic and just society, where the vision and ideas of the majority of individuals are taken into consideration. This hearing is a prime example, but in actuality I feel that when the Ontario Medical Association reports a public health risk, there is no need to waste money conducting this hearing. After surveying and talking to many of the youth in my community, I have come to the conclusion they share similar beliefs, and I have brought to you today a petition of support for Bill 164.

To say that tobacco and smoking affects youth is a severe understatement. Today, in the minds of most youth, smoking is no longer considered to be cool. However, teens continue to smoke, and in the United States alone, an estimated 6,000 teens light up for the first time and 3,000 become regular smokers every day. Such horrific numbers make you only want to agree more with this bill, as it will help discourage teens from experimenting with smoking, and with smoking in general.

Banning smoking in public places makes it more difficult for the smoker's habit, forcing the parents of these teens to be better role models for their adolescents. If both parents smoke, a teenager is more than twice as likely to smoke than a young person whose parents are both non-smokers. In households where only one parent smokes, young people are also more likely to start smoking. Furthermore, approximately nine out of 10 adult smokers began smoking as teenagers, unable to stop, continuing right through to adulthood.

0950

I, for one, have strong values, opinions and great willpower and I feel that my priorities are arranged properly. Many adolescents in our society are in a very different situation. Youth generally start to smoke these days to deal with peer pressure, stress and as a way to cope with other cravings. In addition, many start because they see family members doing it, which gives a prime example of our need for a bill which discourages not only smoking in public places but in general. Out of those who begin smoking as teens, one third will eventually die from smoke-related causes.

Finally, a crucial factor on teens to smoke is the influence of tobacco advertising. That is why this bill is so important to the youth in this province. Bill 164 proposes to eliminate the countertop displays, which will take away the message they are sending to us youth that this, as a form of advertising, is legitimate and normal. I challenge both the government and the minister to take the extra steps to ban power walls completely.

In conclusion, the passing of Bill 164 will ensure that my generation and the generations to come will not have to suffer from the harmful effects of second-hand smoke. Thank you.

The Chair: This round of questioning goes to the official opposition.

Mr. Hardeman: Thank you very much, Adam, for a very well researched and from-the-heart type of presentation. I think it's very important that adolescents, as you mentioned, make presentations to committees like this.

I was a little concerned with the comment that, because the medical community has a very strong opinion on this bill as a positive attribute for our society, the hearings are not required. I think, when government makes decisions, they need to base them on the whole community, not just one sector, and they have to weigh the positives and negatives and all the things they hear. I think it's very important that we do have these hearings.

Incidentally, I don't smoke. I did once. Maybe I quit because I wanted to be a good example to my children.

What was interesting was that they didn't smoke as adolescents, but three out of the four started smoking when they became adults. Two of those have quit again. Do you really feel that your peer group is in fact dramatically influenced by their parents and their adult associates as to whether they do or do not smoke?

Second, do you believe that not being able to smoke inside establishments will decrease the number of young people who take up the habit?

Mr. Payler: First of all seeing your parents smoking, and walking into a convenience store and seeing walls full of tobacco products, only make us feel like it is the norm. You grow to think that smoking is regular for everyone. You get the feeling that smoking is OK.

Yes, I think that parents do influence. If you see your parents smoking, you start smoking. It's more common, I feel, than looking at my friends and other peers at school. I think that the bill banning smoking in public places will decrease the number of smokers.

Mr. Barrett: Thank you, Adam. It's great that you came out to testify. You talked about being in your home, and clothes smelling of tobacco smoke. You talked about second-hand smoke, and you're calling for banning smoking in public places. You also mentioned that parents who smoke in the home would perhaps cause teenagers to smoke as well.

The one dilemma that has come up in these hearings is that if you do ban smoking in public places, then those people will be smoking in their homes. There will be more people smoking at home, where their children are. Your concern about second-hand smoke—there would be more exposure to children in the home from second-hand smoke. They would be seeing their parents at home, smoking, whereas they probably wouldn't be seeing their parents smoking if they were in a bar, a pub, a restaurant or a Legion or somewhere. So there's that other side of the story.

Health Canada does suggest that children who see their parents smoke are twice as likely to become smokers, so you're right there. But this legislation would cause a change in the behaviour of smokers.

There's also a concern that many homes do not have the ventilation systems that you would get in a designated smoking room in a restaurant. Any comments on that?

Mr. Payler: I think, first of all, that this ban is only the start of what we need to do. We need to address the whole situation of smoking and keep up the negative advertising: Tell of its effects and let youth know. This is only the first step that I feel we should take.

Mr. Barrett: You also mentioned that you feel there's no need to waste money to conduct these hearings that have been going on. This is only the fourth day but unfortunately it's the last day. Apart from what you say, 225 organizations applied to testify, as you are doing. They do want to come forward.

In fact, you came forward for the hearings. You say it's a waste of money, and that's fine. It may well be, depending on what the government does with this legislation. But there are 137 people like yourself who are not

allowed to testify. They feel it is important and they do want to come forward. We live in a democracy, and people do like to have their say.

The Chair: Thank you for the presentation.

Mr. Wilkinson: On a point of order, Mr. Chair: Just to be clear, I think you'd mentioned before that people have the right to have written submissions to this committee. What was the deadline again, Mr. Chair?

The Chair: Today at 5 o'clock.

Mr. Barrett: On a point of order, Mr. Chair: I agree with Mr. Wilkinson. Those people who have been told they cannot testify can put something in writing. There are petitions at the back of the room for people to sign as well if they are concerned about—

The Chair: That's not a point of order.

I would call on the Royal Canadian Legion, Branch 164, to come forward, please. Committee to Save Charity Bingo, would you come forward, please.

KATRINA RICHTER
LLOYD FISCHER

Lloyd Fischer and Katrina Richter.

Good morning. You have 10 minutes for your presentation. There may be up to 5 minutes of questioning following that. I would ask you to state your names for the purposes of our recording Hansard.

Ms. Katrina Richter: First of all, I'd just like to say good morning, members of provincial Parliament, honorary guests and media. Thank you all for taking the time to be here this morning.

Mr. Lloyd Fischer: We're here to speak to you about Bill 164, a smoke-free Ontario. I'm Lloyd Fischer.

Ms. Richter: I'm Katrina Richter. Both Lloyd and myself are students at Sir Wilfrid Laurier Secondary School in London, Ontario, where just recently smoking in public places was banned.

Mr. Fischer: At Laurier, we have taken many steps toward a smoke-free school. We ran a health fair for the grade 9 students showing them the effects of smoking on physical activity, health and psychological performance at school.

Ms. Richter: We have been fining students for smoking on school property, and we have just finished our anti-smoking video contest. The video contest was open to anyone in our school wishing to voice their opinions on anti-smoking. It went incredibly well.

Mr. Fischer: We are both active members of the healthy school committee at our school.

Ms. Richter: The committee is great, and this year we chose to focus specifically on smoking. That's pretty coincidental. Lloyd and I are both really passionate about this effort and have been trying our hardest to make it work in our communities.

Mr. Fischer: Katrina and myself have just returned from an anti-smoking conference in St. George, Ontario. We gathered with youth between the ages of 15 and 17 years of age for a weekend and, surprisingly, we all had the same views.

Ms. Richter: All of us came from different areas of Ontario. We had very different backgrounds, but surprisingly, we all had the same views. We found common ground in one thing: We were all against tobacco.

Mr. Fischer: Most of the kids were non-smokers, but we did have some insiders' advice from a few ex-smokers and a couple of smokers trying to quit.

Ms. Richter: I personally learned so much from this weekend. We learned about the way tobacco companies advertise, movie portrayals, health effects, and its impact on youth.

Mr. Fischer: We both had a great time learning about it and really thought that it was a great cause. We couldn't wait to get started, now that we have the power to help influence your choice today.

Ms. Richter: Lloyd and I are both members of the YTC, the Youth Tobacco Coalition.

Mr. Fischer: The YTC consists of select kids from the conference who are interested in continuing on with the effort to rectify this large and growing problem.

In a single cigarette, there are over 4,000 chemicals. Fifty of these are carcinogens.

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Ms. Richter: Although neither of us are smokers, according to Statistics Canada, one of us will die from a cause directly associated with smoking. We are victims of second-hand smoke.

Mr. Fischer: In restaurants across Ontario, there is a smoking and a non-smoking section. However, this really does nothing. The people seated in the non-smoking sections are at just as high a risk. The vents in the building circulate the air, even the air full of smoke.

Ms. Richter: Why should we have to suffer just because someone else has chosen to smoke? Why should we be subjected to it as well?

Mr. Fischer: We shouldn't have to, and if we pass this bill, we won't have to.

Everyone knows about the health risks associated with smoking and what second-hand smoke is. Our whole lives people have been telling us that smoking is bad for us. So why haven't we listened?

Ms. Richter: Maybe it isn't the fact that we haven't listened. Maybe it's the fact we're no longer hearing them.

When we were little, we'd walk into a variety store and, after what seemed like hours of debate, we'd finally pick out the candy we wanted and bring it up to the cashier. The cashier happens to be located right in front of where power walls are displayed.

Mr. Fischer: When we were younger, the power wall was just a beautiful mirage of colours. Now we know the colours are associated with brand names such as Player's and du Maurier. We have slowly been desensitized to smoking and its effects. No longer are we shocked to see a smoker walking down the street. It's just an everyday occurrence.

Ms. Richter: Desensitization is a growing problem. Popeye's candy sticks are no longer thought of as candy but as fake cigarettes for kids. There are also other

candies, such as Chicago's, made to look like cigarettes, and the packages are meant to look like cigarette packs.

Mr. Fischer: In movies, famous, beautiful movie stars are turning to cigarettes to help portray emotions. The stars people look up to are telling kids that if you are angry, it's OK to blow smoke in people's faces.

Ms. Richter: That is where the whole advertising problem started: on television. Tobacco companies advertise in teen magazines, commercials and on Web sites where the target audience is, well, teens.

Mr. Fischer: We are the group targeted by the tobacco industries, and we're still easily influenced by our peers and feel like we need to fit in.

Ms. Richter: It is easier to hook someone who is easily influenced by their peers than someone who is outgoing and doesn't care what other people think of them.

Mr. Fischer: If you can hook a 12-year-old into becoming a chain smoker for life or a 30-year-old into becoming a chain smoker for life, what do you think they'll choose? Most likely the 12-year-old. After all, the 12-year-old will live longer, and this way the company receives a lifelong customer: more profit.

Ms. Richter: Let's face it, tobacco companies don't really care about your well-being. Just like every other company in this world, they're worried about their profit, and that's it, even if they have to ruin millions of lives in the meantime.

Mr. Fischer: Some 123 Canadians die every day from smoking-related causes. To rectify this problem, it's easy as 1-2-3.

Step 1: Reduce deaths by getting municipal, provincial and federal support. It is crucial that we get support from each level of government to successfully carry out and accomplish our goals.

Ms. Richter: Step 2: The support of the community, media and local agencies is another vital component in ensuring a brighter tomorrow. Remember, we are the future.

Mr. Fischer: Step 3: A general understanding and respect for non-smokers to ensure a healthy, happy Ontario. Teens do have strong opinions when it comes to issues, including smoking, but we're never asked about them, and when we are, we're not taken seriously or we're ignored.

Ms. Richter: So where do we go from here? You guys all know there's an issue, yet you choose to ignore it. We won't. We're not the ones making the decision—that's your job—but we're the ones affected by it. So when you get the ballot to cast your vote, make the right decision and vote for a smoke-free Ontario.

The Chair: Thank you. This round of questioning will go to the NDP.

Ms. Martel: Thank you, Lloyd and Katrina, for coming here today and for making the presentation. I appreciated it very much.

You might have minimized your efforts here today in terms of saying we make the decision at the end of the day, but I can tell you that of all of the presentations that

we've had in terms of all of the public hearings, it's been very important to hear the perspective of youth. You are quite right: You are the ones who are the most affected and the ones who, if hooked, will be in for the long term in terms of health problems.

I wonder if you can just tell me on a personal level how you got involved in anti-smoking initiatives. Was it a personal reason? Was it something at home? If you can just respond to that.

Mr. Fischer: In my case, my family—everybody in my house, actually—smokes. I've had relatives pass away because of lung cancer and things like that. So it was kind of important to me.

Ms. Richter: I got involved with the healthy school committee this year, and we chose to focus on smoking. I got really interested in the issue. My grandparents are both smokers, and they both have physical dependencies on nicotine. If they were to come off of nicotine, it would harm them more than if they were to stay on it.

Ms. Martel: Because they've been smoking for so long now.

Ms. Richter: Yes.

Ms. Martel: Do they have health problems now?

Ms. Richter: Yes. My grandmother is in and out of the hospital a lot with respiratory illness.

Ms. Martel: When you talk about your coalition at school, the healthy school committee, how was the decision arrived at to focus on smoking this year as an initiative?

Mr. Fischer: We sat down and just decided what kinds of issues were really important that we needed to face. Actually, this year, the topic of tobacco was a collective agreement. We cast ballots, and on every one of the ballots, I believe, the members on the committee voted to do tobacco issues this year.

Ms. Martel: In terms of the initiatives that you talked to us about that have been undertaken by the committee, what's been the reaction by students? Are a lot of people on board? Is it the majority? Do they understand the issue? Do they understand the health consequences? What's the reaction?

Ms. Richter: I think everyone's always known the issues and the effects of smoking, but no one has really paid attention to it because it has always been pounded into our heads since we were little. We've been desensitized to it, as we said. Because of the fines at our school, we've seen a decrease in smoking on school property; we can't say about off school property, but on school property there's been a dramatic decrease.

Ms. Martel: You talked about fines. Is it your committee that does that?

Ms. Richter: No, the health board from London. It's illegal to smoke on school property now, so—

Mr. Fischer: The smoking enforcement officer—

Ms. Richter: —will come.

Ms. Martel: They're out regularly to the school?

Ms. Richter: Yes, they check in weekly—all the time, coming in and out. They don't say, "OK, every Monday

we're going to be here," because that would tell them not to smoke here on Mondays.

Ms. Martel: They'd be forewarned.

You talked about the power wall. We've been interested in the perspective of young people, because there certainly is a difference between a young person's perspective of a power wall and someone like mine. I've got to tell you honestly, I'll go into a convenience store and I don't even think about it; I don't even see it. So when you talk to your friends and when you think about it yourselves, how come it's far more attractive to you and how come I'm not picking that up? What's wrong with me?

Ms. Richter: I don't think it's that you're not picking it up and we are. We've been desensitized to it. When we were little, we associated the bright colours of the packages with pretty colours behind the wall. But now we've learned that they're associated with brands, and we don't even pay attention to the fact that they're bad for us any more. We still think of them as if we were little kids. We still think of them as bright colours. When kids see them, it doesn't register that they're bad; they just see something that's nice. They don't register that it's something that could harm them.

Ms. Martel: When you're in a convenience store on a weekly basis, that's what you're seeing at the counter?

Ms. Richter: That's what younger kids are seeing, and subconsciously we think it still stays with you.

The Chair: Thank you for your presentation.

COMMITTEE TO SAVE CHARITY BINGO

The Chair: I call on the Committee to Save Charity Bingo. Please come forward. Good morning. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I would ask you to identify yourselves for the purposes of Hansard.

Mr. Andy Norwich: My name is Andy Norwich. I'm the vice-chair of the Committee to Save Charity Bingo.

Ms. Eileen Dunsmuir: I'm Eileen Dunsmuir. I'm a member of the Charity Bingo Association.

Mr. Norwich: I hope you'll excuse me; I brought my own clock, not that I question your timekeeper. It's just that we have limited time, and I want to make sure I get all the facts in.

The Committee to Save Charity Bingo was formed in March of last year to represent charity bingos around the province, of which there are 4,000, to give them representation to the Legislature. This, what we feel is oppressive legislation, will destroy charity bingo.

I have a question, please, if I may, since it's my 10 minutes: How many of you have actually ever been into a bingo hall that has a designated smoking room? Have many of you ever spoken to bingo players, smoking and non-smoking alike? Do they come to your office versus you going to a bingo hall? OK, thank you.

1010

I'll just now ask you to grab a pencil, a pen, a piece of paper. I'd like you to copy down some items for me. The

first item, \$100 million; the second item is 4,000; 100,000; three million plus; one million plus; 50%; casinos; \$125,000; and zero.

The \$100 million is the amount of funds that I've raised directly for charities and non-profit groups in Ontario. That relates to approximately one half billion dollars of services to the residents of Ontario, many of which used to be funded by government at one level or another but no longer, so we supplement as bingo charities.

The 4,000 is the number of charities that are remaining in bingo. That is down from 7,200 eight years ago.

The 100,000 is the number of volunteers that bingo has across Ontario doing bingos and raising these necessary funds.

Three million plus is the number of Ontario residents who are helped directly or indirectly by bingo funds.

One million plus is the number of voters who will be affected by this legislation if it is passed without amendments to allow for designated smoking rooms.

Fifty per cent is the number of bingo halls that will close within one to two years of the passage of this legislation.

Casinos: I am amazed at the lack of attendance or any point of view at these hearings. If you're not aware why, please allow me to let you know. Duncan Brown, the CEO of the OLGC, and the OLGC have demanded that the casinos stay out of this legislation. They are to have no comment. This has been verified to me by various high-level management at the casinos around. So the government, through the OLGC, is directly affecting the results of this legislation.

One hundred and twenty-five thousand is a dollar amount. Not too many months ago, the Liberals gave the Variety Village bingo hall in Toronto \$125,000 to keep operating. I find it a little condescending and personally insulting that you are giving money to one group, knowing very well that this legislation will destroy what you are trying to help.

Zero is what I fully expect the support will be for members of this government and opposing parties should they vote for this legislation.

The government has already put down a large number of obstacles for bingo in previous legislation for slots. Eight to 10 years ago was the beginning of the demise of bingo, when the slot machines went to the racetracks. All we want in the bingo industry is a level playing field. We have a proposal to the government to put slots in bingo halls. That is not socially responsible, is what we're being told. Social responsibility is in the eye of the beholder. When you start affecting 3.5 million people, give or take, how socially responsible is this legislation? I have to wonder. These are disadvantaged groups—youth groups; the lung association; the heart association; burn associations; churches; cultural groups; skating clubs, which I personally represent; the Big Brothers Big Sisters, another bingo that I personally represent—that are badly in need of funding.

This legislation, without an amendment to help bingo halls, in a smoke-free environment, will only do one

thing: affect the groups in Ontario, and then they will be coming back to the provincial government asking for funding. Where are you going to get the money from? So many promises have already been broken that it's impossible for you to fund 4,000 charities, as I said, to the tune of \$100 million. That \$100 million is half a billion dollars in services. The private sector, such as the charities, can make a dollar stretch six times further than can government offices.

With the little time that's left, if Eileen would like to say something, I would appreciate that.

Ms. Dunsmuir: I'd just like to add that I've been involved in not-for-profit agencies and health care institutions for the last 10 years and been involved in managing bingo events. This money has been a huge benefit to our organization. Currently we spend over \$50,000 a year from bingo on research for diabetes. We operate our branch, which serves people from the Niagara Peninsula through Hamilton to Brant county.

This whole issue to me is about allowing people to have a choice. Keeping smokers contained in a designated smoking room, where they're not affecting people who choose not to be there—it just seems to make sense to allow the charities to continue.

Mr. Norwich: Just one more thing: The \$125,000 you gave to Variety Village—six weeks from now, the Women's Centre of Hamilton is giving up their bingos. The revenue that they're receiving with the number of bingos they're doing has declined to a point where it is almost costing them money to do bingo. So please keep your thoughts, when you want to hand out money, on the women's group of Hamilton. I'm quite sure that they would appreciate your thoughts.

Ms. Dunsmuir: The designated smoking rooms do contain the smoke. If anyone's been in a bingo hall lately, which apparently you haven't, you'll know that the smokers are contained; the non-smokers have all the common areas. There's very little effect from smoking on the people who choose not to. So it's a choice issue.

The Chair: This round of questioning will go to the government.

Mr. Peter Fonseca (Mississauga East): Thank you, Eileen and Andy, for your presentation. I can say that I have met with a number of the bingos and many bingo patrons to discuss Bill 164.

Bill 164 is about—and I know you've mentioned many groups through the province—protecting 12 million Ontarians from the harmful effects of second-hand smoke in the workplace, be it the bingo hall or any other enclosed workplace or public place. Through that, we want to protect employees, volunteers, patrons and everybody who would enter any establishment from the harmful effects of second-hand smoke.

This is something that we campaigned on, something that we are committed to. We're committed to building a healthy Ontario. The costs of not doing that, outside of the dollar costs of \$1.7 billion in direct health care costs or \$2.6 billion in lost productivity due to tobacco—we could talk about the costs of life. We're losing 16,000

Ontarians to this product every year, and we're losing around 3,000 people to the harmful effects of second-hand smoke. So we're committed to building this healthy Ontario, and this is a giant step toward that.

I have met with all stakeholders, and what we want to do around the province, in terms of the hospitality sector, in terms of venues like your own, is bring a fairness, a level playing field to the entire province.

I got a chance to be down in the Tecumseh-Windsor area. I know that Tecumseh went 100% smoke-free. Their bingo also went smoke-free. Did they lose some of their numbers? Yes, they did lose some of their numbers. They're still going down there, and I got a chance to meet with them. What they ask of me is, "Make sure that you make this a level playing field and bring forward a smoke-free Ontario for the entire province, because we've lost patrons to an imaginary border, really, where people would cross over from Tecumseh into Windsor and go frequent the bingo"—

Mr. Norwich: Sir—

Mr. Fonseca: If I could just finish—"the bingo in Windsor."

Mr. Norwich: I'm just wondering if there is a question.

Mr. Fonseca: The question is, are you for fairness and making sure that there is a level playing field for all in Ontario?

Mr. Norwich: Your legislation does not allow for a level playing field. The casinos, the slot machines—the biggest draw from bingo has been the slot machines; nothing else. When the casinos go non-smoking, do you think for one minute that you're going to maintain the same revenue at a government level? Absolutely not. You are going to lose money as well. The addiction that the government has talked about, to revenue—Mr. Sorbara had best go into rehab, because he's going to start losing money for your budget.

1020

Mr. Fonseca: But we'll start saving lives.

Mr. Norwich: Drinking kills too. Is the next step that you're going to stop drinking?

Interruption.

The Chair: Order.

Mr. Fonseca: What the evidence does show is that using tobacco as it's meant to be used kills. We know that that does not happen with other products. Tobacco kills one out of every two users.

Mr. Norwich: Is it your job to tell me what to do? It is a mature choice. People choose to do it, the same as they choose to drink. If they wish to play bingo and socialize in a smoking atmosphere, I don't see—non-smokers are perfectly safe outside of the designated smoking rooms. They have that right. Your legislation does not address the bingo players, of which 70% are smokers. It does not address their pleasures.

Ms. Dunsmuir: I just wanted to mention also, about your idea to keep employees and volunteers safe: They're always given a choice. No one is ever forced to be in the smoking section. It's not a qualifier.

Mr. Fonseca: I'll just let you know that we've heard from various employees that they feel they would be in some way penalized if they did not participate.

Ms. Dunsmuir: Not in our situation. I'm actually a lifelong non-smoker, and I absolutely agree with you that smoking does kill, but you can't tell adults how to save their own lives. Look around. People do dangerous things all the time, and it's not up to the government to save us.

Mr. Norwich: What you are doing today is going to take a generation. Every logical person realizes that. My generation is a lost cause. You may get a few successes. My kids are still open. The 11- and 12-year-olds and down are the ones you should be going after. It is a mature adult decision to go into that smoking room—\$1.7 billion? I agree. This is not an issue of smoking, yes or no; it's an issue of bingo players having the choice.

The Chair: Thank you for your presentation.

Mr. Barrett: On a point of order, Chair: People may be wondering; there's some confusion. At 10 o'clock this morning Reg McGrath, service officer of Branch 164, Royal Canadian Legion, was scheduled to speak. He's home. We just phoned him. He tried to phone the committee yesterday. He's unable to come. I didn't ask him if an alternate could fill in, but he's my dad's cousin. It's family.

My father was the last one to see his brother before he was killed in the Second World War, and the branch in Kinmount is named after his brother. Reg McGrath would have liked to be here. He speaks on behalf of Haldimand county, which was smoke-free, and they defeated the mayor on that issue.

However, with the co-operation of the other parties, I don't know whether or not you did ask for a Legion to testify today.

The Chair: Do you have a point of order, though?

Mr. Barrett: Thank you, Chair. I feel I can speak for my comrade, Reg McGrath, and request that Carl Cowden, Royal Canadian Legion Branch 153, Tillsonburg, fill his spot. I would ask for unanimous consent for some flexibility. We may be bending the rules, but the people have fought for the right for all of us to have a say.

The Chair: As a point of clarification to the committee, Mr. Barrett is asking for unanimous consent for Carl Cowden of Royal Canadian Legion, Branch 153, to take that spot. This particular Legion was on the alternate list, so I give that to the committee for consideration.

All in favour? Agreed.

ROYAL CANADIAN LEGION, BRANCH 153

The Chair: We would ask, therefore, Carl Cowden to come forward, please. Good morning. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I would ask you to identify yourself for the purposes of our recording Hansard.

Mr. Carl Cowden: Thank you, Mr. Chairman, for making this exception. My name is Carl Cowden; it's

Cowden from Belfast. I'm here today representing the Royal Canadian Legion, Branch 153, in Tillsonburg.

We've read all the papers and everything about the information regarding the drive by government at all levels advocating the control of tobacco use in our society. We agree that tobacco consumption does not improve your health. We've heard that many times today. We also agree that governments and interest groups have taken licence on a motherhood issue and have stretched the depiction of the effects of this practice, smoking, out of proportion in many cases. We are not interested, in this submission, in the tactics used by governments and interest groups as they pertain to the general public. We've heard them all; I heard a couple here today. That will be the subject of another day.

We in the Royal Canadian Legion are private clubs. That's what we do. We are governed by the command structure of the Legion, the constitution, the bylaws, and are under the direction of our chain of command. We are a private club. We also have many government regulations that we have to follow regarding the sale of alcohol and a myriad of other things—fire prevention and all that—which makes perfect sense.

Attendance in the Royal Canadian Legion is limited to members and guests. All guests must be signed in by a Legion member. There are some exceptions, where the public is invited to attend some special event. These events are dealt with on an as-needed basis.

Private clubs are the responsibility of the members. The rules of conduct and the financial matters and legal responsibilities are the purview of the members. Despite all of these responsibilities, many private clubs and Legion branches have chosen the no-smoking way to go. The decision was, and is, their decision to make. The government, the municipality and the interest groups should not have anything to say about what we do unless we break the law.

The basis of our presentation is to bring to someone's attention the arrogance of bureaucrats and interest groups who will automatically assume that they have a God-given right to push, pull and employ punitive, punishing tactics in order to achieve their objective. This form of discipline is not what was in the mind of veterans who contributed to the freedom of this country as they were offering their lives for all our sakes.

Thank you.

The Chair: This round of questioning will go to the official opposition.

Mr. Hardeman: Thank you very much, Carl, for the presentation. I think it's very important, this being the time of year when we're celebrating the 60th anniversary of the ending of the Second World War. I know that a lot of our local members are in Europe at the present time to take part in that celebration.

I think you make a very good submission as to the private club issue, and the fact that when we go into the Legion, I can't get in unless you're willing to sign me in. So it's not a public environment in that sense. It's like a home away from home for our veterans.

You mentioned in your presentation that the only time it would be a place open to the public would be when you have functions in the common area, in the hall upstairs at the Legion. Is it your contention that that is where the smoking restrictions, if we're going to have them in the province, should apply, in that part, or should that also be considered as part of your home away from home?

1030

Mr. Cowden: It's my home away from home. As an example, on Friday nights here we have a Friday night supper. Usually 150 to 200 people show up. We govern the smoking ourselves. Very few people smoke. It's going down and down. It went from 48% 25 years ago to 20% now. We are handling it. But what gets me is that somebody who has nothing to do with us tells us what to do and how to do it.

Mr. Hardeman: I very much appreciate that and I support the issue of—in the Legion itself, in the rooms downstairs. I guess the concern would be then, if you had an amendment to change and exempt the building, how would that be different when I rent it for a wedding, as opposed to renting this special events building?

Mr. Cowden: I don't know. We'd have to judge it as it happens. You can't make regulations for everything. You can for a lot, and they do. I hear lemon meringue pie is out in picnics now.

Mr. Hardeman: Thank you very much for your presentation. I also support your cause for the Royal Canadian Legion.

The Chair: Mr. Barrett has indicated he has a question. We have two minutes.

Mr. Barrett: Thank you, Chair, and Comrade Cowden. I'm a member of the Hugh Allan branch in Port Dover. We have heard testimony each day from the Royal Canadian Legion. There are 500,000 legionnaires across the province, I understand. Yesterday, Legion Branch 210 in Toronto—the legionnaire described how during the Second World War he saw soldiers die with a cigarette in their mouth. They got free cigarettes from the government at that time. Now, for your health, maybe you, sir, are going to have to tell veterans in your Legion to take that cigarette or that cigar out of their mouth. We heard testimony yesterday that that is felt to be disrespectful of veterans. Again, how do you go up to someone who fought in a war, whether it's the Second World War, Korea—or peacekeepers—Vietnam, Iraq, and tell them to take that out? Testimony yesterday essentially indicated—he was pleading, he was proud to fight for his country but he's not proud to tell some poor devil he can't have a cigarette. I just use that quote.

Do you have any further comments, sir?

Mr. Cowden: The only thing that we're interested in is interference, if you will, in an organization that runs itself. What are we going to do now, tell the Knights of Columbus that they can't smoke? Smoking has gone down and down and down, and we will handle it in our own way. I also blame some of the branches in the Legion for docilely accepting municipal rules that said "public places." They didn't make good presentations. To

me, it's a matter of principle, and if they do this I'll fight it till I die.

The Chair: Thank you for your presentation this morning, sir. The time has expired.

Mr. Barrett: On a point of order, Mr. Chair: Further to the testimony we've just heard, I would hope that the government would put forward an amendment to exempt Legions—army, navy, air force—

The Chair: Amendments will be dealt with at the appropriate time. Thank you.

Mr. Barrett: On a point of order, Mr. Chair: When is the appropriate time?

The Chair: Amendments will be put by all parties, I believe, on May 3.

ONTARIO FRUIT AND VEGETABLE GROWERS' ASSOCIATION

The Chair: I now call on the Ontario Fruit and Vegetable Growers' Association to come forward. Good morning. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I would ask you to identify yourselves for the purpose of Hansard.

Mr. Harold Schooley: Thank you, Mr. Chairman, ladies and gentlemen. My name is Harold Schooley. I'm the research chair of the Ontario Fruit and Vegetable Growers' Association. This organization represents the interests of 8,000 Ontario horticultural crop producers; I'm talking about edible horticultural crops.

I am an apple producer located just north of the town of Simcoe, where I have operated for the last 30 years. The operation I manage has been in my family producing fruit, and at one time vegetables, since 1906.

I have with me Mr. Denton Hoffman, who is the general manager of the Ontario Ginseng Growers Association and the general manager of the Ontario Asparagus Growers' Marketing Board. Seated back in the audience are a couple of scientists from the University of Guelph, Dr Adam Dale and Dr Alan McKeown, who have assisted me in putting this presentation together.

Bill 164 for a smoke-free Ontario has the potential to have a huge economic impact throughout the province, on health care costs in a positive way, but on the hospitality industry, rural communities and the future of the tobacco industry in a largely negative way. In this presentation, I wish to concentrate on a long-term positive impact the bill could have on the agricultural industry and the rural communities in the Erie basin tobacco belt.

The economy of Ontario, especially that of Norfolk, Brant and Elgin counties, is significantly impacted by the tobacco industry. This once vibrant industry, with 4,500 growers managing 210,000 acres of land producing over 100,000 acres of tobacco, now consists of some 750 to 800 growers producing just 35,000 acres of tobacco on 70,000 acres of land. A further decline is expected. The present acreage contributes over \$150 million to the local economy, which, if lost, would have a significant nega-

tive impact on that economy. But the decline to this level has caused untold hardship on producers, local businesses and on rural communities in general.

As this acreage declined, several government programs were set up to assist in the orderly transition into other crops; I've listed three here, which I won't read. But transition has not been easy. Tobacco farms are not large, and simply replacing tobacco production with corn and soybean production is not a viable option. Tobacco growers exiting the industry seek ways to replace income of at least \$1,000 per acre to remain viable on the land holdings they have. Crops that can provide this income are high-value horticultural crops. However, the acreage of many of these crops is small, and existing growers are presently filling consumer demand. A move by tobacco growers into these crops can cause significant supply imbalances across the whole province, not just in this area. This creates hardship for new and existing growers alike. There are several examples where this has happened already.

However, a horticulture industry that includes former tobacco growers does have a bright future. There are several things to consider.

(1) The Erie basin tobacco belt has the potential to be the largest, most important, most diverse and most innovative fruit and vegetable growing area in Canada. Tobacco growers can take credit for building up the soil of what was once considered almost a desert. Today these soils are some of the most productive in the country. We are blessed with a climate that allows production of a large variety of fruits, vegetables and herbs. Where else in Canada do they grow sweet potatoes and peanuts alongside tobacco—all southern crops?

Farms here have access to abundant water for irrigation and have irrigation equipment, greenhouses, drying barns and the local businesses selling and servicing this equipment. Farmers in this region have labour bunkhouses and experience in managing the large labour crews required for most horticultural and specialty crops.

1040

(2) We have the ability to grow right here, using Canadian rules and regulations around such issues as food safety, worker welfare, pest control products and environmental stewardship, produce that could replace imports from countries where we have no such control. Furthermore, export opportunities abound, as we are a day's drive from half the population of North America and can readily deliver to markets ranging from Chicago to Toronto to New York City.

(3) Premier Dalton McGuinty has spoken about the 800-pound gorilla on his back called health care costs. What is now called diabetes is the fastest-growing health concern for Canadians. Increasing the consumption of fruits and vegetables has been proven to alleviate health problems ranging from diabetes to heart disease to cancer. Health-conscious eating has come into vogue, but it needs to become the norm. You have all heard the catchphrase, "You are what you eat." It's now more appropriate to say, "Horticulture is health."

(4) Our ethnically diverse, more health-conscious population has created opportunities for horticultural crop producers. The market for value-added and niche-market horticultural products is growing. This is expanding the demand for value-added products of fresh and processed horticultural crops, for specialty crops like herbs and essential oils and for non-traditional crops that supply expanding ethnic communities. It has also created a demand for fresh market season extension, for storage and packaging technologies and for value-added technologies.

(5) Some of the value adding happens here, but much of it goes outside the region. Denton brought to my attention this case in point: The world's largest production of ginseng is centred right here in the tobacco belt, but raw product is shipped to Saskatoon for processing and on to I think Calgary or Edmonton for packaging, in the package he's showing you, to produce the new, clinically studied—10 years of clinical studies—cold remedy on the shelf called Cold-fX. I've brought another example I picked up at the McDonald's in Simcoe this morning: apple slices. These are Empire apples grown in Norfolk county that are sliced in Burlington and put into McDonald's stores across the country. Value adding is happening outside the area. There is room for industries here that we have not even considered. Recently, a processor in Saskatchewan requested a supplier for 200,000 tons of dried rosemary annually. Rosemary oil extracted from this is used as an antibacterial agent. A recent request came from Europe for two container loads of oil from Styrian pumpkin seeds. There is no production here for either of these crops.

Last year, Norfolk county commissioned a report called Norfolk at the Crossroads: Directions for a Prosperous Future in Norfolk County, prepared by TACT, the Team Advising on the Crisis in Tobacco. If members of the finance committee are not aware of the report, I am sure that staff in the office of the honourable member for Haldimand-Norfolk-Brant can see that you get copies. This report gave a balanced view of what would be needed to maintain the economy of the area. One recommendation from this report states:

"An agri-food innovation centre to be established in Norfolk will greatly enhance the capacity of the local industry to capture new and expanded markets for horticultural products. It would also provide opportunities to add value to farm products, thereby increasing local jobs and profits. The University of Guelph will play a leadership role to coordinate research efforts and transfer knowledge to producers, processors and others in the value chain. Several other partners will be integral to the success of this venture."

Earlier this year, Minister of Agriculture Steve Peters announced \$50,000 in funding to develop a business case for this agricultural innovation centre and, as I speak, a team of consultants is working toward that end.

The role of this agricultural innovation centre is to research and develop the technologies for new crops, value-added technologies for new and existing crops, and

to provide the marketing and promotion assistance for horticultural crop opportunities. It will also serve as a focus centre for the cluster of businesses and industries that might arise from such activities.

The University of Guelph operates a horticulture research station just outside Simcoe that concentrates on horticultural crops. Applied research carried out here has led to a number of successes, including significant industry expansion in strawberries, strawberry plant production—we have two of the largest suppliers of strawberry plants in Canada; of course, these plants go to Florida—raspberries, sweet potatoes, cabbage and cucumbers.

The Simcoe research station is an ideal location for the proposed agricultural innovation centre. It already has suitable facilities. It already houses agricultural research scientists, Ministry of Agriculture and Food crop extension specialists, and Ontario Ministry of Natural Resources and Canadian Food Inspection Agency personnel. Sadly, a number of research and extension offices sit empty at this time due to past budget cuts. Research greenhouses sit unused and laboratories are under-utilized.

The agricultural innovation centre, fully staffed with research and extension personnel, grower organizations, funding agencies and other associated entities, has the potential to rejuvenate and expand Erie basin horticulture for new entrants from the tobacco industry. This horticultural cluster would be a catalyst for horticultural diversification in the Erie basin and throughout the province. It would provide a nucleus of research and expertise, which in the long term would lead to the development of new crops, new technologies, new industries, and wealth and jobs for our rural communities.

Horticultural products are the mainstays of a healthy diet, and much research has highlighted this. The thrust of Bill 164 is to improve the health of Ontarians. The impact of this bill on the tobacco belt could be devastating. A vibrant, innovative horticulture industry can address both of these issues.

I would request that the finance committee consider providing adequate separate funding for an agricultural innovation centre.

Thank you for the opportunity.

The Chair: Thank you. This round of questioning will go to the NDP.

Ms. Martel: Thank you, Mr. Schooley, for the presentation before the committee today. I appreciate being given the information with respect to the innovation centre and where it is at this point, and I think the committee will follow up on that. Do you know, sir, if this were to go forward, does the ministry intend to fund it out of the \$50-million transition fund that the Minister of Agriculture has announced for farm communities?

Mr. Schooley: That I don't know. We're asking for extra funding to bring this forward.

Ms. Martel: Outside of that envelope.

Let me ask you this. We have a crisis on our hands now. It's not clear to me that \$50 million is going to do

the trick; I think it's not what is going to be required. You've put forward a proposal for the committee and, frankly, the community to consider, and I think it's a very worthy one. My concern is, is it enough and will it be in time? I'm not trying to put you on the spot, but as I said earlier, part of my focus when I spoke about this bill was on farm families, those involved in tobacco production, and the crisis they're facing now. The industry is clearly in decline, and that's going to continue with or without this bill, frankly. What are we doing, though, in a really concerted way, to deal with that head on?

Mr. Schooley: We heard the lady from the Belgian hall talk about not feeling good about getting into other crops and displacing their income or her neighbour's. This is already happening. How long does it take to start talking about horticulture products for health? We can increase the demand for horticultural products right away. We are in the best producing area in Canada to produce these things right here. We could have the most innovative fruit and vegetable area in Canada right here in the tobacco belt. There are lots of opportunities and there are lots of markets around us. Why don't we start talking about this?

1050

Ms. Martel: You've talked about the study being under way. Where are you at this point to be able to offer, for example, folks who are trying to exit the market now? They've come to the conclusion that they've got to go now. Hopefully, there'll be some money from the government, out of the \$50 million, to help them now. Are you in a position as an entity to offer them some assistance to move to something else?

Secondly, it's to move to something where they're not going to have a contract taken away from them two or three years down the road, when a major food chain decides they'd rather import something from somewhere else because it seems to be cheaper. That's the second concern I have.

Mr. Schooley: Well, I don't think we should stop producing here because imports are competing with us. I mean, we have to keep competing. We do need some help competing. We do need some help in research. There are crops we can move into at the present time that don't need immediate research, but if you start getting into innovative products or value-added products, then you do need research. That's the purpose of this innovation centre, I guess: to start looking at innovative measures to handle this. That takes research. You don't just jump into these things.

Ms. Martel: You've talked about some of the other programs that are supposed to assist people to transition to other crops. I wouldn't even pretend to know how successful they are or aren't. I don't know that answer; you might. If someone who is a tobacco farmer today has made the decision that they're going to get into something else, what systems are in place to help them do that and to make a choice to produce something else that's, first, going to meet their costs and, second, that's not going to put them into a position where they have a con-

tract and someone else decides, after they've already planted the crop, that they're going to cancel that contract because it's cheaper for them to import from somewhere else? What supports are in place for people to make those choices now?

Mr. Schooley: I guess you'd have to talk to a tobacco grower about that. That's not my area.

Ms. Martel: But can they go to you at this point? Really, this facility is not up and running. It's a very good idea; I'm not trying to undermine it. But we've got people in a position now that they're going to be making choices. Who do they go to see to say, "What is a viable choice for me to transition into?"

Mr. Schooley: The facility is up and running. It's the research station in Simcoe. It has scientists and extension people there. I'm saying we should add to it, because there's room for growth.

The Chair: Thank you for your presentation.

Mr. Hardeman: On a point of order, Mr. Chairman, just to advise me on the appropriate way to deal with this. This presentation makes a recommendation that the committee recommend separate funding for the research. I'm wondering about the approach, recognizing that this is the finance committee but that the requirement for spending would have to come through the Ministry of Agriculture. I wonder if it would be appropriate for this committee to put forward a resolution recommending to the Minister of Agriculture that this approach be taken, that we fund this research from here as opposed to waiting till the end of the hearing process. Of course we're dealing with the Smoke-Free Ontario Act rather than the agriculture part here. It seems to me that this presentation is suggesting some great solutions to the problems that the community has been saying will be created with this bill.

The Chair: Perhaps, Mr. Hardeman, you could verify your motion.

Mr. Hardeman: I would like to move that this committee endorse the recommendation that the Minister of Finance be requested to put forward separate funding to help with the development of the research station for more innovative approaches to the horticultural industry.

The Chair: Further debate?

Mrs. Carol Mitchell (Huron-Bruce): First, Chair, are you looking for a seconder for the motion?

The Chair: No, he's put the motion.

Mrs. Mitchell: And the motion was?

Mr. Hardeman: I haven't written it out, because I needed to know if it was appropriate to present the motion. The motion is to support the recommendation of the presenters that this committee supports notifying the Minister of Finance that we recommend that a separate program be put in place to expand the Simcoe research station to deal with the increased possibilities of the horticultural industry to help alleviate the problems of our tobacco industry in the coming months.

The Chair: As I understand it, you would have that written to the Minister of Agriculture?

Mr. Hardeman: Yes.

The Chair: Further comment?

Mrs. Mitchell: Just a question, if I could. The committee would be giving direction to the Minister of Agriculture and Food?

The Chair: It's a motion of suggestion.

Mr. Hardeman: Yes, recommending that he give that consideration.

The Chair: Mr. Barrett?

Mr. Barrett: Further to that, if we don't need a seconder, I second it anyway. Again, I remind all present, this is the finance committee. We do deal with issues like this: allocation of money, the upcoming budget; as a finance committee we deal with taxation. Further to that, there may be some confusion. I think I heard someone mention that \$50 million was allocated for transition—

The Chair: Speak to the motion, please.

Mr. Barrett: Further to this, in the call for additional funding, it's not \$50 million; it's \$15 million that goes into the community development fund, and \$35 million goes to tobacco farmers for transition into the future. Fifteen million has been allocated. The member indicated that that may not be enough, given the potential for Ontario's economy.

The Chair: I just want to say that in the interest of persons who are waiting to present, we can deal with this now, but we could also deal with the motion at the time-out, if it's the desire of the mover. Further debate?

Mrs. Mitchell: As I am the parliamentary assistant the Minister of Agriculture and Food, I will certainly take forward your report. I'll speak to the minister specifically on this, as well as the other reports that come up with regard to the transition of tobacco. All of this will be going forward to the Minister of Agriculture and Food.

The Chair: Ms. Martel, further debate?

Ms. Martel: I support Mr. Hardeman's motion.

The Chair: Are we ready for the vote? All in favour? Carried.

Thank you for your presentation.

Mr. Schooley: One comment, if I might: There's wisdom in the old adage that if you give a man a fish, you feed him for a day, and if you teach a man to fish, you feed him for a lifetime.

NOT TO KIDS! COALITION

The Chair: I call on the Not to Kids! Coalition to please come forward. Good morning. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I would ask you to identify yourself for the purposes of Hansard.

Ms. Lidija Halovanic: Good morning, Mr. Chair and honourable members. My name is Lidija Halovanic. I'm a tobacco enforcement officer and a public health promoter with the Perth district health unit. However, I am here today as a representative of the Not to Kids! Coalition.

The Not to Kids! Coalition commends the Legislative Assembly of Ontario in revising the Tobacco Control Act and strongly supports the passage of Bill 164.

The Not to Kids! Coalition is a partnership of 24 Ontario public health agencies working together to prevent youth access to tobacco products through education, enforcement, social marketing and the development of local partnerships. Not to Kids! Coalition believes that the reduction of youth access to tobacco products through both retail and social sources is a critical component of an overall youth tobacco control strategy. The premise of this strategy is that tobacco use can be decreased if commercial and social sources of tobacco are unavailable to youth.

When the Tobacco Control Act was passed a decade ago, it broke new ground in tobacco control. Social norms began to shift and the rates of tobacco use among 11- to 19-year-olds started to show a slight downward trend. However, according to the Canadian tobacco use monitoring survey data 2002, the smoking rate in Ontario was 18.8% for youth 15 to 19 years of age. The Ontario student drug use survey 2003 data indicated that 19.2% of students in Grade 7 to OAC used cigarettes. Therefore, there are approximately 200,000 adolescent smokers within the Not to Kids! communities. More alarming is that 32% of these young smokers will ultimately die prematurely because of their tobacco use. This is unacceptable.

Youth continue to become addicted to tobacco in large part because our society continues to tolerate tobacco use among youth. For Ontario to truly regain the lead in tobacco control and effectively reduce youth access to tobacco products use among youth, it is essential that the following provisions under Bill 164 be addressed: first, the need to protect youth from all point-of-sale advertising by prohibiting tobacco promotion at all points of purchase, with no exceptions, including retail displays such as power walls; the need to ban the marketing and sale of smokeless tobacco in Ontario; the need to ensure that the powers of prohibition be given to the medical officers of health of each public health unit.

1100

Point-of-sale advertising: The members of the Not to Kids! Coalition believe that in order for Bill 164 to be truly effective in preventing tobacco use among youth, there must be a complete ban, with no exceptions, on point-of-sale promotions, including behind-the-counter displays known as power walls.

A key component of any comprehensive tobacco control strategy includes denormalization of the industry and its products. Retail display bans help to denormalize tobacco use, because such bans remove tobacco products from one of the industry's most coveted advertising placements: point-of-sale displays that are in plain view of children and adults.

Although tobacco advertising and sponsorship have been banned since October 1, 2003, the tobacco industry spent over \$88 million for displays, power walls and other point-of-purchase incentives at the retailer level to market their deadly product. It is our duty as a community to protect our children from exposure to promotion, which in turn will reduce youth access to tobacco products.

There is overwhelming evidence that tobacco advertising and promotion, including point-of-sale displays such as power walls, increases overall tobacco consumption. Research on primary school students reporting at least weekly visits to grocery and convenience stores in California showed that such visits were associated with a 50% increase in the odds of ever smoking.

The tobacco industry is more interested in promoting its products to teens than to adults, as most adult smokers display brand loyalty. In addition, despite the addictiveness of tobacco, more than 60% of tobacco purchases are impulse buys, including occasional smokers, adolescent smokers and those trying to quit. By banning all tobacco displays, including power walls, youth will have less access to tobacco and a tendency to purchase tobacco through impulse buying.

A complete retail display ban, with no exceptions, will also assist in the enforcement of and compliance with tobacco-sales-to-minors legislation. In a review conducted by Joseph DiFranza, evidence suggested that sustained compliance has a direct impact on reducing the number of youth who smoke and that a ban on such advertising and promotion would help to decrease youth consumption of tobacco products.

Smokeless tobacco: The Not to Kids! Coalition believes that the sale and supply of smokeless tobacco should be addressed within the proposed legislative framework of Bill 164 such that the bill completely bans the sale and supply of this product. Smokeless tobacco, like cigarettes, contributes to morbidity and mortality in Ontario. More specifically, smokeless tobacco contributes to oral cancer and may exacerbate existing underlying illnesses associated with cardiovascular disease.

Evidence from Sweden indicates that smokeless tobacco is used as a substitute for smoking and smoking cessation. Therefore, as Bill 164 restricts the number of venues where individuals can smoke, it is reasonable to conclude that there may be an increase in the utilization of smokeless tobacco. The substitution of smokeless tobacco for tobacco cessation will impede the tobacco control efforts put forward by this government. Currently, less than 1% of Canadian adults use smokeless tobacco. However, anecdotal evidence from public health agencies across Ontario identifies an increased use of smokeless tobacco among young people in this province.

In addition, in 1999 an expert panel reviewing tobacco control in Ontario indicated that banning smokeless tobacco would mean an elimination of one of the gateways to nicotine addiction. As there is no significant market for smokeless tobacco in Ontario and as smokeless tobacco products are manufactured outside of Canada, there would be very limited negative economic impact from banning this product in Ontario.

The provincial government has the opportunity to build upon tobacco control efforts in Ontario and, more importantly, further reduce the morbidity and mortality related to tobacco use. It is for this reason the Not to Kids! Coalition urges the provincial government to com-

pletely ban the sale and supply of smokeless tobacco within the proposed legislative framework of Bill 164.

Prohibition orders from local medical officers of health: Currently, the Minister of Health and Long-Term Care issues prohibition orders. To make Bill 164 stronger and more effective, the Not to Kids! Coalition believes that the powers of prohibition should be given to the medical officer of health of local public health agencies.

The existing provisions related to prohibition under the Tobacco Control Act make prohibition orders a lengthy and difficult process. From past experience, retailers who were charged and convicted of selling tobacco to an underage youth simply transfer ownership or sell the premises to a family member or relative, often rendering the conviction under the Tobacco Control Act void, as it's not carried over to the new owner. To prevent these occurrences from happening, we are recommending the following:

- upon the second conviction, the medical officer of health of the local public health agency would be able to issue an immediate prohibition and seize any and all tobacco from the premises after expiry of the appeal process;

- shorten the duration of the appeal process to a period of no more than 30 days after the second conviction has been registered;

- increase the minimum length of prohibition periods.

We wish to thank you for your consideration of these proposed amendments to Bill 164. By incorporating these amendments into the bill, the Not to Kids! Coalition believes it will strengthen its impact in reducing youth access to tobacco products. Thank you.

The Chair: This round of questioning will go to the government.

Mr. Fonseca: Thank you so much, Lidija, for your presentation and for bringing up some of the various pieces of this legislation. It is legislation that was to be multi-pronged, and is multi-pronged, as we work toward a smoke-free Ontario and the denormalization.

Having worked in enforcement, maybe you can share with us some of your anecdotal stories around the practices you've seen in municipalities where different establishments have circumvented the law through loopholes that you would like to see closed.

Ms. Halovanic: As a tobacco enforcement officer, I personally have never had to issue a prohibition, although we'll wait and see how compliance and enforcement orders go this year. I think I may be very close to issuing a number of them. However, anecdotal experiences with fellow tobacco enforcement officers within the Not to Kids! Coalition—they have expressed concern that because of the length of time it takes to get a prohibition issued, there is the opportunity for the owner to transfer the ownership to a family member prior to the conviction being registered, and therefore the premise comes in with a clean slate, where the conviction is not registered with them.

Mr. Fonseca: And then they would continue to sell within that establishment?

Ms. Halovanic: That is correct. It's typically the establishments that are known to public health agencies and tobacco enforcement officers to be chronic and repeat offenders that tend to invoke this practice.

Mr. Fonseca: So this is a practice that you see ongoing right now.

Ms. Halovanic: This is a practice that has occurred in the past and is occurring presently, so we would like to see this loophole closed.

Mr. Fonseca: The minister knows, and we all know, that if the industry is not able to capture our youth and get them addicted to this very addictive, harmful product, they won't start smoking if they're past 20-some-odd years of age or 30 or 40. Very few people start to smoke in their 30s or 40s or 50s. Within this legislation, a number of pieces will help in that denormalization and enforcement in stopping youth from starting: "no person shall sell or supply tobacco to a person who appears to be less than 25 years" of age now.

1110

Another part in the legislation is that "no person shall employ or authorize anyone to promote tobacco or the sale of tobacco at any place of entertainment that the person owns" or operates. They're known as tobacco girls. We've seen this in different entertainment venues, where you'll have tobacco girls employed by big tobacco who will be promoting the product to—they're kind of past youth, so young adults. Inhibitions may be down at 11 or 12 midnight and they may be in a bar, and they would be promoting that product. Do you see that as a good piece to denormalize the product and stop somebody from starting to smoke?

Ms. Halovanic: Definitely. If we can eliminate those types of venues that are more of advertising to social behaviours, I think it would definitely help in that specific target audience, which is the post-secondary; they're colleges and universities. We commend the government for taking them into consideration.

Mr. Fonseca: Around the smokeless tobacco, I don't know if this product is still available, but when I was a kid there used to be chewing gum you could buy that came in the form of smokeless tobacco. Talk about some of the practices that big tobacco puts out there in terms of fake cigarettes and other products that come in candy form, promoted to kids to normalize the product so they would start. Do you know if those are still available out there, some of those types of candy?

Ms. Halovanic: I can tell you from personal experience, just last month I was out with my two children, four and five years of age; we were among other children their age, and yes, they did have the Popeye cigarettes. It was actually very surprising to me that they're still out there and that little children as young as mine can still access that product. For me, it's very concerning, being a mother of two and also a former smoker. That's why the Not to Kids! Coalition would like to see a complete ban, with no exceptions, with respect to the power walls.

The Chair: Thank you for your presentation.

COUNCIL FOR A TOBACCO-FREE BRANT

The Chair: I call on the Council for a Tobacco-Free Brant. Could you come forward, please? Good morning. You have 10 minutes for your presentation, and there may be up to five minutes of questioning following that. I'd ask you to identify yourself for the purposes of Hansard. You may begin.

Ms. Karen Kuzmich: My name is Karen Kuzmich, and I'm the chair of the Council for a Tobacco-Free Brant. I would like to thank the standing committee on finance and economic affairs for the opportunity to present today.

To begin, I'd like to explain that the Council for a Tobacco-Free Brant is a group of health-focused organizations and community volunteers that support and advocate for smoke-free public spaces, provide information on smoking cessation to those who want to quit, and work to prevent youth from starting to smoke. It's this third objective, preventing youth from starting to smoke, that I'm going to focus my comments on today.

As the chair of CTFB and also as the mother of two children under the age of 11, I am pleased to be here today to acknowledge our support for the intent of the proposed Smoke-free Ontario Act, which would make all workplaces and public spaces in Ontario 100% smoke-free.

The provincial smoke-free legislation is an important part in protecting Ontario residents from the known hazards of exposure to second-hand tobacco smoke. This issue is more than a simple matter of individual choice. Exposure to second-hand smoke is a question of public health. Thus, we support the Minister of Health, George Smitherman, and this legislation, which is a key component of tobacco control.

Provincial legislation will strengthen the protection afforded by the Brantford clean air bylaw, as well as bring additional protection to the county of Brant, which does not currently have any smoke-free bylaw in place.

I think it is significant to note that 37% of deaths in Brant county were attributable to smoking in 2001 alone. In January of last year, a statistically sound public opinion survey was conducted in Brant county, and it showed that 82% of Brant county residents support smoke-free public places.

While most Ontarians today live in a municipality with a 100% smoke-free bar and restaurant bylaw, many bylaws contain exceptions and exemptions such as the DSRs, or designated smoking rooms, which endanger workers and the general public. The city of Brantford, where I live, is one example of a municipality that allows establishments to have DSRs if they can financially and logistically afford to have them built.

Last year, I dined with my family in a Brantford restaurant that had a DSR. Sadly, cigarette smoke was visible in and near the DSR and could be smelled in the non-smoking area, where we ate. Of course, the gases and other chemicals that are not seen or smelled were also present in the air we were breathing. Needless to

say, we have not returned to that restaurant and choose, for our sport team celebrations and other outings, to go to facilities that are 100% smoke-free.

I and many other Ontarians make the decision to take our business elsewhere because there is no safe level of exposure to second-hand smoke set anywhere in the world and therefore no way to fully protect those using, working in or dining in or near those DSRs. Many proprietors, as we heard just recently, might leave the doors open, turn ventilation systems off to save electricity or have workers working in those areas. But very obviously, the way second-hand smoke infiltrates the entire facility is by staff and patrons having to go in and out of that room.

There is only one way to eliminate second-hand smoke from indoor air: remove the source. Thus, CTFB supports equal protection for all workers and members of the public and a level playing field for all workers and businesses. This will lead to fairer competition, once all businesses are operating under the same rules, as long as DSRs are not allowed.

We know from local research conducted with Brant, Haldimand and Norfolk students that by grade 7, 16% of students have smoked at least one puff of a cigarette in their lifetime. Other research tells us that as little as two cigarettes can have some people hooked by the powerful addictiveness of nicotine. Also from this local research, we know that by grade 11, 17% of Brant, Haldimand and Norfolk students were current smokers. This is very concerning to us.

Since most smokers start before the age of 18, the Council for a Tobacco-Free Brant has been working to give youth information about tobacco industry tactics that target youth into believing that smoking is the norm, that it is linked with positive social and economic outcomes, which of course it is not. We want young people to know the truth about this industry so they can make good choices where their health and well-being are concerned. And 100% smoke-free legislation will help prevent youth from starting to smoke, because it will reinforce that the social norm is non-smoking and will reflect that the majority of people are non-smokers.

The cigarette manufacturers, however, know that youth are a key source of long-term revenue and sustainability for their industry. Thus, they spend millions of dollars annually in Canada reaching youth in very clever ways, such as special events, branding, producing specialized cigarettes and retail displays in variety and convenience stores. Every day, thousands of our youth get messages from these retail displays that cigarettes are normal, popular consumer products like candy and gum. However, unlike candy and gum, cigarettes kill one in two of their long-term users. We should not be giving our kids the impression that cigarettes are like other consumer products.

These power walls that retailers are paid to have overstate, by their size, their prominence and the amount of stock that retailers need to keep on hand, that tobacco use is this common. Ultimately, these walls are a deceptive

form of advertising for big tobacco. This fact was clearly demonstrated to me and another council member just last night. We had the privilege of presenting to over 50 youth aged 11 to 17 at a Brantford recreation centre. We asked the kids, "How many of you go into a variety store once a week?" and about half of them put up their hands. Then we said, "How many of you go into a variety store more than once a week?" and I'd say at least 90% put up their hands. So they're in the convenience stores a lot. We asked them, "What percentage of your peers do you think smoke?" We heard these answers: 45%, 75%, 80%. It's obvious that the billions of dollars that are spent each year on advertising and promotion by the tobacco industry is reaching our youth.

Retail display bans would remove tobacco products from one of the industry's most lucrative advertising placements: point-of-sale displays that are in plain view of children and adults. There is evidence that tobacco advertising and promotion, including these point-of-sale displays, increases overall tobacco consumption, particularly through impulse buying, which is especially destructive to former smokers who have quit.

With my own children, I have been amazed by how aware they are of these ads and these smoking displays. The colour, placement, graphics and complementary branding tactics that young adults are exposed to are no coincidence. While the government bill addresses the issue of power walls, it allows for regulations that could ultimately leave some displays in retail spaces.

1120

CTFB's work with youth is encouraging and inspiring. However, there is no competing with the \$88 million spent in one year in Ontario alone by the tobacco industry on this point-of-sale advertising. The Smoke-Free Ontario Act has the potential to keep our children and youth from being the targets of this manipulative marketing, so we strongly encourage the government to ban all point-of-sale promotions of tobacco products in Bill 164, without exceptions.

In conclusion, I'd like to say that Ontario's smoke-free legislation would be welcomed also for the consistency it would bring to municipalities that currently have different bylaws in place, which is the case in Brant county. It creates confusion, disappointment and even annoyance for visitors from other communities who are looking for smoke-free facilities for dining, recreation and entertainment.

In conclusion, CTFB strongly supports the intent of the proposed Smoke-Free Ontario Act to make all workplaces and public places in Ontario 100% smoke-free and eliminate all DSRs in hospitality premises as of May 31, 2006.

We urge you to protect youth from tobacco advertising by prohibiting tobacco promotion at all points of purchase, with no exceptions, including retail displays such as power walls.

Thank you for your time and attention.

The Chair: Thank you. The next round of questioning goes to the official opposition.

Mr. Hardeman: Thank you very much for the presentation. There are a couple of questions that come up, at least in my mind, from time to time. I just want to say that I support the principle of reducing smoking in our society. That's a laudable goal, and I appreciate the work you do as an organization to promote that cause.

I have a little problem, as we introduce this legislation—I think you mentioned that there's a patchwork of municipal bylaws in place, where they have different rules and different approaches. I guess I'm concerned about those approaches, where the city of Toronto passed smoking bylaws that allow the designated smoking areas. Last year or two years ago, when they passed that law, they told all these people, "If you put in completely separate smoking rooms, you can allow patrons to go in there and smoke." All the information that's available now was available then, but society decided it was OK to tell these folks to build them.

Obviously, you can't construct those in three weeks or pay for them in three weeks; it's a long-term investment for all the folks who did that. Society—we, the people—told them that was the right thing to do. Now we say, "Tough luck. You shouldn't have invested your money, because we're not going to allow that any more." Don't you think that we as a society have some responsibility to say, "We were wrong—we shouldn't have had that type of rule in place—so you should be compensated for that"? Don't you think it should be part of a fair and just society that it be included, that as we regulate more strongly, we compensate those being negatively impacted?

Ms. Kuzmich: I think it's unfortunate if, at the time, the city of Toronto councillors chose to listen to that sort of messaging. When we were advocating in the city of Brantford, we were very clear that DSRs do not work, do not provide an ultimate level of protection to workers. We cautioned people. We said, "You know what? We have a sunset clause in our bylaw that if you choose to build a DSR, we know there is some provincial legislation likely coming down the pipe. You may be out money or out-of-pocket expenses for taking that risk." It was a risk that the business people chose to make. I'm sure that information was available to the city of Toronto at the time they were making that proposal.

If there is an obligation, as you said, to compensate those businesses, that's an economic decision that's yours to make, which I think would set a precedent to other businesses that might say, "Hey, why don't you help compensate us for changes or improvements we made to our business that are now redundant or not allowed?" That could be a costly precedent.

Mr. Hardeman: You mentioned speaking last evening to a group of young people about not smoking and the numbers, that 75% think their peers smoke. Have you ever tried that same question with alcohol, knowing that it's illegal for them to have it, knowing the restrictions we have on that? Is it reasonable to assume—I have young people in my home—that they would assume their

peers are all consuming? Was that number surprising to you?

Ms. Kuzmich: Yes, that same local research did ask questions about alcohol use. However, the issue of second-hand drinking doesn't exist. My drinking or somebody else's drinking does not affect your health.

Mr. Hardeman: I'm not trying to imply a connection between the two. I'm just wondering about the accuracy of the premise that "my peers are doing it," and whether that would be the same in alcohol as in smoking. When they say that 75% think their peers smoke, that same 75% didn't smoke themselves.

Ms. Kuzmich: Obviously not, because we know that only 19% of them actually do smoke, but they have the impression that so many more are smoking. Because they're very familiar with the branding and they see it everywhere they go, they think it's the norm. We know kids like to be popular or do what they think is the norm, so that's why it's concerning to us that they have the impression that it is so common. I'm not aware of what they would say when asked about alcohol consumption among their peers.

The Chair: Thank you for your presentation.

PUB AND BAR COALITION OF CANADA

The Chair: I call on the Pub and Bar Coalition of Canada to come forward, please. Good morning. You have 10 minutes for your presentation, and there may be up to five minutes of questioning following that. I would ask you to identify yourself for the purposes of Hansard.

Mr. Randy Hughes: Thank you, Mr. Chairman, for giving me the opportunity to address the committee. My name is Randy Hughes. Today I am speaking to you as a former pub owner, a personal bankrupt and a member of the Pub and Bar Coalition of Canada. Our coalition represents the segment of the hospitality industry that has been most affected by the rollout of municipal bylaws across the province.

We have been there every step of the way, following the evolution of around 250 bylaws, documenting changes from bylaw to bylaw, following court proceedings for our members and monitoring the heavy enforcement on the pub and bar sector. Unfortunately, in my time allotment today, I will not be able to concentrate on all the issues, but I hope you will come away with the sense that many small business people are fighting for their lives.

If Bill 164 is an attempt to standardize these municipal bylaws or close loopholes, as Mr. Smitherman has suggested, then it is important for this committee and the government to try and understand what has happened, what could happen, and to act responsibly to prevent further damage to an industry that is already in crisis.

First, let's concentrate on what has happened. You've heard from many agencies that report inconsistencies regarding the economics of smoking bans. Oftentimes, statistics and figures are presented in a manner that does not reflect the true impact that bans are having. Advo-

cacy has oftentimes won over economics, because the economics will take 18 to 24 months to come to fruition in areas where bans are implemented. Bureaucrats of health departments across the province are aware of and know that these laws have been damaging to part of the hospitality sector, yet no provisions have been made to compromise or compensate owners for millions in losses.

For example, an article published in the Journal of Public Sector Management by Dr. Robert Cushman, Ottawa's medical officer of health, states, "In Ottawa, it will obviously be quite some time before we can persuade a majority of smokers to support the bylaws, but we should get there in the next few years." This evidence, along with the hard numbers which I will present later, supports a long-lasting downward spiral caused by these bans. The doctor goes on in his report to admit that certain sectors of the hospitality sector are drastically affected. I'll be handing in this material with my written submission, if you'd like to review it later.

1130

From page 2 of his article: "Obviously, for taverns and coffee houses where people go only to smoke, the impact is negative." To us, this would also suggest that Dr. Cushman, an advocate for the health industry, knows the economic impact and the lasting effect these laws are having on the hospitality industry. Although he does go on to say that the economic impact should be neutral or positive over the entire industry, we cannot find the materials or the studies to back his claims.

In a KPMG study conducted in 2002, the conclusion reads: "It appears that bars and pubs have experienced a more difficult year than restaurants. Some of this clearly relates to changes in high technology and the decline in tourism. However, we cannot rule out that other factors, including changing customer preferences and the smoke-free bylaw, may have impacted establishments in particular niches."

This KPMG study was commissioned by the city of Ottawa, which promised owners that a series of studies would be conducted over a period of three years, with a concluding study from the Conference Board of Canada. We can see why they stopped where they did.

Pubco picked up from there. We were able to continue following the market by using Ministry of Finance data and access to information. We have produced two studies.

The first was conducted by Geospace Research and uses qualitative and quantitative results to follow the market in Ottawa. While it shows a marginal gain in only the Byward Market, when you add in inflation and look at the areas west and south of downtown, the losses are significant.

The second study is an econometric model, using regression analysis to show where the markets of Kitchener, London, Kingston and Ottawa have been affected, taking into account market variables. The results are staggering: Ottawa is down 23.5%, Kitchener is down 20.4%, Kingston is down 24.3% and London is down 18.7%. This study measured actual sales and revenue

data from the Ministry of Finance. It compares pre- and post-implementation of smoking bans, and it includes data of overall economic trends. It was authored by Dr. Michael Evans, former professor of economics at the Kellogg School Of Management, Northwestern University. The author is a former consultant to the US finance committee, the US Environmental Protection Agency, the National Aeronautics and Space Administration, and the US Treasury. He has recently been accepted as an expert witness by the Ontario Superior Court.

The report has been verified by Wade Cook, Ph.D., associate dean of research at the Schulich School of Business. This is what he says: "Overall, the study makes a convincing and defensible case that smoking bans have had a negative impact on the pub and bar industry."

So there's a convincing side to the economics—a distinct decline that the government cannot ignore.

To really understand what has gone on, we must be able to eliminate studies that do not produce the raw data but seem to get all the publicity. We must be able to eliminate material which paints a picture by clouding the issue. For example, a list of openings and closings that includes fast food outlets does not speak to what we are speaking to today. In Ottawa, there are several empty buildings that cannot be hidden. If we include the closure of two Denny's, a Hooters and a Casey's in the last month, I think that kind of activity shows the magnitude of what we are talking about.

So where does Pubco stand, and what should be done to find the medium that balances economics and health?

Pubco is in full support of the motion raised by the CRFA. We had the opportunity to sit in on the WSIB round table discussions that were held in Toronto that produced some common sense solutions that have been used in other jurisdictions, such as British Columbia.

Obviously, for at least 700 operators in Ontario who have made the financial commitment to create healthy working environments, there will be great hardship if these rooms are removed. It's not only the investment that we should look at, though. It is the fact that this is a reasonable solution and a compromise that accomplishes the exact feat that the health department set out to do: to protect the employees, who will never be forced to enter a ventilated smoking area.

Pubco is also in support of the bingo operators. We understand that the decline in charities will only be magnified by the cutbacks to team sponsorships and community fundraising that will happen as a result of the downturn in pub and bar sales.

Pubco is in support of our veterans, the largest private club in Ontario, as recognized by the courts. In Ottawa, the Montgomery branch provides a DSR for their members. Across the street, the Dominion Command refuses to provide the leadership to bring our veterans together. Instead, we see several branches here fending for themselves.

So we can see the importance of DSRs to the economic well-being of industry, but before I go I must talk

about another issue that has come to the forefront in Bill 164. This issue is highlighted by 16 owners in Kingston who have been faced with the banning of smoking on outdoor terraces. These owners have recently had to go back to their council and ask for amendments to remove that part of the ban, which is crushing their businesses. Will they be successful? I don't know, but there is an attempt at the wording in Bill 164 that will certainly open the door for interpretation that the government is already moving toward controlling smoking on outdoor patios. Our concerns are mirrored by our members in the some 230 municipalities in Ontario that have chosen to exempt patios in their legislation. Bill 164 fails to do that.

Ms. Matthews, MPP from London North Centre, rose in the House during debate and proclaimed that the London bylaw has been great for the deck and patio business. "They've sprung up all over London," she said. This highlights the importance that the outdoor terrace has become an integral part of the survival of bars, pubs and restaurants. We ask the committee to examine Ms. Matthews's comments and reflect on the necessary changes that we are asking for to protect all outside terraces to immediately reduce any further harm to our industry. In fact, by changing the definition of "enclosed public place" to include anything with a roof implies that covered patios will soon be the target of the health activists.

We must ask this committee to ask the government what its intentions are here. Once again, like they did in 1999 when they approved DSRs—and many of the people here supported it—they are sending mixed signals by not including a distinct exemption for patios in this bill. Can the government give us that assurance in this legislation? And can they tell us why they did not consider the standard that has been added across the province, which included rules for outside patios?

I can see that my time is almost up, and I respect the long schedule of speakers today.

As a manager with McDonald's Restaurants of Canada for 10 years, a bartender for 12 years, a former billiard hall operator, a pub owner for four years, and the person who answers the 1-800 number from people all over the province in our Pubco office, I'll be happy to answer some of your questions.

The Chair: Thank you. If you have any material—

Mr. Hughes: I will give you the original.

The Chair: The clerk will ensure that every committee member gets a copy. We'll move to the NDP.

Ms. Martel: Thank you, Mr. Hughes, for making the presentation today. Can I be clear that the position of the coalition is that you want to implement a BC model in Ontario? I don't want to put words in your mouth, but is that it?

Mr. Hughes: That's correct. We sat in on all the discussions at the round table group in Toronto, and they presented some reasonable solutions.

Ms. Martel: And that would include maintaining designated smoking rooms and a provision that em-

ployees only have to work in them 20% of the time. Is that essentially where you're at?

Mr. Hughes: That's correct. When the health departments came to our industry and said we have to remove second-hand smoke from our indoor areas, that's essentially what we did. We're not ever going to force anybody to go into the ventilated smoking rooms if they don't wish to.

Ms. Martel: I appreciate that you've put your position to the committee, and I guess I want to give you mine. I think you're owed that. Two things: I just truly don't believe that DSRs work. I think we have heard enough evidence from a number of people who have come forward to talk about their experience of going into a restaurant where the DSR door was open, where the ventilation wasn't working. We heard from inspectors from health units who confirmed the same thing. I don't believe that DSRs work and I don't think they can work.

Secondly, we've heard from a number of presenters in the hospitality sector who have clearly said to us that there is coercion, there is intimidation of employees. They are forced to go into those rooms. They do it because, if they don't, they're going to lose their job. I think that's a reality in this sector. It is a low-wage sector with virtually no unionization. That is happening, and as a committee we have to acknowledge that we heard that evidence from a number of people.

In my community—I'm from Sudbury—two years ago there was a 100% ban everywhere—no exceptions; Legions included. Everyone is protected from second-hand smoke. Just as importantly, because there weren't DSRs allowed, there is no economic disadvantage, with some businesses with the space or the money to have a DSR so that people who want to smoke go in there and others that couldn't afford it or didn't have the space not being able to participate.

We have a difference of opinion, but I wanted to give that to you because I think you're entitled to hear that. I just don't believe DSRs work. I do believe that there is lots of intimidation of workers and that they are forced to go in and that the best way is to have a level playing field where all municipalities are 100% smoke-free, no exclusions. You can comment on that if you want.

1140

Mr. Hughes: I certainly don't think there was a question in there anywhere.

Ms. Martel: No, and I said at the front that I wanted to give you my opinion because you gave me yours.

Mr. Hughes: I respect your opinion, but your being from Sudbury, I'm sure you've talked to some of the operators in Sudbury. They got a bit of a double whammy, because there was an Inco strike at one point in Sudbury, so the economics in Sudbury is even worse at some of the bars and pubs. I believe they've had some problems in Sudbury as well.

Ms. Martel: But the point I'm making is that there is no economic advantage between one owner-operator and another. If your coalition represents bars and pubs across Ontario, you must hear from members that they feel they

are at an economic disadvantage because they didn't have the money or they didn't have the space to put in a DSR, so they're at a disadvantage with a pub owner or a restaurant operator who could do that. You must hear that from people.

Mr. Hughes: As far as the level playing field goes, it's certainly something we do hear about. But for you people to sit here and say you're providing a level playing field—first of all, everybody who goes into business is in business to compete. They have separate leases. They pay different rents. We all have different food cost controls. There is no level playing field. It's a competitive business. If you ask the operators to make the necessary changes to provide what you did—and you did ask that, and a lot of them went out and did it. That is choice, and that's what business is in Canada.

Ms. Martel: Except that for a number of people who have had the opportunity to create a DSR, I'd make the argument that they're in a position to attract more people because smokers can go there, whereas next door, where they didn't have the room or the money to put in a DSR and smokers aren't there, they have less clientele coming in just with the fact that one can have a DSR and attract smokers and the other can't. Outside of leases and everything else, that's got to be a reality.

Mr. Hughes: Well, can you assure us today—our industry is under attack. There's no transition fund to help the bars and pubs and the people going through this. Are the patios next? We certainly heard somebody talk about it this morning. That's what's going to happen, and that's going to be devastating to our industry.

Ms. Martel: Let me say what I did say during the debate. I recognize that a number of business owners made decisions that were completely within the letter of the law when they established DSRs. The bylaw was in place. The government had a commitment out there, but maybe people thought—and some of these were built before the government was elected, in any event. I think the government should be looking at compensation for those owner-operators who made a decision based on the bylaw at the time. There is a precedent, because when the former government used provincial policy to ban the spring bear hunt in the province, compensation was provided to tourist operators in my part of the world who were affected by that provincial decision. So I have said that I think the government should look at those 700 businesses that made a decision based on the law in effect at the time because they thought they were going to recoup their investment and their loan before the sunset.

But over and above that—we should look at that group, but I've got to tell you, I really strongly—

Mr. Hughes: I can appreciate the fact that you think those owners should be compensated, and I agree with that. But one thing you're overlooking is that when you make an investment in a patio in your restaurant, which a lot of the communities have done across the province now to maintain that portion of their clientele, there's a substantial expense in building a patio and applying for licensing to get a patio. I really think the finance com-

mittee should be looking at ways to help those people, whether it be a two-year moratorium on licensing fees for outdoor patios. That would help our industry.

We need to start to look at things to put people back into pubs and restaurants, not to take them out.

The Chair: Thank you for your presentation.

COUNTY OF LAMBTON

The Chair: I call on the county of Lambton to come forward, please. Good morning. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I would ask you to identify yourself for the purposes of Hansard.

Mr. Kevin Churchill: Good morning. Thank you, Mr. Chair and members of the committee. My name is Kevin Churchill. I'm the manager of health promotion and program support with the county of Lambton. I'm here today to represent Warden Patricia Davidson and the council of Lambton county.

In September 2004, after an extensive public consultation process, the county of Lambton implemented a comprehensive bylaw, bylaw number 10 of 2004, prohibiting smoking in public places and workplaces. The county council spent approximately a year and a half debating, consulting with the public, and making sure that the bylaw reflected what was in the best interests of the residents of the county and that the people who presented to our public consultations were heard. Our county council feels very strongly that a provincial bylaw should respect and recognize the work that happened in our local council, and they would not want to see the local work overturned.

The message from our public consultation meetings was clear: A level playing field for all business operators was essential to a successful bylaw. The bylaw prohibits smoking in all indoor public places and workplaces, including restaurants and taverns, private clubs, charity casinos, bingos and slots, and all workplaces. There is no provision for indoor designated smoking rooms in the bylaw. The only exemptions in the Lambton bylaw were given for residents of long-term-care facilities and residential psychiatric care facilities. It was council's position that smoking is already tightly controlled in these facilities under the present Tobacco Control Act, and the issue was one of residents.

The current bylaw allows for designated outdoor smoking areas subject to strict criteria and county planning department approval, with a formula for open wall space in any roofed area. I will leave a copy of the guidelines for the outdoor smoking areas with the committee. It is our understanding that the proposed provincial legislation may not allow for any roofed outdoor area to serve as a smoking area. Council's position is that some Lambton business owners have gone to considerable expense to comply with the bylaw and provide an outdoor area that complies with the intent of keeping staff and patrons free from concentrated second-hand smoke.

Finally, county council felt strongly that a level playing field with respect to gaming is important. Currently,

the Point Edward charity casino and Hiawatha racetrack slots are 100% smoke-free.

That concludes my comments. I'd be happy to leave with you a copy of our outdoor smoking area guidelines and the public consultation report.

The Chair: Yes. If you would give that to the clerk, we'll ensure that members have access to it.

This round of questioning goes to the government.

Mrs. Mitchell: Thank you very much for taking the time to make a presentation. I just have a couple of questions. County council supports that their regulations and bylaws remain in place? They don't support eliminating a patchwork of municipal bylaws from county to county to county?

Mr. Churchill: My understanding of their position is that they believe the provincial legislation should take some of the local work into account or should respect the local work.

Mrs. Mitchell: OK. What I would like to say is that I believe we do respect all the work that has gone on in the past. This is all part of the process. I mean, what we have heard is that people are looking for a standard across the province to stop the patchwork of the bylaws so that the business community has an understanding of what is to be expected. I want you to take back that we certainly do respect all the work that has been done, and I know that in many areas it has been a very difficult transition. So thank you for that.

Just with regard to the outdoor patios, do you want to go over the differences between what we are presenting in Bill 164 and what you have in Lambton county?

Mr. Churchill: Sure. The Lambton county bylaw allows for a partially roofed area to serve as an outdoor smoking area, provided a percentage of open wall space is available. That number is 35%, I believe. It's a somewhat complicated formula, but I'll leave those guidelines so you can—

Mrs. Mitchell: I don't know when you got here, but we heard from the county of Middlesex. There was support for making the position clear so it wasn't so—you know, whether it has this or has that. We heard that by eliminating the roof, it was adding clarity to the position. I just put that forward.

I don't have any other questions. Do any of the other members?

Mr. Fonseca: What do you feel would be appropriate signage in municipalities and in different venues with regard to the smoking legislation?

Mr. Churchill: There certainly exists a very well recognized universal symbol. Regardless of your language, the round circle with the slash and the cigarette indicates pretty clearly what is meant. Our signage was approximately five inches in diameter, and the circle with the slash through it and the cigarette was displayed very prominently. It was provided free to all businesses and there were requirements and specifications as to where that signage should be located. It certainly, in my opinion, helped achieve compliance. As soon as you walk in the door, it's quite visible.

Mr. Fonseca: Should we expand on what you've seen?

Mr. Churchill: I can't comment with respect to my council's position on that.

Mr. Fonseca: One of the things we did is that we travelled throughout the province to look at all the municipalities that have gone through some very arduous battles around their smoking bylaws and made sure we consulted with them as we were putting this strategy and this piece of legislation together so we would not allow for the loopholes that have been used in the past and we could make sure this was comprehensive legislation. Do you feel it is comprehensive in its scope and addresses many of the different loopholes that have been used?

Mr. Churchill: The need for comprehensive legislation exists. When we engaged in looking at a county bylaw, there was a patchwork within our municipality, and that's the reason we chose to go with a bylaw that covered the entire county. By extension, one piece of legislation that covers the province would certainly be helpful.

The Chair: Thank you for your presentation.

The committee will recess until 1 o'clock this afternoon. For the committee and other persons in the room, I would advise you to take any personal belongings with you over the noon hour.

The committee recessed from 1153 to 1302.

BRIAN HATTON

The Chair: The standing committee on finance and economic affairs will come to order. We'll call on our first presenter of the afternoon, Brian Hatton.

Good afternoon. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I would ask you to identify yourself for the purposes of Hansard.

Mr. Brian Hatton: Thank you, Mr. Chair, for the privilege of being here this afternoon. My name is Brian Hatton. I live at 274 Westforest Trail in Kitchener, Ontario. I'm the past director of environmental health with the region of Waterloo public health. I am since retired. My responsibility with the region of Waterloo was the implementation and enforcement of the region's 100% no-smoking bylaw, which came into place on January 1, 2000. We are 100% smoke-free, which encompasses 2,700 establishments in the region of Waterloo. I am speaking in favour of Bill 164.

I would like to congratulate the government of Ontario on its initiatives to pass Bill 164. This proposed legislation is progressive public policy to further protect the health and well-being of all residents of Ontario from the harmful effects of second-hand smoke.

There are a number of points I would like to make to the committee for consideration for their report, based on the first bylaw to restrict smoking in public places in the region of Waterloo.

First of all, designated smoking rooms: Designated smoking rooms protect neither those who work in them

nor those who use them from the hazards of second-hand smoke. There has been much discussion regarding the use of designated smoking rooms, and I strongly discourage any reference to the incorporation of DSRs in the provincial legislation.

In the region of Waterloo, after much public consultation and debate, DSRs are not part of the bylaw. The decision not to include DSRs was attributed to the appeal by operators who strongly opposed DSRs on economic grounds and fair practices. Operators requested that the bylaw be implemented without discrimination, and operators felt that the cost, the inability to construct due to the configuration of premises, and the cost to maintain DSRs, would put them at an unfair business advantage. This would favour chain establishments that have access to significant capital resources. Their appeal was to ensure a level playing field for all establishments in the region of Waterloo, so that privately owned establishments would not be put at an unfair business disadvantage. With no DSRs in the region of Waterloo, smokers have adjusted to leaving the premises to smoke outside without complaint.

You have to remember that ventilation systems are designed to control temperature, humidity and odour, and are not designed to eliminate toxins from second-hand smoke.

Economic impact: In the region of Waterloo, this issue was the single most important concern to business operators. There may have been references in your deliberations to stories of economic woes in the region of Waterloo as a result on the region of Waterloo's smoking bylaw. I can assure you that these stories are unfounded. Prior to the implementation of our smoking bylaw, businesses closed as a result of poor management, poor service, substandard product and poor location. When the smoking bylaw was implemented, any business that closed blamed the smoking bylaw, even if the establishment was not covered under the bylaw. There has not been one documented case of a closed premise as a direct result of the smoking bylaw. In Superior Court, where operators challenged our bylaw in 2000, financial evidence introduced by the region of Waterloo from one subpoenaed establishment indicated a financial loss for the first three months of the year preceding the bylaw, and a significant profit for the same period when the smoking bylaw was introduced. Not one other establishment would come forward to prove loss of business as a result of the implementation of the smoking bylaw.

The region did attempt to document information from operators who closed, implicating the smoking bylaw. In all attempts to gather information, not one operator would provide financial information to back their claims of financial loss due to the bylaw.

The next issue is the training of enforcement personnel and enforcement. I would strongly encourage the province to provide adequate resources for training and enforcement. Adequate resources for training of enforcement personnel are essential to adequately prepare enforcement officers to enforce smoking legislation. Past

experience in enforcing smoking legislation brings unique situations that often place enforcement officers in positions of risk in dealing with hostile operators, patrons and the public, who do not understand the intent of the legislation and who feel their individual right to smoke a legal produce is infringed upon. Adequately trained enforcement officers can diffuse such situations, and often build trust and confidence to achieve compliance standards and goals.

For example, upon implementation of the region's smoking bylaw, our enforcement officers were subjected to treatment by operators and patrons that our own regional police services found abusive, obstructive and a safety issue, due to potential physical confrontations. In many cases, our police services stated our enforcement officers endured confrontation that police officers were not subjected to. Our trained enforcement officers were able to continue enforcing the smoking bylaw, using enforcement techniques learned through adequate training that guided their actions in conflict situations. Our enforcement officers gained respect within the hospitality industry and throughout Ontario in the way they conducted their enforcement activities.

With the implementation of any legislation, adequate enforcement of the legislation with well-trained enforcement officers is an integral and essential strategy for success. It has been demonstrated that properly trained and resourced enforcement personnel achieve success of compliance to the legislation quickly, effectively and efficiently. It is also been demonstrated that initial resource requirements diminish as compliance occurs, resulting in reduced enforcement costs. For example, staff of the region of Waterloo public health were assigned the responsibility for the enforcement of the smoking bylaw. Our staff went through extensive training on enforcement procedures prior to implementation. On January 1, 2000, all 28 public health inspectors were initially seconded to enforcing the smoking bylaw. You have to realize that the region of Waterloo was the first municipality in Ontario with a comprehensive ban on smoking in public places. At the time, there was much anger within the hospitality industry, and conflict appeared to be inevitable between operators and enforcement personnel. With committed trained enforcement personnel, we achieved a 90% compliance rate within three weeks. By mid-February 2000, our staff was reduced to 2.5 specially trained bylaw enforcement officers, who continued on a full-time basis to enforce the bylaw. The success of our enforcement strategy enabled us to achieve a 99% compliance rate by the end of 2000. This allowed us to further reduce staffing by 1.5 full-time equivalents. In 2003, the bylaw enforcement officers were transferred to our bylaw enforcement department for incorporation to other bylaw enforcement duties, as the demand for enforcing the smoking bylaw diminished significantly, and the workload on smoking bylaw enforcement could not sustain a full-time equivalent.

1310

I'm pleased to inform the committee that since the implementation of the smoking bylaw in the region of

Waterloo, enforcement today is not as confrontational, due to the adequate resources for training, enforcement and learning from the region of Waterloo and other municipalities implementing smoking bylaws after January 1, 2000. Although confrontational situations in areas of new smoking bylaws are not as severe as they were in Waterloo region, this does not negate the need for adequate resources for training and enforcement.

With much pride, politicians and staff of the region of Waterloo have been ambassadors to other communities in Ontario and elsewhere that have implemented smoking bylaws, assisting in implementation and enforcement strategies by building on our successes and improving bylaws based on our experience.

With the success and leadership of our smoking bylaw in the region of Waterloo, residents of many municipalities in Ontario now enjoy the benefits of smoke-free environments. It is encouraging for many throughout Ontario who have worked diligently to aspire to a smoke-free Ontario to acknowledge the province's initiatives in Bill 164 to extend smoke-free places in those areas where the population is not presently protected from the harmful effects of second-hand smoke.

The Chair: Thank you. This round of questioning will go to the official opposition.

Mr. Barrett: Thank you, Mr. Hatton, for your presentation on public health. You talk about enforcement and also the designated smoking rooms, and the experience in Kitchener. I know that two weeks ago, a study was released that received a lot of media attention: Dr. Evans's study indicating that bar and pub revenue would decline by \$1 billion in a smoke-free Ontario and documenting a loss of 50,000 jobs, and that wasn't counting restaurants, doughnut shops, farms and other segments that are being affected by this.

Many of these facilities built designated smoking rooms in good faith, on the advice of government, on the advice of Michael Perley, of the Ontario Campaign for Action on Tobacco, who is here today. Mr. Perley signed an agreement in 1999 with the Ontario Restaurant Association and the Greater Toronto Hotel Association. It does raise the question of compensation. We had testimony from Martin McSkimming of Hemingway's Restaurant. He spent \$300,000 on his designated smoking room two years ago. Is he just out of luck?

Mr. Hatton: In reply to that particular question, I would say that establishments which have built designated smoking rooms in the past probably have gained their initial investment, for the simple reason that they probably had a fair business advantage over establishments that did not build designated smoking rooms at the time. I would say that they would probably be at an advantage.

Mr. Barrett: Just that example, as I mentioned, was \$300,000 two years ago. They're in business. This is the finance committee; we're dealing with issues like this. He's asking, first of all, for the status quo, and would like to see grandfathering of designated smoking rooms. Also, there's a request from the hospitality industry to at

minimum be able to depreciate their costs over 10 years, whether it's \$20,000 or \$300,000.

The other area you talk about is enforcement. I know there are many people here from the Ontario Korean Businessmen's Association, the London Korean Businessmen's Association—the family-run convenience stores. Enforcement is of great concern, given that in the past year, as a result of three tobacco tax increases, armed robbery has increased 50% in their stores. They have other concerns, like 30% of their stores will be bankrupt from this legislation. They know that across the Dominion of Canada, well over \$1 billion a year comes in from tobacco taxes. Shouldn't some of that money be spent on enforcement and, perhaps, additional police protection for the corner stores? One in four corner stores is robbed every year; 25% are robbed every single year.

Mr. Hatton: I think what you're getting at is criminal activity, and the enforcement we're talking about would probably be under provincial legislation, which would not be a criminal charge.

Mr. Barrett: They'd like money for the OPP and for municipal forces.

Mr. Hatton: It would be entirely up to the provincial government to allot additional monies to the police forces. What I'm saying with regard to enforcement of provincial legislation on smoking is that certainly it's a different type of enforcement, usually enforced by bylaw enforcement officers, who do not have the same responsibility as police officers. They would not be able to protect the corner store operators. They're only there to ensure that there is no smoking in the establishments that come under the legislation.

Mr. Barrett: Would that be costed out for enforcement across the province?

Mr. Hatton: I can only speak for the region of Waterloo, because each area of the province is certainly different. Within the region of Waterloo, we have 2,700 establishments that are covered by the bylaw. As I said, in February 2002 we had 2.5 full-time equivalent bylaw enforcement officers who were specially trained to enforce the bylaw. In 2003, these bylaw enforcement officers were transferred to our regional bylaw enforcement department for other duties because there was insufficient workload with regard to enforcement of the smoking bylaw. As you can see, as we enforced the smoking bylaw within the region of Waterloo, the enforcement cost diminished. You have to put some money up at the front, but in the end, the cost is minimal.

The Chair: Thank you for your presentation.

NORFOLK COUNTY

The Chair: I call on Norfolk county to come forward, please. Good afternoon. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I would ask you to identify yourself for the purposes of Hansard.

Mr. Roger Geysens: Thank you, Mr. Chairman, committee members, ladies and gentlemen. My name is Roger Geysens. I'm a ward 2 councillor for Norfolk

county. I have with me today Councillor Ted Whitworth from ward 1. I'm here today representing Norfolk county, since Mayor Kalmbach is away on vacation.

Norfolk is a rural community with a diverse agricultural base. Many of our commodity groups find themselves in difficulty, and Norfolk county has lobbied government for assistance for all our commodities. I'm here today to talk to you about tobacco. The tobacco industry has been the mainstay of Norfolk for 50-plus years. It provides employment income to a large share of families in this community, and the ripple effect is seen throughout all of Norfolk.

The tobacco industry faces many uncertainties. The federal and provincial governments and Norfolk county have all acknowledged that the tobacco industry is declining and that Norfolk will suffer social and economic losses, especially with close to 60% of the tobacco produced in Ontario grown in Norfolk.

There are a number of factors driving this decline: government policies, high taxes, illegal cigarettes, tobacco imports and lower consumption. The impact of the decline is severe. Between 1990 and 1992, an average of 81 million pounds of tobacco were marketed annually from Norfolk, generating \$159 million of farm income and employing 3,965 full-time equivalent employees, and that doesn't take into consideration the value added. In 2003, that dropped to 56 million pounds marketed from Norfolk, generating \$126 million of farm income and employing 2,523 people. If you compound the difference between the \$126 million and the \$159 million, that's a loss of over \$200 million to the Norfolk economy over the last 10 years, plus a loss of 1,450 jobs.

People and businesses will be affected in all economic sectors in Norfolk. The greatest impact will be felt by the tobacco producers as their equity is eroded and profitability wanes dramatically. Within the rural communities especially, the social effects may have as important an economic impact. Communities will change, and people's lives will be affected and altered permanently. We have already lost a number of businesses and the jobs they provided: Delhi Foundry, manufacturer and seller of specialized tobacco equipment, closed; Harley Smith, tobacco equipment supplier, closed; Jacob's Greenhouses, closed; Delhi Dodge, closed; Bruce Ford, Delhi, closed; Norfolk Co-op, a crop input supplier restructuring under bankruptcy protection. And these are just a few. There are many empty stores in our downtowns, and more and more of our tobacco-related businesses are barely surviving.

1320

Over the years, there has been much discussion of alternate crops: "Let them grow something else." Norfolk county has 30,000-plus acres dedicated to tobacco production. The problem is not finding something to grow, but what can be grown that's profitable, sustainable, provides a decent income for our families and will not collapse the other agricultural commodities within our county.

Two diversification programs have been implemented for the tobacco growers. The alternate enterprise initia-

tive program ran from 1987 to 1992, and the tobacco diversification program from 1994 to 1999. Few of the projects funded under either of these programs have stood the test of time. If we define a successful outcome according to whether a project has resulted in sustained enterprises, then the earlier programs were unsuccessful. Based on previous results, it would seem that there are few alternatives to replace tobacco, and any transition will take decades.

There are other barriers to the development of alternative enterprises in Norfolk: infrastructure lacking for transportation, water, wastewater treatment and power; resource information not readily available, plus expensive to small business. Many producers have inadequate capital to invest in new ventures. The loss of businesses, jobs and farm income have also had an impact on Norfolk. The residents of Norfolk are struggling under consecutive property tax increases to maintain current services and infrastructure, let alone pay for the added water, wastewater treatment plants and roads required to move Norfolk forward. People's ability to pay has been stretched to the limit, and Norfolk county does not have the resources to implement all of the recommendations in the tobacco community action plan. I've given to your clerk a copy of that plan, and much of what I'm talking about here today is included in that plan.

As the Norfolk community changes, people will need assistance in a variety of ways. Support networks need to be ready now to help people to prepare for and find new careers, job opportunities, new business relationships, and to be secure in that transition. No one wants a repeat of the desperation and tragic loss of life during the last downsizing in the late 1980s.

Mr. Chairman, thank you very much for allowing me to be here today. We hope that as you consider Bill 164, you will take into consideration the economic impact that Bill 164 will have on our Norfolk community.

The Chair: Thank you. This rotation goes to the NDP.

Ms. Martel: Thanks to both of you for being here this morning. In some of what you said, you answered some questions that I had this morning for an earlier presenter about how successful some other diversification programs have been. I listened to you say, "Not very, at all." Secondly, my question to him had been, "What's in place now for someone making the decision now, because of their economic circumstances, to transition?" I didn't get a very clear answer in terms of what's available now.

Broadly speaking, I guess, you've highlighted the problem, and there's no doubt there is a problem. As we deal with this legislation, we have to understand that it will have even more of an impact, and that impact is going to be negative. We can't underestimate that, and we need to deal with it.

You talked about a lot of the problems. As a council, have you looked at what some of the solutions are, who they have been given to, what some of the costs are, what some of the proposals are? What do we need to be looking at, as a government—not just in the short term, be-

cause it's not a short-term problem—both at the provincial level and, frankly, at the federal level?

Mr. Geysens: I think there a couple of initiatives that Norfolk county has taken. Number one, we put forward a proposal to the provincial government for an agricultural innovation centre. What's needed is research, a place where people can get marketing information. If they're going to transition, that's what's really lacking: the research. I mean, you can grow anything in Norfolk county. Tobacco farmers have, over the years, built up the area to where you can produce almost anything. But 30,000 acres has an impact on everybody else if it's one particular commodity. We had the same thing in 1988. Asparagus, peanuts and tomatoes were all touted as the answer, but none of those survived. The asparagus industry just about collapsed because of the increased acreage that went in.

What's really needed is research. We need to be able to provide some industrial growth so we can provide jobs. We need infrastructure. We're in the process of putting in a water treatment plant in Port Rowan that's costing us close to \$5 million. We need more of that infrastructure throughout the county. We have a node in Norfolk, in the northern end by Courtland, that's growing. We have no wastewater treatment facilities. We just simply cannot afford the infrastructure that we need to move forward.

Ms. Martel: You should know that earlier, on a motion from Mr. Hardeman, the committee did adopt his resolution to ask the provincial government for support, outside of the money that was announced by the Minister of Agriculture—specific support outside of that package—for the innovation centre.

Where are some of your projects at? You've talked about infrastructure. Are there concrete proposals that have gone to government? Have they been accepted? Are you looking for support to try and get those through?

Mr. Geysens: Well, we're always looking for support. We put in a COMRIF application, and we just found out two days ago that we weren't successful. We will continue to put proposals forward to the government. We have lobbied for a number of things. There was a proposal to put together a fast ferry between Dover and Erie. We lobbied the government for some support and some new dollars to make that a reality. To date, nothing has come forward from the provincial or the federal governments. We seem to be fighting an uphill battle. In fact, the frustration boiled over last Tuesday night in our council, when many said that we seem to be the forgotten county.

Ms. Martel: I think that as this bill moves forward—which has a real emphasis, obviously, on health—the government is going to have to turn its attention to a much more concrete, comprehensive and coordinated strategy for dealing with farm families in crisis, but particularly those in tobacco production. I suspect that the \$50 million, while it's appreciated, is not going to go the distance, by a long shot. Frankly, the feds should be on board too. There should be federal money in this because this is a huge crisis—I think that's the best way to

describe it—that they should be a part of trying to solve. I'll give you my undertaking that as we complete this bill, I'll certainly be calling on the Minister of Agriculture, then, to put together an approach and bring together people for a much more comprehensive response. I think that we are not doing half as much as we need to be doing on that front, by any stretch.

Mr. Geysens: Thank you very much. If I could just reiterate one thing: I think the ginseng growers and the asparagus growers were here, and there is a follow-up document to this that outlines much of what Norfolk needs. It's called Norfolk at the Crossroads. I think that document will be made available through Mr. Barrett's office or through the county, if any of the members of the committee would like that document. Certainly it spells out, in greater detail than I can here today, what's needed in Norfolk.

The Chair: If you provide additional information, the clerk would accept that and ensure that all members of the committee have it.

Mr. Geysens: I don't have it with me here today, but I can get that to the committee, if that's OK.

The Chair: That's fine. Thank you.

WINDSOR-ESSEX COUNCIL ON SMOKING AND HEALTH

The Chair: I would call on the Windsor-Essex Council on Smoking and Health to please come forward.

Good afternoon. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I would ask you to identify yourself for the purposes of Hansard.

Mr. Dennis Paré: Thank you, Mr. Chair, members of the Legislature, and guests here this afternoon. I'm Dennis Paré, chairperson of the Windsor-Essex Council on Smoking and Health. With me today is Richard Kokovai, co-ordinator for the Windsor-Essex Council on Smoking and Health. Thank you for allowing me the opportunity to speak to Bill 164 today.

1330

The Windsor-Essex Council on Smoking and Health is a coalition of agencies and private individuals who share a concern regarding tobacco use and the negative impact it has on health in our community. The council on smoking and health has voiced these concerns in Windsor-Essex county for 29 years. In 2003, we provided significant support to Essex county council, prompting their adoption of smoking regulation bylaws eliminating smoking in all public places and workplaces.

I would ask you today to consider three points:

First, I wish to relate our experiences with smoking regulation bylaws in our peninsula of southwestern Ontario. One bylaw: simple, comprehensive and effective; conversely, another: complicated, administratively obese and alarmingly ineffective.

Second, I will ask you to address some of the objections we have encountered opposing the adoption of comprehensive smoking regulation bylaws.

Third, I wish to express how critically important it is for the committee to recommend to the government and to the Legislature to adopt Bill 164, and to take steps to make a good piece of legislation into an outstanding piece of legislation.

We have a peculiar situation of being able to compare two vastly different approaches to smoking regulation in Windsor-Essex county. One is the Essex county, where bylaws 26-2003 and 27-2003 prohibit smoking in enclosed public and workplaces, respectively. These bylaws provide for no exemptions of any kind, nor do they provide for designated smoking rooms. They are simple, easily understood, straightforward, and leave no chance of confusion on the part of workers, employers or members of the general public.

The other, the city of Windsor bylaw 11803, has proven to be a legislative debacle and an enforcement officer's nightmare. The city bylaw was phased in over a period of six years. It contains a variety of allowances for smoking versus non-smoking areas. The Windsor bylaw defines four different licence classifications, three of which permit smoking under certain circumstances, provide for designated smoking rooms and, to further confuse the whole situation, contain times at which smoking may or may not be permitted. The sum of the parts is a whole that is administratively cumbersome to understand and frustratingly difficult to enforce. Consequently, city bylaw officers expel little effort to ensure compliance.

In the 19 months since the Essex county bylaws have been in effect, only 20 charges have been laid against non-compliant employers or individuals. Compliance with the bylaws and acceptance by the community have been extremely high. In the city of Windsor, there have been, to our knowledge, hardly more than 20 charges laid in five years since the final phase of the Windsor bylaw came into effect. Regrettably, that small number of charges is not for the same reasons as we found in the county.

If there is anything to be taken away by this committee from our experience in Windsor-Essex county, it is that the simpler and more comprehensive the legislation, the easier it is for everyone to understand, smokers and non-smokers alike. When rules are simple, they are able to be understood and followed by the entire community. Convolutioned legislation leads to frustration and non-compliance.

I'd next like to address some of the objections that were raised by the adoption of the bylaw in Essex county in 2003. Residents of Windsor and Essex county flow freely from one community to the other. A number of hospitality venues in the city and the county are in close proximity. Because of this, concerns were raised about non-smoking hospitality businesses in the county being disadvantaged by their smoking competitors in Windsor. Pubco and their ilk predicted the hospitality business in Essex county would be devastated and thousands cast out of work. This hasn't happened. In an industry known for the highest rate of attrition of any business sector in Canada, it's possible to count on two hands the number of hospitality operators who have closed in the 19 months

since the bylaws were adopted, and you won't run out of fingers. In fact, in a review of the restaurant listings in the Bell Canada Yellow Pages for the years 2002, 2003 and 2004, the listings were 122, 133 and 129 respectively. The hospitality choices available to consumers in the municipalities immediately adjacent to Windsor have unquestionably increased during that time. Cause for disaster? How could you market your business to appeal to 75% of the population versus 25% of the population and call that a cause for disaster?

Legion halls also came forward asking for an exemption. The arguments can be summed up in three points: Legions are veterans' clubs, and veterans have earned the right through their wartime service to be given such exemption; Legions contribute considerable sums of money to worthwhile projects in communities across Ontario, and such regulation will drive many Legions out of business; and Legions are private clubs and should be beyond the scope of the law.

Unquestionably, all Canadians owe a debt of gratitude to those souls who have fought on behalf of us in times of war to preserve our Canadian way of life. But that gratitude cannot take the form of some citizens, veterans or otherwise, being above the law. Canadians went to war to defeat the notion that some citizens are better than others, that in Canada everyone is accorded the same democratic rights as everyone else, and that when a community has spoken as a democratic whole, then all in the community are bound by that decision.

Legions do contribute sums of money to communities across Ontario, but so do many other individuals and businesses that will also be subject to smoking regulations under Bill 164. To be fair, we cannot exempt Legions and not also entertain exemptions for others. To do so puts us on the slippery slope of the law applying to no one.

In September 2003, prior to smoking regulation, we had nine Legion halls across Essex county. In April 2005, we have nine Legion halls. Legionnaires will continue to frequent their Legion halls, because through their Legions they continue to contribute to the well-being of their community. They will continue to frequent those halls and continue to contribute to their communities, smoking regulations notwithstanding.

The Chair: You have about a minute left in your presentation.

Mr. Paré: OK. I will move to the final phase.

Finally, I'd like to conclude with a few thoughts about our young people, workers and Bill 164.

Tobacco companies lose thousands of customers across Canada every year to smoking-related diseases. Without replacement of these customers with new recruits each year, the tobacco industry would be destined to extinction. Those new recruits inevitably come from the ranks of the youth. The principal and, the tobacco companies argue, the only avenue for display is to have their power walls. These power walls are prominent in every retail store. If we are to give our youth a chance to avoid tobacco dependency, we must act decisively: Clearly separate the candy counter from the tobacco

counter. I ask you to see that Bill 164 accomplishes this goal.

Some unfortunate workers too will continue to pay the price of tobacco use in Ontario through their exposure to environmental tobacco smoke in the workplace. However good Bill 164 may be at protecting workers, let us not overlook the fact that this protection currently falls short. Some workers are left exposed. Hotel workers are left exposed. Nursing and retirement home staff are left exposed. Home health care are left exposed.

Let's be quite clear on this point: If we accept that environmental tobacco smoke is a proven health and safety hazard, then we have a deep-seated moral obligation as community health advocates, political leaders and employers to see that this hazard is removed from the workplace—all workplaces. We all share a responsibility to provide a working environment free from danger to the worker. No one in 21st-century Ontario should be forced to accept a trade-off between sacrificing their health and earning a living to support their family—no one.

1340

The Chair: Thank you. This rotation will go to the government.

Mr. Fonseca: Thank you, Dennis, Richard and the Windsor-Essex Council on Smoking and Health for your real-life experience down in Windsor-Essex with the hospitality sector, with the Legions and other examples that you mentioned. We've had a number of presenters here today, and in the other meetings we have had within this committee, where they've often used "the sky is falling" type of statements. Pubco has been one of those that has brought those types of statements and anecdotal evidence forward, feeling that their industry would be heavily impacted. Based on the examples you were able to bring forward, we saw that that was not so.

As I've said before, this piece of legislation was one that the minister said was not to be characterized by exemption and one that was to create a fair playing field across all of Ontario for business. Its main purpose is for the protection of all Ontarians—12 million of them.

We also had a presenter earlier, Mr. Hatton from Waterloo. He brought up some experiences around the enforcement of the legislation when Waterloo went smoke-free. I believe the figure was that they brought on 2.5 full-time equivalents to take care of their enforcement. Within a few months, or by the end of that first year, they felt that compliance was so high—I'm not sure if it was around the 99th percentile—that they were able to move those full-time equivalents into other jobs. Can you tell me a little bit about how things have worked out in Essex around the enforcement and your experience with that?

Mr. Paré: Mr. Kokovai was the enforcement officer in Essex for some time. Perhaps he'd like to speak to that.

Mr. Richard Kokovai: The experience we had in Essex county was that there was no problem with compliance. We conducted a series of investigations, unannounced visits, to hospitality establishments and places of employment like industrial worksites where you would

think there may be some problems, some resistance, and there wasn't, to put it quite bluntly. There was muttering; there were people who were obviously not in agreement with the legislation. But once the legislation was in place and the support of the community was obvious, we didn't find it an enforcement problem at all.

Mr. Fonseca: If you cross that imaginary border and go into Windsor, around their enforcement and how much they're spending on their enforcement, do you have any evidence?

Mr. Kokovai: I can't speak to how much Windsor spends on enforcement. I know that we used to receive probably, on average, about four calls a month from residents of Windsor, or workers who were employed in the city of Windsor, and we would have to redirect them to the city clerk's office. Where the complaint went from there, I can't say.

Mr. Fonseca: One of the things we want to make sure of is that there are not loopholes within this legislation that will force further enforcement or where we're going to have to keep full-time staff, which will be something that will cost all provincial taxpayers a lot more money. We want to make sure there is compliance throughout. It sounds like, with your experience down in Essex, that is so.

Mr. Kokovai: That's correct.

Mr. Fonseca: How was that phased in? When we heard about the Waterloo example, it took the first couple of months until they made sure that things were enforced well and that the compliance was being adhered to in terms of the law. Was that the same experience in Essex?

Mr. Kokovai: In Essex county, once the bylaws had been passed, there was an information package prepared for distribution to employers and interested parties. As a member of the general public, you could request a copy of the package. The packages were personally delivered by health unit staff to employment venues that we felt might be high-risk, and the packages were delivered by Canada Post to venues that we felt were low-risk, for instance, retail businesses that, as you're well aware, have been required to be smoke-free since the Tobacco Control Act was passed in 1994. We tried to concentrate the manpower on the places where we potentially had the greatest problem.

People had an opportunity to ask questions of staff then. They had the opportunity to make their concerns known. If they felt they needed additional information or they needed assistance in explaining the legislation to their staff, we were there to do it.

The Chair: Thank you for your presentation this afternoon.

Mr. Paré: Thank you for your consideration, Mr. Chairman.

BARBARA AIKEN

The Chair: I call on Barb Aiken to come forward. Good afternoon. You have 10 minutes for your presentation. There may be up to five minutes of questioning

following that. I would ask you to identify yourselves for the purposes of Hansard.

Ms. Barbara Aiken: Thank you, Mr. Chairman. My name is Barbara Aiken, and beside me is Laura Wall. I'd again like to thank the committee and you, Mr. Chairman, for giving me this opportunity to speak to you today to present my perspective on this bill to make Ontario smoke-free.

First, I would like to commend our government for taking on this issue. It's an important one, and I'm very pleased and supportive of having a smoke-free Ontario.

There are several avenues in my life where I've gained my perspective on this issue. I'm a mother. I believe my children will be directly affected by your decisions, and I ask that you show real leadership and foresight. Although I recognize that cigarettes are still a legal product, I also recognize that the image of them being glamorous or acceptable or safe is dead wrong. I ask you to help protect our youth, who statistically are the most vulnerable.

Most smokers today wish they could quit. Most started when they were young because it was seen as cool or normal. Tobacco is neither. This bill can help rectify that myth and help prevent another generation of people trapped in their tobacco addiction. Stop letting it take prominence in our stores and stop allowing it to be seen as more popular than it actually is.

I'm also a business person, and as such, I can empathize with those who are dealing with change. But as a business person, I look at the demand for my product and set my objectives accordingly. The business of tobacco has been on the decline for decades. Given that this product, if used exactly as intended, will make you sick and, odds are, will kill you, it's not a product we should promote. Its time has come, and we've known that for a long time now.

I'm a member of a family and I'm a friend. In this generation, I've lost a cousin at 53 to cancer and seen three other family members battle this disease, and right now, I'm watching some incredibly wonderful friends losing their lives to cancer. According to Health Canada, tobacco use causes about 30% of cancers in Canada and more than 85% of lung cancers. I want my family and friends to be safe. I don't want them to be exposed to tobacco smoke, regardless of what city or what establishment they are in. I absolutely want workplaces and public places to be 100% smoke-free.

1350

I read a quote from Minister Smitherman on one of the Ministry of Health's Web pages. Minister Smitherman said, "Smoking and exposure to second-hand smoke is the number one preventable killer in Ontario today," and "We promised to make all workplaces and enclosed public places in Ontario 100% smoke-free. The legislation we are introducing today will fulfill this commitment and attack the chief cause of death and disease in this province."

I totally agree and support this. Let's do it, and let's redirect the money we spend caring for the sick and dying of tobacco-related diseases to other pressing health

care needs. It just seems wrong not to get rid of something that we know is making so many so sick.

I am a volunteer, and as regional president of the Canadian Cancer Society's southwestern Ontario region, I represent thousands of volunteers who contribute their time and passion to the battle against cancer. In fact, our southwestern Ontario region was just recognized. Because of the sheer force and determination of our volunteers and donors, we were awarded our organization's collaborative excellence award, an award that goes to the region in Ontario that has the greatest community fundraising revenue per capita in one fiscal year. These are our supporters, supporting what it is that we do and what it is that we stand for. That represents \$6.3 million dollars worth of support, or \$4.80 per capita. We want our province to be our ally in this fight by giving us a comprehensive Smoke-Free Ontario Act.

Finally, I am one of those people living with cancer. In 2001, I had two different occasions where I had to face down cancer. I know that if you get cancer, it's a tremendous challenge that changes virtually every aspect of your life. It erupts into your life and creates financial, emotional, psychological and physical hurdles. As a patient, I want to know that this government is going to move forward and get past dealing with a known toxic substance. I want it to put all its efforts into helping patients and supporting research and health care.

The Canadian Cancer Society has a TV public service announcement that you may have seen. It's of a young boy in a very David and Goliath gesture, reaching down to gather a simple stone to fend off the imposing shadow of a giant. He's joined by first one and then many, from all walks of life and of all ages: together strong. The message is clear and one we can apply to our efforts here today. We want a healthier, safer Ontario. That's what we're fighting for, all of us. We're together in this. We want a smoke-free Ontario now.

Thank you.

The Chair: Thank you. In this rotation, we go to the official opposition.

Mr. Barrett: Thank you for coming forward. You raised issues of banning smoking and support further legislation. You make mention of the workplace. You make mention of children.

Just a couple of questions. Through the committee hearings, we're trying to determine where this is heading. For example, just across the way on Simcoe Street is a Super 8 motel and Colby's restaurant. There are ashtrays on the table, of course. In the motel part, there are smoking rooms. In terms of the workplace, some groups advocate that smoking be banned in hotel and motel rooms because they are workplaces. This finance committee received testimony during one of our last rounds from the Ontario Campaign for Action on Tobacco with respect to home care; they advocate that there must be no smoking in someone's own home 24 hours prior to a home care visit because it would endanger the health of, say, a home care worker who would come in.

Again, I don't know where this is heading. Designated smoking rooms are allowed in long-term-care facilities,

for example, here and there in the province of Ontario. Staff work there. The Ontario Campaign for Action on Tobacco raised a concern. The fire marshal has indicated that risk of fire would put people at risk and affect staff who go into these facilities.

Do you have any comments on those three different examples of workplaces, just to give us an idea of where we're heading with this?

Ms. Aiken: It's my understanding that what we're attempting to do with this is eliminate the opportunity or requirement of anybody who is employed to be subject to tobacco smoke.

In terms of residences, I don't believe this bill is addressing an actual residence. I believe that then eliminates the discussion when it comes to an old age home, as well as the hotel—not the restaurant side of it, but the hotel portion of it. Actually, I was unaware of the fact that they required 24 hours' notice for a health care worker to come into a home. It was my understanding that—

Mr. Barrett: This is being advocated by Michael Perley of the Ontario Campaign for Action on Tobacco, who is here today. They had previous testimony before the finance committee several months ago.

Ms. Aiken: Perhaps Laura could address this.

Mr. Barrett: If not—that's not in the legislation. We've been told many times by anti-tobacco people that they're not going to give up, and this is on the table.

You mentioned protecting children. Michael Perley advocates regulating smoking in vehicles. The Ontario Medical Association recommends, in a recently published analysis, eliminating smoking in vehicles where children are present. People are concerned about this. How far do you push this? How far does this go: as far as the state stepping in and regulating the use of tobacco in their own car or in their home?

The call is to regulate smoking in the workplace. Many people in this area drive tractor-trailers. They'll be in those rigs for days on end. I don't know. Do we require them, in this legislation—maybe the parliamentary assistant could answer this—to shut down their rig to get out on the side of the road to have a cigarette? How far do we go? Is it infinite? Do we keep pushing this?

Ms. Laura Wall: The position we're looking at right now with respect to Bill 164 is that it is an extensive bill and we would like to see that go forward, because this is about health. Right now, what we do know is that approximately 16,000 Ontarians die each year because of the effects of smoking. So we see this as a positive first step.

The Chair: Thank you for your presentation.

ONTARIO FLUE-CURED
TOBACCO GROWERS'
MARKETING BOARD
AGRATURF EQUIPMENT

The Chair: I call on the Ontario Flue-Cured Tobacco Growers' Marketing Board. Good afternoon. You have 10 minutes for your presentation. There may be up to five

minutes of questions following that. I ask you to identify yourselves for the purposes of Hansard.

Mr. Fred Neukamm: Good afternoon, Mr. Chairman and members of the committee. I am Fred Neukamm, chairman of the Ontario Flue-Cured Tobacco Growers' Marketing Board. I have with me Jason Lietaer, general manager of the board. I also have with me Henry Scholten, who is representing a local equipment dealer. We've decided to pare down our own presentation to share our time slot with Mr. Scholten. He's a local equipment dealer who relies very heavily on tobacco farmers for their business.

1400

We represent approximately 1,000 farm families who grow flue-cured tobacco, mainly in Brant, Oxford, Norfolk, Elgin and Middlesex counties. At the outset, let me assure you that our board recognizes the need for sound, responsible public policy on tobacco. In our opinion, this can only be achieved on the basis of proper research and broad-based, meaningful consultation with all legitimate stakeholders.

I want to let you know how much we appreciate the committee travelling to Tillsonburg to hold this hearing. We know it took guts and we recognize that. However, we sincerely hope that our experience here is more productive than the effect of our last appearance before your committee. We last appeared before you on January 17 of this year in the pre-budget consultations. The main point of my presentation that day was tobacco taxes and how they were fuelling black market tobacco sales.

The next morning, I woke up and read the newspaper: The government was increasing tobacco taxes by \$1.25, effective immediately. Your consultations on the budget were not even complete. We were still four months away from the budget. It was clear, at least on that day, that we and the 100 farmers who travelled with me to London were wasting our time and breath.

We believe that you should be concerned that the government's health goals are being undermined by your own tobacco control policies. These policies, although intended to have one effect, are in fact causing unintended consequences which compromise the government's objectives. For example, high tobacco tax levels result in high demand for cheaper contraband and counterfeit product. Criminals make these cigarettes readily available to both adults and young people. They do not check for ID. According to your policies, high taxes supposedly restrict youth access to tobacco products. In fact, high taxes can and are driving cigarettes into the hands of young people through illegal channels.

Your policies also suggest that increases in tobacco taxes will help toward costs attributed to smoking. However, the costs associated with smoking are well covered by the tax dollars paid by smokers. Minister Smitherman's own estimate of those direct costs is \$1.7 billion in Ontario yearly. Ontario smokers will pay \$2.5 billion this year to the Ontario and federal governments, more than enough money to cover the increased health costs that the minister alleges.

As well, the government is losing tax dollars every day. There are no taxes paid on black market sales. According to your own finance department officials, tax evasion is a recognized problem and was one of the factors taken into consideration at the time of the latest tax increase of \$1.25 per carton, rather than the \$2.50 increase that your government had been instituting before January of this year.

Current tax levels are also creating an upsurge in the value-for-money cigarette market. Consumers are demanding cheaper products. In contrast, Minister Smitherman has stated that it is one of his goals to increase the cost of cigarettes. What effect does cheaper, imported tobacco have on this policy? It allows cigarette manufacturers to keep prices down and still maintain profits. Cheaper imported tobacco means cheaper cigarettes. That's a fact and it's compromising your own health goals.

This bill will also remove the power of decision-making regarding tobacco matters from the municipal to the provincial level. We believe that municipal councils have a much better understanding of the needs and requirements of the citizens they represent than legislators in Toronto. We understand that some municipal councils welcome this bill because it enables them to dodge what many regard as a political hot potato. Nevertheless, they have an obligation to ensure that tobacco-related bylaws put in place by their municipalities represent the wishes of their communities.

We have always believed that responsible policies could be put in place that accommodate the smoker and the non-smoker, but the government has abandoned those principles. That's the sad part: Solutions can be found that recognize the rights of all, but the government has chosen a different path. We believe that freedom and choice are fundamental principles that have to be respected, and that business owners, adult smokers and non-smokers can all make their own decisions; government does not need to do it for them.

You've got a lineup a mile long of people who are being affected. Our phones have been ringing off the hook with disgruntled local people who want to present to you, and we advise you to seriously consider more hearings.

The people who are calling us are not well-paid professional lobbyists like the anti-smoking industry. They are just people who have plowed money into their businesses or farms only to see their investment evaporating. If you had had this meeting even three weeks ago, you would have had 1,500 farmers here telling you what they thought of this legislation. Right now, they're out in their fields trying to earn an honest living.

There is a segment of society that is paying the freight for these policies, and those people deserve to be compensated. If government policies take away livelihoods, then government has to take responsibility.

Look around you. As the mayor said this morning, it is ironic that this very venue that we are in today discussing anti-tobacco policies was formerly a tobacco auction

exchange. It had been owned and operated by our board since 1965, and it closed in 2002. There used to be three buildings like this one; now there is one. Each of those buildings provided employment for upwards of 200 people from October to March every year, providing millions of dollars in employment income each winter.

It is also ironic—sad, in fact—that as we are here today in this former tobacco auction exchange, in another part of this building farmers are submitting bids to exit tobacco farming forever. Farmers are proud, hard-working people who, in many cases, cannot continue in the present environment. Contraband, uncontrolled imports, future uncertainty and decreasing margins: All of these things can be attributed directly or indirectly to government policies.

We firmly believe that the government of Ontario, along with the federal government, must take a responsible approach to work proactively with all segments of the industry to develop a long-term and sensible policy framework for tobacco growers in this province.

We appreciate the hard work and dedication of Minister Peters on behalf of the tobacco-producing sector and we welcome the provincial government's participation in a tobacco adjustment assistance program. We see this as a positive step on the way to meaningful discussion toward a long-term solution, a solution that needs to include governments at both levels: tobacco manufacturers as well as our farmers. That solution needs to come quickly, and we look forward to taking both levels of government up on their offers to work on and implement that long-term solution.

Our farmers have one question for this committee today: Will this committee recommend that the Minister of Agriculture take a leadership role in working with his colleagues in health, finance, municipal affairs, and economic development and trade, along with the federal government, in developing and implementing a viable and sustainable long-term strategy for tobacco farmers and their communities?

The Chair: We have about a minute and a half left.

1410

Mr. Henry Scholten: Good afternoon, Mr. Chair and members of this committee. AgraTurf Equipment Services Inc. was formed in 1974 by the five Scholten brothers—George, Henry, Derek, John and Ernie—and operated as Scholtens Farm Equipment. In 1996, four second-generation Scholtens bought into the company and became shareholders. Our first store was in Courtland, and we had two employees. This small company grew rapidly, as the demand was great. We currently employ 99 well-trained people who work hard and always go the extra mile. Today, we have five stores located in Courtland, Simcoe, Brantford, Tavistock and Ayr, and we service portions of Oxford, Elgin, Perth, Haldimand–Norfolk, Brant, Wellington and Waterloo counties.

Tobacco farmers in the 1970s, 1980s and 1990s represented more than 50% of our business. Last year, they represented less than 25%, and this year, we expect that

to decrease to 10% to 15%. Our sales are down 16% from last year, year to date, but our expenses are up over 21%. Our operating line at the bank is double what it was last year at this time.

We know that Bill 164 will help to make this picture even more dismal. So what is the economic effect for Ontario, with AgraTurf in mind? Our accounts payable records indicate that we have 3,225 vendors, of which 94% are Canadian and 92% Ontarian. We need to cut our vendor list by half, as it is too costly to maintain business with them. Now all these vendors are scattered throughout Ontario. Manufacturing facilities that AgraTurf supports are located in the following counties: Oxford, Peel, Haldimand–Norfolk, Niagara, Huron, Waterloo, Wellington, Essex and Elgin, to name a few.

We could consider sourcing from China, as their products would be far cheaper. Why? They are subsidized. How? Low taxes, very little environmental concern, and a very cheap workforce. What impact would this have on the local economy? How many manufacturing dollars would leave this country and never come back? Fully \$1,982,468 would be gone, exiting the local economy, exiting the province, and exiting this country. If this money stayed, what would happen? The manufacturing companies would make more money, they would spend more, and all levels of government would collect more taxes.

What about laying off 25% of our employees? How many would collect unemployment? Possibly half. Who will pay for that? Will they have expendable income? No. Will they be buying cars? No. Will they buy clothes made in Toronto? No. Will they go shopping for Christmas presents in Toronto and in other large centres? No.

Will AgraTurf purchase 17 new vehicles this year, as we have every other year on average? No. Will our employees buy new vehicles made in Ontario? No. Why not? The Ontario government subsidizes the automotive industry in Ontario.

Why should AgraTurf support Ontario when our government is trying to bankrupt my customers?

What is the solution? Scrap Bill 164 and support small business, as they are the backbone of the economy.

The Chair: Thank you. This round of questioning will go to the NDP.

Ms. Martel: Thanks, Mr. Neukamm and colleagues. I've got copies of letters—December 4, 2004, and February 11, 2005—that you sent, Mr. Neukamm, to Minister Peters, talking about the crisis facing Ontario tobacco farmers. You had put forward your proposals for some short-term action and long-term action. I won't go through the details. You know them as well as I do.

The February 11 one talks about two things you need: (1) an immediate cash payment to help farmers exit tobacco production; (2) a long-term strategy for tobacco farming, with a long-term exit program for farmers. Where are you in your dealings and with provincial government at this point with respect to those two critical issues?

Mr. Neukamm: Thank you for your question. Currently, the short-term plan is in motion. That is a joint

federal-provincial program. As I mentioned in my address, the bids are being received as we speak. So that process is underway.

As far as the long term is concerned, the minister has made a broad commitment to participate in that process. Those discussions have only started, in a very broad sense. We would like to see things accelerated in a very quick and meaningful way with both levels of government and with the manufacturers.

Ms. Martel: With respect to the first one, the short-term plan that's in motion, what funding has been allocated to that? There was \$50 million, but there was a division between the two pieces of it. Can you speak to that?

Mr. Neukamm: Yes. From the province of Ontario, there was \$50 million committed, \$35 million of which is a direct payment to the tobacco board to be used in conjunction with the federal dollars for the federal tobacco adjustment assistance program. The other \$15 million, we understand, is being turned over to the community futures development corporations for economic diversification in the tobacco-growing region.

Ms. Martel: With respect to the short-term plan, is the \$35 million enough?

Mr. Neukamm: No, it is not. We recognize that that combined pot of dollars is not going to solve all our problems. It will allow a segment of our growers to exit the industry, but it is only a start.

Ms. Martel: As you talk about the longer-term plan—and I appreciate that you said you're just at the start of this—what are you looking for from both levels of government in terms of a longer-term exit plan that will be realistic?

Mr. Neukamm: Very simply stated, our position is that every cigarette sold in this country should contain not less than 90% Ontario content and there should be a long-term, fair, equitable exit program for those who can't stay.

Ms. Martel: Do you have any sense of (a) what that would cost, and (b) what is the likelihood of the folks you represent being able to transition to another crop that will provide them with an appropriate and adequate livelihood? One of the arguments I've heard is that people have looked to alternative crops, started to produce, and then found that their costs were more than they were able to bring in, so it wasn't a transition to anything that provided a meaningful livelihood.

Mr. Neukamm: The issue around transition is a very difficult one. Currently, approximately 100,000 acres of land is really suited to tobacco production. There is nothing available where we can switch a flip and see all that acreage moved to that overnight. Something that is manageable and sustainable for the long term is really necessary for any long-term plan not to create complete chaos.

Ms. Martel: When you talk about the long term—and I appreciate that it's probably hard to put a number on this. I'm not trying to trick you in any way, so I hope you don't take it that way. If you're looking at how successful

a transition could be and what that would mean, what is the commitment—I guess that's the best word to use—that has to be made by both levels of government to ensure that there is an orderly change so that we don't completely devastate farm families, particularly those involved in tobacco production now?

Mr. Neukamm: Simply stated—and we had these discussions some time ago with the federal round table on tobacco—a proper strategy should involve both production and exit, as I've mentioned. As long as it is a legal product consumed by adults in this country, it should be supplied by the Ontario farmers. Beyond that, a fair and equitable exit program should involve some component of compensation for the quotas, the obsolete equipment and loss of income, and the ability to transition to something else in a meaningful way.

The Chair: Thank you for your presentation this afternoon.

1420

Mr. Barrett: On a point of order, Mr. Chair: It's not related to the content of Bill 164, but we have just been asked by the marketing board to seriously consider more hearings. I move that, first of all, the Ontario government consult with the remaining 137 applicants to testify, and, subsequently, as a result of this request from the board, that this Legislative Assembly committee hold additional hearings.

The Chair: You're putting that as a motion?

Mr. Barrett: I will put that forward as a motion.

The Chair: Could you have it in writing for the clerk? Further debate?

Mr. Wilkinson: Maybe not everybody in the room knows this, but all of us around the table who are MPPs know that this process is one where there is all-party agreement, through the subcommittee report that was voted on at the beginning of the hearings, with regard to the number of days we would sit. It seems to be a reversal of the position of one of the parties around the table that all of a sudden we shouldn't be doing what they agreed to just last week. I would have a hard time supporting something that is a flip-flop.

Mr. Barrett: I hear what you're saying, Mr. Wilkinson, about the all-party agreement. The House leaders—I wasn't at that meeting—did negotiate four days of hearings on this bill. However, 225 people applied to testify, and 137 have been barred from testifying. About a hundred people are here. One fellow in the front row has asked me again and again if he could have a few words. That's why I put forward this motion. I put it forward in writing, not to be debated next week. I ask for unanimous consent or for a vote. We're in a democratic society; whatever would be the best way. We have a serious problem—

The Chair: You have a motion on the floor.

Mr. Barrett: I would like to read the motion. You have it in writing, but I don't think the other members have a copy of it. I would like to read out the motion.

The Chair: We'll have Mr. Barrett read the motion so members are clear on what he has put.

Mr. Barrett: A motion to the legislative committee on finance and economic affairs:

Whereas the House leaders negotiated four days of hearings on the Smoke-Free Ontario Act but 225 people and/or organizations applied to testify; and

Whereas 137 people and associations have not had an opportunity to testify, for example, Avondale Stores Ltd. The Ontario Ministry of Health has not had an opportunity to testify before this committee. Imperial Tobacco. The medical officer of health for the province of Ontario, Dr. Basrur, has not had an opportunity to testify.

The Chair: Is this part of your motion?

Mr. Barrett: Yes, it is.

The Chair: It is?

Mr. Barrett: Taps Tavern, Toronto councillor Frances Nunziata; the Centre for Addiction and Mental Health.

Therefore, I so move that the Ontario government consult with the remaining 137 applicants, and subsequently, that this Legislative Assembly committee hold additional hearings.

The Chair: Further debate?

Mr. Fonseca: Chair, the process was democratic. The three House leaders did meet, negotiated the process and came up with the dates and the places that this committee would meet. I can say that our party would have liked to go to many different places and proposed that, but—

Interruption.

The Chair: Order, sir. We're under the same rules in the committee as we would be in the Legislature, regardless of the venue of the meeting.

Mr. Fonseca: Mr. Hardeman and Mr. Barrett's party did not want to go to many of the other cities, and they decided—your House leader decided—that you did not want to travel to the other cities. Even the mayor of Tillsonburg was not put on your roster.

Mr. Hardeman: I don't see the relevance of the arguments from the government side. The process is that the three House leaders make recommendations to the subcommittee, and the subcommittee brings those recommendations to this full committee for their acceptance as to what they believe needs doing. I've been in many of those subcommittee meetings and the full committee meetings, and the question always is, is the number of days at that point sufficient to hear from the public who want to speak? It's usually decided—in fact, we had a subcommittee meeting yesterday, and it was decided that the two days were going to be more than they would have presentations for, so they decided to make it just a day and a half.

If, at the end of it, more applications come forward from people who want to be heard, there is nothing inappropriate about this committee—there is no law. The Legislature didn't put a time frame on how many days they should meet. We're not under a time constraint; we're not under a closure motion. If this committee deems it appropriate to hear from the people who have put their names forward to be heard, they have every right to do that. If the government member opposite

deems that they would like to take this committee to some of the places that they were suggesting, I'd be more than happy to serve on the committee in any one of those venues, to have everybody heard who wants to be heard. This isn't about holding three more days here in Tillsonburg to hear all the good folks who have put their names forward. Many of these folks would be quite prepared to travel to your community in Mississauga to be heard, because they think it's important to be heard on this issue and the impact this bill is going to have on their lives.

There is absolutely nothing inappropriate about anybody putting forward a resolution to say that we, as representatives of the people of Ontario, the people of Oxford, the people who represent the tobacco industry—there's nothing inappropriate about us asking for more time so the government can hear the fallacy of this piece of legislation and the impact it's going to have on our communities. I take offence at the fact that you suggest we don't have the right to put this forward. I think that's totally inappropriate from a government member.

Ms. Judy Marsales (Hamilton West): I just wanted to bring to the attention of the committee that actually Councillor Nunziata did make a presentation in Toronto. All persons have the opportunity to make written submissions to this committee. It was the government that invited the mayor to bring greetings, and it was our motion that effected that presentation. That was in recognition of this wonderful community and the fact that they were hosting and listening. I'd like that to be taken into consideration.

Mr. Barrett: Flexibility is so important in this. We're a government committee of all three parties. We work for these people. We don't tell them what to do. We are here at their wish and at their bidding. You've indicated that people can send in their submissions in writing, and people were informed of that today. Regrettably, the deadline is 5 o'clock today. I know at least one person who had to get up and leave and drive back to their office to type up their submission to get it to the clerk by 5 o'clock today.

The Chair: I must interject here. As a point of information, the deadline for written submissions was in the advertising for the committee hearings. It didn't just happen today.

Mr. Barrett: I hear what you're saying. People were informed of that today. He got up and left to go home to the office, because he also was not allowed to testify. He hung around the hearings in Toronto yesterday but was unable to testify. Very simply, we live in a democracy. All I'm asking for is a vote. I'm asking for unanimous consent. I'm asking for some flexibility. This law, if it goes through, isn't going through for another year. We've got a year. We've got some time.

The Chair: Are we ready for the vote? Further debate?

Mr. Hardeman: I do respect and thank the government side for allowing the mayor—I kind of hesitate to say “allowing”—to bring greetings to this committee.

The members on the government side may not understand—and I want to thank Mr. Wilkinson; he was the one who actually arranged to have the mayor bring greetings—that the mayor didn't put his name forward to bring greetings on behalf of the town. He put forward his name to make a presentation to this committee so he would be afforded 10 minutes, the same as anyone else. He was treated very kindly by allowing him to bring greetings on behalf of the town. I don't think that's the same as saying, "We have sufficient time, and we want to hear from the mayor of Tillsonburg on what impact this bill is going to have on his community." I think it's unfair to suggest, "We were so gracious. We allowed him to bring greetings because we came to his town," as opposed to, "We allowed him to make a presentation, the same as any other presenter, on behalf of his community."

Ms. Martel: If I might just make two points, one with respect to the mayor: It is clear that because we had too many people who wanted to make presentations today, each of the political parties was asked to select eight people whom they wanted to be heard as first choices, and then eight people or organizations who would be alternatives. Each party representative did that. Mr. Hardeman, if you knew that the mayor was on the list—and you did—I think you should have put the mayor's name down as one of your eight choices. I understand that you did not. You put the mayor down as an alternative. So I find it a little hard to accept blaming the rest of the committee with respect to the mayor's presentation, when you, as the local member, did not even see fit to put the mayor's name down as one of your top eight choices. I think you should have done that.

1430

Interjection.

The Chair: Order. Ms. Martel has the floor.

Ms. Martel: You were aware that he was going to be a presenter. We all had his name. You and your party should have put down his name as one of your top eight choices.

Secondly, the government House leaders came, not on one occasion, but on several occasions, to each of their party's representatives sitting on this committee to ask us how many days we thought we would need for public hearings. We were asked on more than one occasion about how many days we needed. In fact, it is true that the government suggested and proposed more days for public hearings. It was all three parties that agreed to the schedule that we have had before us—four days. So the reality is the Conservatives were offered more days, and the Conservatives turned that down. I think that has to be said on the public record today. We have had our four days. We are at the end of our four days. This is the first time the Conservatives have raised a motion to actually extend the hearings—late in the day of the last day, which I find a little suspect, if they were truly concerned about public hearings. Let's be clear: The Conservatives turned down the offer of more days, and we moved forward with the package of days that we have abided by,

and I think that's the package of days that we should stick to.

The Chair: Further debate?

Mrs. Mitchell: I just want to add that this is the last day, and we're heading into the last afternoon, and we've heard a number of very, very good presentations. The government did put forward extra days, and now—I wouldn't want to call it grandstanding, but I'm not sure, because it's difficult to follow the process. It was put on the table that we would go for more days of hearings, but this is what was agreed upon. I really think it's terribly inappropriate and misleading that it comes from the floor today—changing the process at the very end of the last day.

The Chair: Further debate?

Mr. Hardeman: First of all, I just want to clarify the fact that I have not, until this morning, seen a list of anybody who wanted to present, so to suggest that I—

Interjections.

Mr. Hardeman: I'm not suggesting someone else didn't. I'm just suggesting someone may have, but I didn't. So I don't want it on the record that Mr. Hardeman should have known; Mr. Hardeman never saw it.

The Chair: For your information, all parties saw the list. It's not as if the list was secret.

Mr. Hardeman: She didn't say "the Conservative Party." She said "Mr. Hardeman." Mr. Hardeman had never seen the list. I just wanted to clarify that point.

The other thing: I think a very important point to make is that when they decided how many days we were going to have hearings, no one—not the Liberal government side, not the New Democrats, not the Conservatives—had any idea how many people would want to speak to this bill. I think that's really what the list is now.

If the government side doesn't want to hear the rest of the people, they have a right to vote that way, but I still put forward and support my colleague's resolution that we have further hearings to hear all those who want to speak.

The Chair: Further debate?

Mrs. Mitchell: Just a comment. When the government said that there could be more days of hearings, the government was in favour of moving forward in that manner. Let's be perfectly clear. Obviously, when the government suggested there should be more, they felt that there would be a lot of interest. We were quite surprised that you turned it down.

The Chair: Are the members ready to vote?

Mr. Barrett: Recorded vote.

Ayes

Barrett, Hardeman.

Nays

Fonseca, Marsales, Martel, McNeely, Mitchell, Wilkinson.

The Chair: The motion is lost.

REGIONAL NIAGARA
PUBLIC HEALTH DEPARTMENT

The Chair: I would call forward the Regional Niagara Public Health Department. On behalf of the committee, I apologize and appreciate your waiting. You have 10 minutes for your presentation. There may be up to five minutes for questioning after that. I would ask you to identify yourselves for the purposes of Hansard.

Ms. Linda Rix: Thank you, Mr. Chair and members of the finance and economic affairs committee. My name is Linda Rix; I'm representing Dr. Robin Williams, from the Regional Niagara Public Health Department. I apologize for Dr. Williams not attending today. She was called away, and she asked me to represent her. I do manage the tobacco control program and am very familiar with all the issues.

We want to thank you for the opportunity to make this presentation. What we want to discuss with you today is the experience in Niagara in implementing and enforcing tobacco control legislation that is not 100% smoke-free.

The regional municipality of Niagara encompasses 12 municipalities, and the regional council also has the role of board of health. Although the public health department recommendation has always been for 100% smoke-free public places and workplaces, at the political level there was not the will to establish tobacco legislation that would make the region of Niagara entirely smoke-free.

On behalf of the board of health and as required by the Ministry of Health and Long-term Care mandatory guidelines, the Region of Niagara Public Health Department worked tirelessly to move through established processes to implement and enforce a tobacco bylaw. On May 31, 2003, a bylaw was enacted that made public places and workplaces smoke-free but that at the same time allowed exemptions for casinos and private clubs, as well as the installation of designated smoking rooms.

This kind of legislation is fraught with myriad issues. It creates an unlevel playing field, which creates unfairness within the business community, it pits private clubs and businesses against one another and it creates unexpected and unbudgeted costs for consultation fees to establish designated smoking rooms and sizeable legal fees to defend the bylaw. The most important inequity is that workers in some venues are still exposed to second-hand smoke.

Since enacting it, regional council has recognized the inequities and shortfalls of the present bylaw. Discussions have taken place with respect to areas that need amendments to essentially strengthen the bylaw to a level that is equivalent to what is being proposed by the provincial legislation. However, given the triple-majority process now required under the Municipal Act and the time and resources this would entail, council has decided to seek redress via the proposed provincial legislation.

First, let me cover the unlevel playing field issue. Niagara has three gambling facilities that are exempt from the bylaw. They are Casino Niagara, Fallsview Casino and the Fort Erie slots. The Fort Erie slots also

operates several off-track betting, or OTB, venues that are in close proximity to and in competition with area bars. Since the OTBs are part and parcel of the overall gaming operation, they are also exempt. This gives a definite unfair advantage to the OTBs, and it has been reported that some smokers have left the nearby smoke-free bars to go to the OTBs, where they are allowed to smoke.

Further inequities are created by allowing designated smoking rooms, or DSRs, because only premises that are large enough in size or have ample enough cash flow are able to install a DSR. The costs for the ventilation systems alone can range from \$50,000 to \$100,000. The American Society of Heating, Refrigeration and Air Conditioning Engineers, commonly known as ASHRAE, does not set standards for second-hand smoke ventilation because no safe levels have been established by any credible body. Therefore, the only safe level of second-hand smoke must be set at zero.

Because of the patchwork of smoking bylaws throughout Ontario, many municipalities border on communities where there are less restrictive laws. This has been evident, for instance, in the town of Grimsby, which is housed in the westernmost area of the Niagara region. Grimsby abuts Stoney Creek, which is part of the city of Hamilton. Until recently, the city of Hamilton did not restrict smoking in bars, and some bars in Grimsby reported losing business to venues in Stoney Creek.

Second, the exemptions for private clubs have been challenging, to say the least. The Royal Canadian Legions within the Niagara region now appear to be in competition with the local pubs for business. The Legions certainly have an advantage: They often enjoy tax-free status from the local municipality, the beer and spirits are sold at lower costs than in bars, and to become a member, one only has to be a Canadian citizen. The memberships at Legions in Niagara are certainly on the rise, and the local taverns are feeling the pinch and complaining loudly.

1440

The other concern with these exemptions is that those in opposition decry the fact that the health departments are depriving elderly veterans who have fought for our rights. One has to realize that the veterans fought and often died for democracy and its institutions. They fought with valour and honour for the right of citizens to express their democratic wishes. The ultimate sacrifices that the veterans made for our country cannot be trivialized by the weak argument that it is a "right" to subject another person to the deadly effects of second-hand smoke.

It is also important to point out that the adult entertainment industry is using the private club issue as a guise to allow smoking within their premises. The Heritage Bicycle Club has sprung up in Niagara and in many other communities. We believe that bogus private clubs are being created to circumvent the tobacco bylaws. All of these cases are presently before our provincial offences courts in Niagara.

Third, DSRs have created a costly implementation and enforcement issue for the health department, not to

mention a costly and short-lived solution for restaurant and bar owners. The DSR approval process has significant budgetary implications. For instance, in the first year, the public health department spent \$10,000 on engineering contractual services to ensure that the DSR applications met all the criteria. This does not cover the hundreds of hours of staff time. Now that the DSRs are mostly installed, the health department does not have the staff or skill sets to ensure that the DSRs are operating correctly. To add these resources would have major budget implications similar to the region of York, which reported a cost of \$160,000 annually for this initiative.

In the region of Niagara, there are 58 registered DSRs. It is important to note that during the application process, all of these facilities were informed several times of the pending provincial legislation and that that, when implemented, could eliminate DSRs. All of the premises decided to erect their DSRs in spite of the anticipated legislation.

Fourth, the exemption for the casinos has also been the basis for a legal challenge to the bylaw from the adult entertainment parlours. The adult entertainment claim was founded on the argument that both strip clubs and casinos serve alcohol and cater to clients over 19 years of age. While the corporation was successful in the original challenge, we are now awaiting a decision from the Court of Appeal. This challenge has cost the region of Niagara at least \$100,000, and, if we are unsuccessful, will cost another \$70,000 in costs. This was an unbudgeted item and creates an added burden to the tax dollar. Not only that; we have several cases, involving 36 premises or individuals and that include several charges for each premise, that are stalled before the provincial offences courts as a result of this appeal. Some cases have been in the system for almost two years.

Fifth, we have found many challenges with allowing smoking on patios, such as the construction of makeshift roofs or walls that come to just within inches of the ceiling. The largest problem is that there is still exposure from second-hand smoke for staff and patrons that has a negative impact on health. The construction of these patios has also created issues for the Alcohol and Gaming Commission of Ontario and fire and building departments.

Sixth, some have complained that Niagara lost revenue because of the 2003 implementation of a smoking bylaw. However, a long list of events have impacted not just Niagara but Ontario tourism as a whole, namely, SARS, the 9/11 disaster, a strengthened Canadian dollar, border security and congestion issues. For an economy that has a strong base in tourism and gambling, the aforementioned can have devastating effects.

My final and most important concern is the human health cost when exemptions and DSRs are allowed in a tobacco law. We have been unable to get a casino employee to come forward at these hearings for fear of repercussions at their workplace. However, I can tell you that our database shows that we have had complaints from 56 casino employees with respect to their exposure

to second-hand smoke, as well as calls from 105 casino patrons who have complained about their exposure. For every exemption or DSR, there is yet another worker who is exposed to second-hand smoke, with all the risks that carries. It is important to note that the health data with respect to exposure in casinos and bars is overwhelming, as is the data on the immediate and longer-term health benefits of eliminating second-hand smoke exposure for this unjustifiably vulnerable group of workers. To continue this in the face of the enormous body of data is risky in terms of exposing a defined group of workers to toxins and carcinogens. This creates looming legal liabilities for any level of government that stops short of full protection of workers from these totally preventable and hazardous workplace exposures.

I want to add that while there have been significant challenges, all has not been doom and gloom in Niagara. The restaurant and bar business is known to be a fluid entity, but many in Niagara are doing extremely well.

In January 2004, the public health department published a newspaper insert entitled "The Community Talks Back." Part of the issue was devoted to comments from the community. Let me share some of the comments with you.

Mark Klassen, from Niagara Falls, says, "I think it's great! I like the fact that I can take my wife and son out to a restaurant for a bite to eat and not have to worry about dealing with second-hand smoke. It makes it easier for us to get out as a family more often."

Tricia McCann, from Niagara-on-the-Lake, says, "What took us so long? Other large cities and towns in North America and across the world have had similar, if not stronger, smoking bylaws on the books for years. This is not a unique situation. We're just playing catch-up in Niagara."

The Chair: You have about a minute left.

Ms. Rix: OK.

"As a bar and restaurant owner, I've heard comments from customers and employees—everyone is feeling better. The staff is much happier working in a smoke-free environment, and not having our hair and clothes smelling like smoke at the end of a shift is great. This bylaw hasn't noticeably affected our business. Summer 2003 was tough throughout the hospitality industry, but not because of the new bylaw." That's from Kevin Blundell, managing partner of Stunning Joe Banks.

Dr. Williams adds that as medical officer during the days of development of the bylaw, she experienced much aggressive opinion from all sides of this issue. But now, three years post-implementation, she cannot tell you the number of Joe Public who have approached her at various events and functions across the community, expressing their thanks, their pleasure, their gratefulness and their strong support for the public health department and the board of health—even some who admit that they had been sceptical or opponents of the bylaw. People understand the smoking/second-hand smoke/disease connection and, in the long run, want us to do the right thing: to protect their health and especially that of their children and grandchildren.

We urge you to learn from the Niagara experience and enact the Smoke-Free Ontario Act without exemptions and without designated smoking rooms. Our workers, our residents and our visitors deserve no less.

Thank you.

The Chair: Thank you. This round of questioning will go to the government.

Mr. Phil McNeely (Ottawa–Orléans): I'm from the Ottawa area, from Ottawa–Orléans, and I was on city council when we brought in our bylaw. That level playing field is so important. After three or four years—I'm not sure which we're in in Ottawa; we might be into the fourth year—there's nothing I participated in as a council member that I've gotten more thanks for. I just basically agree with everything you said.

There's one thing you didn't cover, and it's very much of interest to me. I had about eight or 10 kids down from the schools in Ottawa yesterday as part of the Exposé program. They delivered 24,000 petitions to the Premier and to the Legislature to say, "Let's get on with Bill 164 and let's make sure that the power walls"—that was the issue the kids in Ottawa took up, the power walls. I thought they were right on. They did such a great job of it.

I personally consider the power walls the number one issue here. We've probably got something like 200,000 kids of each age level in our schools, so 200,000 kids are making that decision every year to smoke or not smoke. The evidence we received yesterday was that there was probably an increase of 50% in the smoking occurrence because of the power walls. If you look at 200,000 kids, 20% of them smoking, that's 40,000 young people; 13,000 of those a year are starting to smoke because of the power walls. That's the California experience. The tobacco industry is very interested in getting those 13,000 kids a year hooked and into a future that's going to mean poor health and, in many cases, premature death.

I was looking at a presentation earlier today from Harold Schooley, the research chair of the Ontario fruit and vegetables growers. Public health departments throughout the province have done an excellent job of bringing these issues forward and getting us to where we are. The presentation we received today was saying that diet and diabetes and the exercise thing in schools is a major health care concern. He was taking the position that we are in an agricultural area. My area is agricultural as well. Are your organizations throughout the province willing to tackle diet just as much and get people eating the vegetables and fruit that we should be eating? That will probably impact health on a scale that they're going to impact with the no smoking.

1450

The Chair: You have about a minute left for an answer.

Mr. McNeely: We have schools that are already starting that. St. Peters got through the cigarettes two years ago. Is that the next stage? Are we likely to pursue that just as strongly as we pursued cigarettes, as a result of which I think we're getting wonderful results?

Ms. Rix: Yes, that is true. At the moment, we are beginning in Niagara, and province-wide, obesity strategies. The lessons we have learned from tobacco, and how we have changed social norms over the years, have moved along and we have done comprehensive programming and strategies to change behaviour that are going to be used in a similar fashion for an obesity strategy that will tackle families, children and workers and in all those same venues that we have used to tackle the tobacco issue. Yes, that is happening.

In Niagara, it is a very new project, and we're very excited about it. As I said, it's a whole lifestyle issue. It's within what we call our chronic disease prevention division, which tackles all of these issues together and we work in concert.

Mr. McNeely: You've done a wonderful job.

The Chair: Thank you for your presentation.

CANCER CARE ONTARIO

The Chair: I call on Cancer Care Ontario to come forward, please.

Good afternoon. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I'm going to ask you to identify yourself for the purposes of our recording Hansard.

Dr. Michael Sherar: My name is Dr. Michael Sherar. I'm the vice-president for the London regional cancer program, London Health Sciences Centre. I'm also vice-president, regional cancer services, London region, for Cancer Care Ontario.

First, I'd like to thank you for this opportunity to appear before the committee. I've provided a written submission which I hope you will receive a copy of.

I appear today on behalf of Cancer Care Ontario to express our full support for Bill 164. The implementation of 100% smoke-free public and workplace legislation and comprehensive bans on tobacco marketing, which include bans on the display and promotion of tobacco products at point of sale and in other settings, are integral components of a comprehensive tobacco control strategy. These measures will help to protect and promote the health of all Ontarians by directly addressing tobacco use, the leading cause of preventable illness and death in Ontario and Canada.

Cancer Care Ontario is an agency of the government of Ontario and acts as the government's principal adviser on cancer issues. CCO is responsible for long-term planning of the cancer care system and financing and coordinating large parts of that system. We are responsible for setting direction, providing leadership and funding cancer surveillance, prevention, screening, research, treatment and supportive care.

Let me begin by providing you with some of the facts related to the growing cancer burden in Ontario and the role tobacco plays in creating that burden. These facts are supported by the data that is contained in our written submission.

Like many other chronic diseases, cancer creates a high burden of suffering and cost for Ontario today. Unlike other chronic diseases, however, the cancer burden will increase significantly over the next 25 years. We estimate that, in 2005, almost 60,000 Ontarians will be newly diagnosed with cancer and over 25,000 deaths will be registered from cancer.

Barring dramatic changes in prevention and screening activity, the number of newly diagnosed cancer cases in Ontario will increase by two thirds by the year 2020. The overall incidence of cancer in Ontario is growing, driven in large measure by population aging and population growth.

Tobacco is the single most important cause of cancer. In Ontario, one quarter of all cancer deaths are due to tobacco. The link between tobacco use and premature death and illness is clear and undisputed. Every day, approximately 50 Ontarians die as a result of tobacco use. Over the past 50 years, almost half a million deaths have occurred among Ontarians that can be directly attributed to tobacco. In 2005, it is expected that there will be more than 15,000 tobacco-attributed deaths among Ontarians.

Among all of this bad news, the good news is that the people who stop smoking substantially reduce their chances of dying from cancer.

Involuntary exposure to second-hand smoke is also an important cause of premature death and illness. Second-hand smoke is classified as a human carcinogen by three internationally recognized scientific bodies, including the US Environmental Protection Agency, the US national toxicology program and the International Agency for Research on Cancer. More specifically, the IARC has concluded that there is sufficient existing scientific evidence to conclude that exposure to second-hand smoke is a cause of lung cancer in people who have never smoked.

Researchers estimate that between 1,100 and 7,800 deaths each year in Canada are caused by exposure to second-hand smoke with at least one third of these deaths occurring in Ontario. Our own conservative estimate is that, for 2001, 151 Ontarians died from lung cancer attributable to involuntary exposure to second-hand smoke in the home.

Comprehensive smoking bans like those proposed in Bill 164 provide the most effective protection for all Ontarians against exposure to second-hand smoke.

There is growing evidence associating smoke-free workplace bans with reductions in smoking prevalence and tobacco consumption. A recent study found that complete smoke-free workplace bans are associated with a 3.8 % reduction in smoking prevalence, and 3.1 fewer cigarettes smoked per day by a continuing smoker. Research conducted by the Ontario Tobacco Research Unit supports the corollary position. Workers employed in settings without smoking restrictions are 2.3 times more likely to be daily smokers than those working under complete bans. Daily smokers working under no-smoking restrictions also smoked 4.7 cigarettes per day more than those working under complete bans.

It is clear that the Ontario taxpayer is paying a heavy price when it comes to health care costs associated with treating tobacco use. In 1992, the direct health care costs associated with smoking in Ontario were approximately \$1.1 billion. The estimate, however, represents only a minority of the real economic toll of smoking because the costs associated with lost productivity and earnings as a result of illness, disability and death are estimated at an additional \$2.6 billion.

Specific to cancer, recent data indicate that the costs of tobacco-attributed hospitalizations and day surgeries among cancer patients for fiscal 2001-02 are conservatively estimated at approximately \$134 million. This amount only represents direct hospital costs and does not include physician billings and outpatient drug costs.

Smoking exacts a devastating toll, cutting lives short and robbing Ontarians of their productive years. In 2001, we estimate that approximately 218,000 total years of life were lost due to premature death from tobacco use in Ontario. This amounts, on average, to approximately 14.1 years of life lost per smoking death. The average is higher, however, among Ontarians who died from cancer-attributed smoking death at about 17 years of life lost per cancer-attributed smoking death.

1500

Cancer Care Ontario supports a complete ban on the retail display of tobacco, without exception. As such, CCO recommends that the clause "except in accordance with the regulations" be deleted from the proposed subsection 3.1(1) of the Smoke-Free Ontario Act. Comprehensive advertising bans can reduce tobacco consumption. A recent study has found that comprehensive advertising bans would reduce cigarette use by 7.4 %. A comprehensive tobacco strategy has been shown to be associated with reductions in the prevalence of tobacco use and in the burden of tobacco-attributable cancers and other diseases.

Cancer Care Ontario and the Canadian Cancer Society have established long-term cancer prevention and screening targets for achievement by the year 2020. To achieve the tobacco use reduction targets set for 2020, a comprehensive mix of tobacco control policy and program interventions is required. We estimate that over 6,000 premature cancer deaths could be prevented in Ontario by the year 2020 by implementing a comprehensive tobacco control strategy. Smoke-free public and workplace legislation and comprehensive marketing bans, such as those contained in Bill 164, are critical policy components of such a strategy.

To close, Cancer Care Ontario fully supports Bill 164 and recommends that the following measures be undertaken to reduce the burden of tobacco-caused illness and death in Ontario:

Implement comprehensive 100% smoke-free workplace and public place legislation, without exemption.

Implement comprehensive restrictions on tobacco industry advertising and promotion, including complete bans on the point-of-sale display and promotion of tobacco industry products, without exemption.

Immediately raise the price of cigarettes in Ontario to the national average, with subsequent increases to match price levels in the highest province or neighbouring state.

Finally, implement a comprehensive and coordinated tobacco control strategy in the province of Ontario, with sustained funding at levels consistent with internationally recognized best practice guidelines.

I'd like to thank you for the opportunity to indicate our support for Bill 164.

The Chair: Thank you. This round of questioning will go to the official opposition.

Mr. Barrett: Thank you, Dr. Sherar, for the work you do in the London region to fight cancer. There is nobody in this room who is not concerned about cancer or who hasn't contributed funds, probably, to assist in the fight against cancer.

It's important for us as a committee to continue to try to get answers. The London region is downwind from Detroit. As I understand it, 90% of Windsor's air pollution comes from Detroit. I'm not referring to second-hand smoke coming from Detroit residents; I'm talking about tonnes of airborne pollutants that come this way. In this neck of the woods and in my riding, we share a common airshed with the Ohio Valley, Pennsylvania. I know, from priming tobacco a number of years ago, the spots on the leaves were ozone pollution coming from across the border. Some 50% of Ontario's air pollution does come from our neighbours to the south.

You may not have the statistics, but we had a World War II veteran testify. Since the Second World War, there has been a fairly significant reduction in the use of tobacco. Over that 60-year period, we've seen a reduction in the use of tobacco, and you've just explained that we're seeing a very significant increase in the rate of cancer and tobacco-related cancer. How do you square that?

Dr. Sherar: I think cancer incidence and prevalence is increasing primarily due to the aging population, and although tobacco use may have declined, the population is getting older. But if you look at the statistics around tobacco use and its relationship to cancer, it is clear that fully one quarter of all cancer deaths are caused by tobacco use. Of course, a host of other health problems is associated with tobacco use. I don't dispute that there are other significant causes of cancer, but the single biggest preventable cause we have in front of us is tobacco use, and it is a major killer in the context of cancer, as it is in the context of other diseases.

Mr. Barrett: In terms of demographics, we're aware of the aging population. We also hear testimony that those who smoke die prematurely. I imagine there are figures; maybe you have some trends here. To what extent do smokers die prematurely, and secondly, to what extent do non-smokers die prematurely?

Dr. Sherar: If you look at the longevity of non-smokers versus smokers and you look at tobacco-attributable cancer deaths, the average number of years of life lost is 17 associated with cancer and 14 associated with tobacco use in all. So if you look at the average number

of years of life lost by premature death due to tobacco use, it's 14.1 years, and 17 years if you look at cancer on its own.

Mr. Barrett: OK. Statistically there's less chance they would be in that aging population.

Just to go back, the research on cancer—I know we received a tremendous amount of data yesterday. I don't think everybody took it with them; some of the government members left it on their desks. Anyway, to get a feel for it—I don't have the data on Windsor, but Toronto's downwind from Hamilton, for example. Are there hot spots in the province for the incidence of cancer? Are there some cities or some areas in the province where people have more cancer than others?

Dr. Sherar: If you look at the Cancer Care Ontario Web site, you'll know that just this week Cancer Care Ontario published the first report card on quality indicators with respect to the cancer care delivery system. On that Web site, you can find all those projections of incidence and prevalence values of cancers of different types, region by region, across the province. There are some variations with some types of cancer, as there are variations with tobacco use across the province, as you're probably well aware, but behind those variations, we're talking about thousands and thousands of people who are dying prematurely as a result of tobacco use. So one can look at small variations across the province with respect to different types of cancer, but if one looks at the tobacco problem, it's a huge factor on top of all of that.

The Chair: Thank you.

Mr. Barrett: So is there a positive correlation between the high-cancer areas and high-smoking areas?

The Chair: Your time has expired.

Mr. Barrett: I didn't get my question in.

The Chair: Your time has expired.

Mr. Barrett: But statistically, is there a positive correlation between a high-cancer area and a high-tobacco-smoking area?

The Chair: You can answer if you care to, but your time has expired, Mr. Barrett.

Dr. Sherar: I'm quite happy to answer. There is a clear correlation between tobacco use and lung cancer and other types of cancer, as there is with other types of health problems. That is clear and undisputed, I would say, by almost all parties in the literature. The numbers, as I say, are in the thousands.

The Chair: Thank you for your presentation.

1510

DELHI DISTRICT GERMAN HOME

The Chair: I would call on Delhi District German Home to come forward, please. Good afternoon. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I ask you to identify yourself for the purposes of Hansard. You may begin.

Mr. Joe Csoff: My name is Joe Csoff and I'm the vice-president of the Delhi District German Home. Good

afternoon, committee members, and welcome to Tillsonburg. My purpose in speaking to you today is twofold. I'm the vice-president of a local banquet facility, and I'm also a community member and citizen who has an opinion to share about Bill 164.

In our society today, it is not only encouraged but expected that we tolerate each other's race, physical disability, sexual orientation, colour, religion, social status, age, gender, height, weight, nationality—the list goes on and on. Why, then, is it acceptable for the government and anti-smoking groups to openly discriminate against smokers, deeming them to be social misfits?

Are smokers doing something illegal? Are they immoral? Are they bad people? Do they deserve to be shunned by their government and be stereotyped as losers? Why is this double standard allowed? You may not like the personal decisions a smoker has made, but that's OK; that's your choice. However, there are 1.8 million smokers in Ontario who are informed adults making a decision for themselves, and they have the right to be treated as any other Canadian citizen: with respect. Our government has lost sight of the fact that adults in Ontario can think for themselves and don't need a regulation to define everything they do.

This is where the anti-smokers start to cringe. This is where they ask the government for a few more million dollars to help fight their cause. This is where they say, "But what about the children? What about the health care costs? What about my right not to smell your smoke?" Let me respond.

First, the children: No responsible adult anywhere condones smoking by children. Let's be clear about something: Smoking is an adult's choice, and businesses and individuals who provide cigarettes to minor should be prosecuted. There are many decisions in life that should be left to adults, and whether or not to smoke is one of them. Tobacco companies and tobacco farmers have been painted as villains who want to hook young people on tobacco. What a disgusting accusation.

On the outcry over health care costs: The anti-smoking lobby would have you believe that health money is being wasted because of irresponsible smokers. Let me ask you, what are the health care costs resulting from car accidents because people are careless and drive too fast? Should the government ban highway driving? What are the health care costs associated with obesity, especially the future cost of child obesity? Should the government ban doughnuts? What about costs pertaining to stress in the workplace and especially about the multitude of health care costs associated with alcohol abuse? My point is, everyone needs health care, for whatever reason, at some time in their lives. If the government is truly worried about the burden smokers are putting on the health system, they need only earmark a small portion of the billions in tax dollars they collect annually from the sale of tobacco products.

Now the big one: "I don't want to smell your smoke." I think the solution to this problem is a simple compromise. Restaurant owners found their own establishments;

therefore, let them decide what sort of business they want to operate. They will advertise their business as a smoking business or a non-smoking establishment. Patrons will decide where they want to go. Everyone is happy. The owners have control of their investments and patrons still have their right to choose. Where a public facility is deemed smoke-free, a smoking room or shelter must be allowed to be provided to accommodate smokers as an alternative to a total ban.

As I mentioned, I am the vice-president of a banquet facility, the Delhi District German Home. We operate in the community of Delhi and have succeeded by using the principle of choice and freedom. This is what brought our ancestors to Canada from Europe, leaving behind the oppression that historically faced Europeans. Have we lost the basic right of choice and freedom in our own country? It is ironic that our Canadian veterans fought for choice and freedom and now their choices and freedoms are being taken away at our Legions. At the German hall, we allow those renting our facility to choose if it will be a smoking or non-smoking function, and we provide an outside shelter for smokers when necessary.

It has been made clear to us by our guests that if smoking were not available in our hall, more private functions would take place, such as backyard tent and house parties. Of course, none of these venues would adequately address water supply, sewage handling, fire hazards or ventilation. If you're worried about regulations, stop for a minute to think about these get-togethers.

There's one more issue that must be addressed today. At a recent wedding reception in the city of Mississauga, the president of our German Home was enjoying a cigarette outside with approximately 10 others. He was the only smoker who had purchased his cigarettes legally; every other smoker had obtained his cigarettes illegally through the black market. This government is losing control of this industry. As during Prohibition, the black market will continue to flourish unless government attitude toward smoking changes.

I hope my opinions have had some impact on you today. The 1.8 million adult smokers in Ontario are doing nothing wrong except enjoying a legal product. They deserve fair treatment.

The Chair: In this round, we go to the NDP.

Ms. Martel: Thank you very much, Mr. Csoff, for making your presentation here today. You've expressed your position on this, which I appreciate; I'd like to express mine to you. I don't really have a question but you can feel free to comment on what I have to say, because I think you are entitled to know at least what my view is. I can't speak for anybody else, but I'm the one in this round doing the questions.

The issue for me has never been whether or not people should or could smoke, or whether or not legislators should tell people whether they could or should smoke. The issue for me around this legislation is the right of people not to be subjected to second-hand smoke, because those folks don't have a choice about that.

We have heard lots of testimony from people, including public health inspectors, about designated smoking rooms, for example. It leads me to conclude that designated smoking rooms do not work and will not work. In too many establishments the door is left open, the ventilation is not on or the room is constructed improperly, so that people in a restaurant are subjected to second-hand smoke coming out of that supposedly designated smoking room.

Secondly, we've heard testimony from a number of workers who have said they didn't have a choice about not going into a designated smoking room. They felt that their job would be on the line if they told their employers that they didn't want to go into that designated smoking room to serve. Even though they didn't want to be there, they felt they had no choice. We know that in this industry, which is low-wage and non-unionized, there is a real threat, a real potential for intimidation and a real fear of people losing their jobs.

We know that in Legions—because I know this in my own area—even in the club room, there is an employee behind the bar who is selling alcohol, food or Nevada tickets. I see the point of this legislation as protecting that employee from the second-hand smoke that would be in the club room or in the area that the Legion might rent out to other people to use as a facility.

That's how I see it, and that's why I'm supportive of the legislation. What I'm trying to do is make sure that people who don't want to be subjected to second-hand smoke in their place of work or in a public place will be sure that they don't have to be subjected to that second-hand smoke, because I think the evidence is clear that second-hand smoke is a killer.

So we have a difference of view in terms of choice and rights. That's how I perceive it. That's what I'm wanting the legislation to do: to make sure that in workplaces and public places, no member of the public has to be subjected to second-hand smoke if they don't want to be.

1520

Mr. Csoff: This is true, but, like I said, if a restaurant decides to designate itself as a smoking restaurant, you know that when you go into that place. So why is there a problem?

Ms. Martel: What do you do with an employee who is a worker in that restaurant? Maybe they've had their employment in that restaurant, maybe they depend on that employment. Should someone have to give up their employment, their income source, because they don't want to work in an environment where there are smokers? Should someone actually have to give up their income, their livelihood, in that circumstance?

Mr. Csoff: You're talking about a situation where—I'm talking about, let's bring in the proper legislation. If that person wishes to work—they have that choice. They are an adult. Maybe I'm presuming this, but they are an adult working in this. They have a choice, as does everyone else in Ontario.

Ms. Martel: You see, I don't think they have a choice. Let me tell you about some of the testimony that

we heard from workers in the hospitality sector, workers who came to this committee and said that even though they did not want to go into the designated smoking room, because that was for smokers only, and they weren't, and they didn't want to be subjected to second-hand smoke, they knew that if they told their employer no, they were going to lose their job. That is a reality in the hospitality sector. No worker should have to lose their job because they don't want to be subjected to second-hand smoke. No worker should be subject to that. I think that's the point of this legislation.

Interruption.

The Chair: Order. Order in the room.

Ms. Martel: We've talked about tobacco farmers, and I've been very specific to say that this government, federal and provincial, has to be looking at compensation and a transition strategy. I've been very consistent all day in saying that. I say it to the folks at the back. But this is about people not wanting to be subjected to second-hand smoke and being assured that they won't have to be, in their place of employment and in a public place. We should be doing everything we can to protect those people, because we know at the end of the day that second-hand smoke kills. We know that, and we should be doing something about protecting the rights of people so they are not subjected to second-hand smoke under those circumstances.

Mr. Csoff: Well, in my presentation, in public places, my recommendation was that a shelter be permitted to be built, not necessarily inside. I didn't say smoking rooms. My presentation had nothing to do with smoking rooms. But why do people have to go out into the cold or the rain to have a cigarette? Why can't that company say, "No smoking in our establishment, our place of business. If you want to smoke, step outside into the shelter." There's nothing wrong with that. This legislation does not allow for that.

The Chair: Thank you for your presentation.

I call on the Canadian Auto Workers, Local 444. Are they here?

ONTARIO LUNG ASSOCIATION

The Chair: The Ontario Lung Association.

Ms. Heather Roberts: Good afternoon. Thank you for taking the time today to meet with us and allow us to voice our opinions and beliefs. My name is Heather Roberts. I am the community project assistant at the Ontario Lung Association, representing the area of Sarnia-Lambton, London-Middlesex, Elgin and Oxford counties.

The Ontario Lung Association is Canada's foremost lung health organization, which began its work in 1900 to control the spread of tuberculosis. Now, over 100 years later, the lung association is concerned with focusing our efforts on three major areas affecting lung health: asthma, air quality and tobacco-related lung diseases, including chronic obstructive pulmonary disease, which is also known as chronic bronchitis, and emphysema. Our

primary work involves medical research, education and the promotion of healthy living.

To begin, on behalf of the lung association, I would like to commend the government of Ontario for bringing forth Bill 164, the Smoke-Free Ontario Act. We believe this is a positive, progressive movement in health care that we can all embrace, taking truly a deep breath to celebrate. As we know, when you can't breathe, nothing else matters.

I do have a few comments that I would like to briefly address in relation to Bill 164. While the legislation includes protective measures, there are a few concerns that we have as we move forward.

Retail display bans of cigarettes: When Health Minister George Smitherman announced the smoke-free legislation back in December 2004, he promised a ban on the retail display of cigarettes. As the legislation is currently written, this ban is in danger of regulations that will allow retailers to continue to display these deadly products in a way that we at the Lung Association strongly oppose. We request that the government remove the phrase "except in accordance with the regulations" in clause 3.1(1)(c) of the bill.

A ban on tobacco advertising and promotion will advance several objectives. It will reduce tobacco use, protect children from exposure to tobacco promotion, enhance the effectiveness of educational messages, including package health warnings, and finally, it will reduce youth access to tobacco products by assisting enforcement of, and compliance with, tobacco-sales-to-minors legislation.

The rationale for this is very simple: The Supreme Court has now validated Saskatchewan's law; there is ample research demonstrating the effect of power walls on children, some of which we have heard at these hearings; displays of cigarettes can be replaced by displays of other non-toxic consumer products for which retailers will be compensated; and removing displays also reduces a major trigger for smokers who have already quit but who may be tempted to start again by seeing some of these displays.

Most importantly, we need to think about the health of our youth. A future where we continue to be bombarded with the message that it is OK or normal to smoke is a future that continues to be riddled with the devastating diseases and deaths that smoking causes. In the interest of health, ban retail displays of tobacco products, with no exceptions. From what I understand, several youths have come forward at these hearings to share their views regarding this matter. As well, a strong message has been delivered from all of the health agencies regarding this important issue. If we do not act now to ban retail displays, we will be passing the devastation on to the next generation, a legacy which I'm sure none of us wants to leave to our children.

Designated smoking rooms: The lung association strongly opposes ventilation of any kind. We urge all MPPs to uphold the government's current intention to eliminate all DSRs as of May 31, 2006. Exposing

workers to second-hand smoke in designated smoking rooms sends the message that health is of secondary concern behind that of business. All Ontarians, regardless of their occupation, deserve protection from second-hand smoke. There is no safe level of exposure to second-hand smoke set anywhere in this world; therefore, there is no way to protect those using and working in the DSRs. The only way to eliminate second-hand smoke from indoor air is to remove the source.

DSRs simply do not work. In the region of York, 103 DSRs were built between 2001 and 2004. These were all tested, and 78% of these DSRs failed the operational tests. Many proprietors leave the doors open, turn off the ventilation systems to save electricity or simply do not maintain them properly. They allow children into them and require workers to work in them. These failing test scores mean failing health, and that is not an acceptable score for Ontarians.

To sum up, 16,000 people will die this year of tobacco-related illnesses and countless others will suffer from the effects of tobacco use. If any reason at all can be found to ban smoking in our province, let it be the memory of those who have gone before us and those who live each day from breath to breath. I too am an asthmatic person and, on a personal level, completely support this legislation. Thank you very much for your time.

I would like to introduce to you my colleague Kelly Muñoz, a registered respiratory therapist, who is going to share his perspective.

Mr. Kelly Muñoz: Thank you. My name is Kelly Muñoz, and I am a respiratory therapist. I'm also a member of the Ontario Lung Association's board of directors. I've been a respiratory therapist for about 15 years now. I currently work in the home respiratory care field, working for a company called Professional Respiratory Home Care Service Corp. Our primary business is providing home oxygen to clients with lung disease, in their home. I live and work in the city of Stratford, in Perth county, and I'm going to share experiences from there.

1530

I'm really here today because for years I've seen first-hand the devastating effects of tobacco smoke. Our clients are referred to our services after many years of suffering with lung disease caused from tobacco smoke and are with us seldom more than one to two years before passing away from their disease. Despite the relatively short time they're with us, we develop fairly close relationships with these folks and their families and see the suffering they go through.

Why do I support a 100% smoke-free Ontario? Perhaps you will let me provide a few statistics for you.

You're likely aware that the smoking rate for Ontarians over 12 years of age is at 20%. In Perth county, our rate is a little bit higher, at about 23%. As a result of this, we have about 100 residents of Perth county who die each year directly from smoking-related disease. That amounts to one in every six deaths in our area attributed to the harmful effects of tobacco smoke.

Tobacco use remains the single most significant cause of preventable illness and death in Canada. Chronic obstructive pulmonary disease, better known as COPD, lung cancer and heart disease have been scientifically linked to tobacco smoke. As well, second-hand smoke is a major contributor to other diseases, such as asthma.

Up to 20% of smokers will go on to develop COPD in their lifetime. In fact, 90% of all COPD cases are directly caused from tobacco smoke. Focusing on that group, while regional statistics for COPD are hard to find, we know that more than 750,000 Canadians are known to have COPD. Using those numbers to extrapolate into Perth county, we probably have our share, about 2,300 residents, suffering daily from the effects of chronic lung disease. In fact, experts believe these figures may actually be doubled, in that it's under-reported and under-diagnosed. COPD is the fourth most common cause of hospitalization for men in Canada; the sixth most common for women. More than 20% of all visits to family physician offices are due to COPD and asthma.

In Ontario, the Ministry of Health has a budget of over \$56 million allocated to their home oxygen program. This program provides funding for residents of the province suffering from lung disease and/or palliative disease. The majority of the budget is spent on people with lung disease.

While these numbers are significant and important, the devastating effects tobacco smoke has had on Ontario families is tragic. Living with COPD is an incredible burden for both the patients and their families. Those of us with healthy lungs take breathing for granted; people with lung disease know better. They suffer significantly just trying to perform basic daily activities. Simple things like bathing, getting dressed, preparing meals are a struggle for them and they often have to sit down in the middle of that task to catch their breath. It's no wonder that many of them find the task of leaving the home to shop for groceries simply overwhelming and remain housebound.

Remember that, for many, these struggles begin in their early 50s, maybe into their 60s, and if you asked them 25 years ago when they began smoking what their life would be like when they hit the age of 60, their answer would be starkly contrasting. It is rare to find a smoker willing to acknowledge that their retirement years may come with such a burden, and those who do realize this, end up being non-smokers.

The Chair: You have about a minute left in your presentation.

Mr. Muñoz: In some cases, the only social activity available to these folks with chronic lung disease, particularly in rural settings, is to go out and participate in social activities in the community. Usually it involves places like a Legion or a private club. In Perth county, we have exemptions in our smoking bylaws, as they are now, that allow smoking in these places. So essentially people with lung disease are not allowed to go in there if they're going to suffer from that exposure to tobacco smoke, and therefore they're kept out.

Therefore, I fully support the move to a smoke-free Ontario. Further, a ban on retail tobacco displays is absolutely necessary to protect our youth from the aggressive tobacco marketing campaigns. Tragically, too many Ontarians know from first-hand experience that when you can't breathe, nothing else matters.

The Chair: Thank you. The questioning will go to the government.

Mr. Wilkinson: Thank you so much for coming to Tillsonburg today. I know, of course, of the great work you're doing in my riding. As someone who suffers from asthma, I never smoked, but when I was a teenager I worked at the Knights of Columbus bingo, back 20 or 30 years ago when smoking was allowed in public everywhere. I was about 18. I did that for about two years and I ended up with asthma. So I'm aware of that ability not to breathe. We've had people with COPD come to the Legislature and have a day and explain their life. I wanted to ask you, Kelly: When someone with COPD is out in public and they end up being exposed to second-hand smoke, could you tell us what, physically, that means to them?

Mr. Muñoz: Probably the best way to explain that would be to start off by trying, yourself, to breathe through a straw for several minutes at a time, continuously. That's what they live with daily, every minute of the day. All you need to do is add some kind of exposure to anything that's going to irritate their lungs and their airway, and smoke, pollution, a number of things will do that. They can have a worsening effect, and end up, not in a very long time, in a hospital emergency room with all kinds of troubles, and that ultimately is what leads to a lot of their downfall.

Ms. Marsales: Thank you, Heather and Kelly, for coming today. Two things: This is confession day, but I too am an asthmatic, and also am a former smoker. In Hamilton West we have one of the finest respiratory facilities in the province at St. Joseph's Hospital. My question is to both of you. As I drive down a highway these days, I see more and more automobiles that have become DSRs. But worst of all, in the back seat are the children. I know there has been some advertising around second-hand smoke, but it strikes me that this is like a container in which the child is subjected to second-hand smoke. Is there anything more that can be done to bring this to the attention to families?

Ms. Roberts: Certainly we at the lung association do the best we can to inform people. We have 1-800 numbers people can call to get information about smoking, how to quit, how it affects their health as well as the health of their loved ones, their friends, their family. We are always there to answer questions and provide information to them. Short of that, I'm not sure what else we can do. Right now, we are focusing on Bill 164, to get it started, to get it so that at least in public places we've got that going.

Mr. Fonseca: I'd like to thank Kelly and Heather and the Ontario Lung Association for their fine work. This bill has a number of focuses, one being protection in the

workplace. We have heard a number of deputations where some workers have come in and said that when they first started working in a place, they didn't have a problem with any kind of illness, but that once working in a smoky environment they have contracted different illness, like COPD or asthma. To Ms. Martel's comments to the previous presenter, they really have been forced to leave their jobs because their health has taken a toll for the worst and they've had to lose that income stream for themselves. So this piece of legislation will make sure that that does not happen across this province of Ontario.

One other quick thing: I've spoken to a lot of smokers who have said, "I want this piece of legislation to come forward, and I want it to come forward quicker." They say that when there are barriers to smoking, as Dr. Sherar from Cancer Care Ontario presented earlier, they smoke less, and if they smoke less, they can take that next step to stopping smoking. I think that's a big help with many smokers in this province, and we know that many of the smokers do want to quit. Can you comment on that?

Ms. Roberts: Absolutely. In the Sarnia area, we have two volunteers who came to me and said, "I want to stop smoking. How can you help me?" We provided them with all the information they needed, but they needed something to keep them busy. So we put them to work. Of course, at the lung association, you're not allowed to smoke. That goes without saying. They have since been helping out at events, helping out in the offices, and keeping themselves busy and making themselves more aware, and they have been able to quit smoking. That is exactly they were looking for.

The Chair: Thank you for your presentation.

1540

PERTH DISTRICT HEALTH UNIT

The Chair: Will the Perth District Health Unit please come forward.

Perhaps while they're trying to discover whether that's going to work or not, I will tell you, although I think you know this now, that you have 10 minutes for your presentation, and there could be up to five minutes for questioning. Perhaps you could identify yourselves for Hansard.

Dr. Rosana Pellizzari: My name is Dr. Rosana Pellizzari. I'm the medical officer of health for the Perth District Health Unit. I have speaking with me today two students from Listowel secondary school, and they can introduce themselves.

Ms. Laura Matheson: My name is Laura Matheson, and I'm 17 years old.

Ms. Katelyn Smith: My name is Katelyn Smith, and I'm 16.

Dr. Pellizzari: They're part of a delegation of students that has come down by bus today to be with us and experience democracy at work. I was very happy to have both Katelyn and Laura accompany me.

While we're waiting to see if we will get the technology work, in my submission, at the back, I have

included copies of my PowerPoint presentation just in case we couldn't get things to work. What I may do, then, if the projector does not co-operate, is just refer you to those slides at the back of your handouts.

The Chair: Yes, we should move ahead.

Dr. Pellizzari: So should I just go ahead and begin?

The Chair: Yes, if you would, please.

Dr. Pellizzari: I'm here to let the committee know that Perth county residents support 100% smoke-free public places and workplaces. Data from the city of Stratford survey done in May 2003 revealed very strong support for smoke-free restaurants, bars, bingo halls and bowling alleys. Our Perth county municipalities need and support stronger provincial legislation. We heard that time and time again at public forums and council meetings. In fact, if you turn to the third page in my submission, you will see our bylaws for the six municipalities within Perth county. What you will notice is that four have passed bylaws in 2004 and two are awaiting provincial legislation. We have in fact a perfect patchwork quilt of bylaws.

Among the six municipalities in Perth county, smoke-free bylaws vary considerably, including two municipalities that have decided to wait. West Perth, at the very bottom of your chart, has passed the strongest bylaw, even stronger than Bill 164, thanks to concern for a war veteran who wanted to take his grandchild to the Legion. In West Perth, they believe that it is good and it should be safe for all young children and people to visit the Legion.

Stratford, our largest urban centre, with a significant hospitality sector, has just celebrated its first anniversary of 100% smoke-free restaurants and bars. Despite the fact that many visitors to Stratford are from other parts of the province, the country and from the US, Stratford city council and its bar and restaurant owners have already made the transition to smoke-free, proposed in Bill 164. By passing Bill 164, the province would be catching up to places like St. Marys and Stratford, two urban centres highly dependent on revenue from tourism, and levelling the playing field for our local business providers.

If you refer to slide 2, you'll see the types of support we had in the public during the time we were passing the bylaw in Stratford. You can see that in fact 95% of people reported no change in how often they frequented these newly smoke-free establishments. In some cases, frequency of visits went up.

Designated smoking rooms are problematic and should not be allowed. They are difficult and expensive to enforce. Evidence for their efficacy is lacking. We have no evidence that ventilation eliminates the risk from the carcinogens and chemicals present in ETS. We have no evidence that the designated smoking rooms in Perth county are being inspected or regulated effectively. May 2006 remains a reasonable date to sunset existing DSRs in Perth county and address the unfair advantage that larger establishments currently enjoy when it comes to the feasibility of housing a DSR.

My third point is that funding from the province for local enforcement of the new bill will be important.

We've noted in some communities compliance with existing legislation slipping over the last several years. For example, in Perth East, our test shoppers in 2004 revealed a compliance rate of only 63%, down from 71% the year before. If you refer to slide number 3, you will see local Perth county survey data which reveal that almost half of Perth residents are not aware that it is illegal to sell tobacco to youth less than 19 years in age. However, 87% told us that stores guilty of breaking the law should be prohibited from selling tobacco. Surveillance and enforcement cost money. Legislation without resources for enforcement is not worth the effort. In Perth county alone, we have estimated that we need \$174,000 per year to enforce Bill 164, which will now include workplaces formerly covered in the Smoking in the Workplace Act.

My final point is that the current clause—and you've heard this before—"except in accordance with the regulations" in section 3.1 must be removed prior to third reading to prohibit the marketing of tobacco to children. May Bill 164 be the end of power walls in Ontario. You have been given the responsibility to make decisions in the public's best interest, and there is no doubt in my mind that the existing clause is a loophole in the legislation which will put our children at risk.

At this point, if you refer to slide number 4, you will see that in fact we've made a difference. We see smoking rates on the decline in Ontario. Although we have made great strides in reducing the rate of children who smoke, here in southern Ontario we have data that indicate that 25% of children—this is on slide number 5—in grades 7 to 12, all too young to legally buy tobacco, are smoking.

The next few slides are photographs taken from Perth county convenience stores, where our children are being confronted with walls of cigarettes each time they line up to purchase a bag of milk or buy a candy bar.

In conclusion, Bill 164 will assist Ontario in becoming smoke free only if it is not compromised by amendments that dilute its impact or clauses that prevent its full implementation.

Now I'd like to give the last word to my guests from Listowel District Secondary School.

Ms. Smith: We felt it was very important for us to come here today to show how we as youth firmly support the ban on power walls in Ontario.

Ms. Matheson: The tobacco industry is advertising and selling one of the most hazardous products on the market, which is not only killing 16,000 Ontario people a year from smoking but is successfully brainwashing children, teens and adults into thinking smoking is all right. But it's not. How is it right to advertise and sell products three times more deadly than all murders, alcohol, car accidents, HIV and suicide deaths in Canada combined?

Ms. Smith: Power walls with bright colours and large advertisements send the message to children, teens and adults that there are a lot of cigarettes, so people must smoke because they think it's normal and acceptable. The reality of the situation is that only 20% of all Ontarians really do smoke. How are we to help improve our health,

environment and communities when there are advertisements encouraging people to buy products that will cost them their life? Children of today are the future of tomorrow, so it's our responsibility as adults to set a good example and allow the children to realize that they can look up to us as role models.

When we asked the following question, "How do you feel about power walls in stores?" these were the responses of people, ranging in ages from 10 to 42 in our area.

Ms. Matheson: "An extremely bad influence toward our younger generation."

Ms. Smith: "Screams cancer."

Ms. Matheson: "If they were out of sight, they'd be out of mind."

Ms. Smith: "Paves the way for people to their graves."

Ms. Matheson: "Puts too much pressure on the customers, especially to those who are trying to quit smoking."

Ms. Smith: "Over-exaggerates the fact in making people think more people smoke than from the actual amount" of people "who really do."

1550

Banning these power walls from Ontario will not encourage all smokers to quit and will not prevent all people from starting to smoke, but if the banning of power walls in Ontario will stop at least one person, that is one less person making one of the most deadly mistakes in their life. If that one person is saved, that one person can, and will, save many others through allowing them to follow the good example set by them and not allow them to inhale the deadly fumes.

We all have to ask ourselves what is more important in our lives: the money being received through the tobacco industry or the lives of our future? How can we put a price on our lives? We can't.

We've brought with us today over 130 signed post-cards from our school from students who are in agreement with Bill 164. Thank you.

The Chair: That concludes your presentation?

Dr. Pellizzari: Yes, it does.

The Chair: Your timing is impeccable. This rotation goes to the official opposition.

Mr. Barrett: Thank you for coming forward. I'm just going through the chart. It says Perth county has six bingo halls; is that right?

Dr. Pellizzari: I'm going to ask Camille Burnett, my manager for chronic disease, to answer that question, because I'm not sure of the number.

Ms. Camille Burnett: The way you're reading the chart is not a reference to how many bingo halls there are. That's just showing you how many municipalities have bingo halls.

Mr. Barrett: OK. Six municipalities all have bingo halls and four of them allow some smoking. West Perth, for example: In July 2004, there was a bylaw that would allow 50% smoking? I just wanted to make it clear.

Dr. Pellizzari: In fact, that's why I brought the chart, to show you the inconsistency. In a very small geo-

graphic area like Perth county with 70,000 people, we have six different bylaws, and they could vary from one corner to the next. That's a reason why the municipalities are depending in this legislation to level the playing field and bring in some consistency.

Mr. Barrett: Going to the other side, I see that in two municipalities the bingo halls are smoke-free. I just wondered in the other bingo halls of the other municipalities—maybe John knows. How many bingo halls are in your riding? I guess my question is, what percentage of people smoke in those bingo halls and how many would you expect to go out of business if the provincial—

Dr. Pellizzari: In fact, if you look at the slide, I believe it's number 3 where we did surveys when some of the bylaws were being brought in. Ninety-five per cent of respondents who went to bingo halls reported that the change in smoking did not have an influence on how often they went to bingo halls. In fact, only 5% of people who went to bingo halls said they would not go because of the smoke-free bylaw. So there was very little difference, very little impact after the bylaws were brought in.

Mr. Barrett: I see. So that was the survey and probably 70% of the people smoke in those bingo halls. That's the average—

Dr. Pellizzari: I've had the great fortune not to go in, so I don't know what the current prevalence is.

Mr. Barrett: Again, we've been given the evidence that when you make a bingo hall smoke-free, it closes. That's what we've been told.

Mr. Wilkinson: It hasn't happened in Perth county.

Mr. Barrett: The province hasn't brought the law in yet.

Interjection.

The Chair: Order, please. Go ahead, Mr. Barrett.

Mr. Barrett: OK. St Marys. So it looks like they've got four other municipalities that they can go to to play bingo. Obviously there's another place you can go. Again, in all fairness, we've had four days of testimony and this is what we're being told. How many charities would the bingo halls support in Perth county?

Dr. Pellizzari: Mr. Barrett, the problem with your rationale is that when we asked people directly, "Do you visit bingo halls?" if they said, "Yes, we do," we asked, "Has your frequency or has your use changed?" and 95% said no. So they're obviously not jumping in their cars and driving elsewhere.

Mr. Barrett: Good. To a bingo hall where you can smoke. OK, that's fine. My question was, how many charities do they support?

Dr. Pellizzari: I'm afraid I don't have that information. Sorry.

Mr. Barrett: On the workplaces—again, designated smoking rooms are an option as of last year in Stratford, if I'm reading this correctly, and in north Perth designated smoking rooms are an option as of June 2004. What workplaces would those be? Are these long-term-care facilities or where are the smoking rooms?

Dr. Pellizzari: I'll have Camille Burnett respond to that.

Ms. Burnett: Part of the issue around DSRs, to answer your question, is that there is a great difficulty in locating exactly where all of those designated smoking rooms are. Some of those are in workplaces and are underneath that column of workplaces. We didn't differentiate which ones were office or industrial etc. so I couldn't give you that exact breakdown.

Mr. Barrett: Are the designated smoking rooms working? Like, is the ventilation system working?

Dr. Pellizzari: We actually tried to get that information, and I think this speaks to why we don't want DSRs. We could not get information from municipalities like Stratford who have allowed them on whether they're being monitored, whether they're being inspected, what the compliance is like. That data is missing. That is just an example of how difficult the DSRs are and the fact that they really aren't a solution.

Mr. Barrett: So your health unit doesn't monitor—you don't inspect DSRs?

Dr. Pellizzari: No, we don't. In fact, they're workplaces.

Mr. Barrett: Who does inspect them then?

Dr. Pellizzari: It's under the Occupational Health and Safety Act, the current legislation. Bill 164 will bring workplaces into our jurisdiction, so we will be inspecting them in the future.

The Chair: Thank you for your presentation this afternoon.

Interruption.

The Chair: Order, please. Canadian Auto Workers, Local 444?

ONTARIO TOBACCO-FREE NETWORK

The Chair: The Ontario Tobacco-Free Network, would you please come forward.

Good afternoon. You have 10 minutes for your presentation. There may be up to five minutes of questioning following that. I would ask you to identify yourselves for the purposes of our recording Hansard.

Ms. Stacy Landau: Good afternoon, Mr. Chair and members of the committee. We would like to thank you for the opportunity to present today. I'm Stacy Landau. With me today are my colleagues Vonnie Barron and Lorie Boychuk.

We represent the Ontario Tobacco-free Network, or OTN. OTN is a network of the three leading health agencies: the Canadian Cancer Society, Ontario division; the Heart and Stroke Foundation of Ontario; and the Ontario Lung Association. We also represent the 76 tobacco-free councils from across Ontario.

We are especially thrilled today to have 10-year-old Eric Mack and his eight-year-old brother, Ryan, join us today to share their thoughts. They are the youngest ambassadors of OTN.

For nearly five years, OTN has worked closely with the councils and the public health units to support local tobacco control activities, including municipal smoke-free bylaws, National Non-Smoking Week, World No

Tobacco Day and other community-specific projects. We are delighted that the provincial government has finally followed in the footsteps of the gold standard municipalities and is about to pass gold standard, 100% province-wide smoke-free legislation. We would like to thank all of those at the local level whose municipal bylaw work set the stage for this exciting new provincial legislation and offer our congratulations to the government for taking this important step forward in Ontario.

1600

Ms. Vonnice Barron: While we commend the government of Ontario for introducing this legislation, our network has identified a key issue in the legislation that needs to be addressed.

On December 15, 2004, our network was excited to hear Minister Smitherman's announcement whereby he spoke of a ban of retail displays of cigarettes that was to be included in Bill 164. Upon learning about his further explanation in the Legislature later that day, we were concerned by his statement: "Finally, this legislation would limit the size of behind-the-counter displays of cigarettes to distinguish between a legitimate display and what is effectively a billboard." This distinction alarmed us, since we feel there is no legitimate way to promote and advertise a product that, when used exactly as intended by its manufacturers, kills 50% of its users.

This was the impetus behind the OTN's Out of Sight, Out of Mind campaign, a public education and community mobilization campaign focusing on the retail display ban of tobacco products. Local tobacco-free councils worked tirelessly on the Out of Sight, Out of Mind campaign. One of the projects that groups from across Ontario undertook was to visit local convenience stores and retailers to track the presence of tobacco products on display. We would now like to share with you some of the most compelling results of this initiative that were gathered since February 2005:

In the city of Barrie, 96% of stores that have power walls were within one kilometre of schools.

In Maple, 100% of stores visited had tobacco products at a child's eye level.

In Sutton, 86% of stores had prominently visible countertop displays. This is of particular interest, since in the December 16, 2004, news release, the Ontario Convenience Store Association announced that it would ask its members to voluntarily remove countertop displays beginning immediately, and expressed its general support for the direction taken on retail displays by the Ontario government. And we'd like to note that we thought it was coincidental that this was released the day after Minister Smitherman introduced Bill 164.

In Markham, 78% of stores had self-serve countertop related accessories displayed, such as cigarette lighters, matches and cigarette holders. Many of these accessories have branded popular tobacco product logos.

In Sault Ste. Marie, 85% of stores visited displayed tobacco industry shelving, including illuminated panels and electronic signs. Over 70% of those displays contained packages of cigarettes glued to them, which we would assume are not meant to be torn off and sold.

And in London, in just 30 stores, over 60,000 cigarette packs were counted. That's an average of 2,000 packs per store. When was the last time you counted 2,000 bags of milk in your local convenience store?

Ms. Lorie Boychuk: When our local councils found out about these hearings they immediately asked how they could help. As you know, many of these council members made long trips to be present for some of the hearings in person, but one group, from the very far northern regions of Ontario, couldn't make the trip down to southern Ontario. When these passionate youth from Dryden realized that they could help make a difference by submitting something, they spent their weekend producing this video, which I have with me. Unfortunately, we didn't have the opportunity to show you this video today, as a TV and VCR could not be provided. However, we do encourage the committee members to view this five-minute video, to hear the voices of our northern Ontario youth. So I'll leave that with you today.

There are a few other things we'd like to address:

The World Health Organization points out that aggressive promotion by the tobacco industry, including permissive environments that make tobacco products readily available and affordable—like the many large convenience store displays staffed by clerks willing to sell to young people, play a major role in inducing young people to take up tobacco use.

Your federal counterparts have taken the lead on banning tobacco-industry sponsorship and advertising in Canada. It now falls in your hands to close the gap that remains for the tobacco industry's last direct-to-consumer advertising tactic, or retail displays of cigarettes.

The Supreme Court of Canada ruled that Saskatchewan could uphold its legislation to ban retail displays, thus eliminating Ontario's wait-and-see approach to implement the same. The wheels are also in motion in Manitoba and Nunavut to follow suit.

Yesterday, in Toronto, we also heard Melodie Tilson share Iceland's successful experience in banning retail displays in that country. And today we have shared photos with you of Saskatchewan's experience, which I'm sure you've all had the chance to look through. And finally, in Saskatchewan, with relation to those photos, there is no need for retail employees to turn around. The tobacco products can be put in drawers or in overhead locations.

Finally, Mac's Convenience Stores testified before the committee with concerns, but their chain stores in Saskatchewan operated successfully during the 18 months the law was initially in force, and continue to operate successfully today.

Ms. Landau: We also wanted to respond to some other concerns that were brought up earlier at the hearings with regard to tobacconist shops and the display ban. We wanted to let you know that in Saskatchewan, there is no such exemption for tobacconists. Also, in New Brunswick and Nova Scotia, whose initial legislation bans countertop displays, there is no such exemption. Once there is an exemption, the loophole will be exploited. For example, a corner kiosk in a bar could be created as a so-

called tobacconist, whose cigarette girls could sell cigarettes. Tobacco kiosks could be set up at rock concerts or on beaches.

In Ontario, there is no law preventing kids from entering tobacconists, and most so-called tobacconists sell products such as pop, newspapers and candies. Just today, during our lunch, we went to Broadview Tobacconists on the main drag in downtown Tillsonburg. We wanted to check out the inside of a tobacconist's shop, and we were disappointed to find out that for all intents and purposes, it was a convenience store that sold candy, chips, pop, milk, bread, cigars and, of course, cigarettes, including candy cigarettes like the ones that we've handed out to you.

Similarly, if tobacconists are allowed to have DSRs, this could lead to the creation of mini-tobacconists in bars as a back-door way to allow DSRs.

Before we turn the floor over to Eric and Ryan, we'd like to remind you of why we're here today. Do we want Eric and Ryan and their friends to become another tobacco statistic, like many in the generation before them? Now's the time to put an end to the predatory tactics of the tobacco industry, whose sole purpose is to replace the 16,000 Ontarians that their product kills each year. Let Eric and Ryan's generation be the one that grows up in a society where smoking is not the norm.

Mr. Eric Mack: Hi. My name is Eric Stuart Mack. I am 10 years old and I am in Mrs. Tracey's grade 3-4 split class at St. Anne's Catholic School in London. I am here to tell you my idea to help kids not to smoke and not to see cigarettes.

Now I will tell you about my idea. My idea is to put all cigarettes in one store without windows. If you do that, then kids will not be able to see cigarettes. If kids do not see cigarettes, they will not think that smoking is a normal thing. So this means that they will not want to smoke and they won't think that it is a cool thing.

Goodbye, and thank you for your time.

Applause.

The Chair: Order.

Mr. Ryan Mack: Hi. My name is Ryan Mack. I am in Mrs. Brennan's grade 3 class at St. Anne's Catholic School. I think every convenience store should have no walls of cigarettes, and they should put them under the counter so that nobody see the cigarettes. This way kids won't have the idea to smoke.

Ms. Landau: If experience has shown us anything with respect to the ban on tobacco advertising in Canada, it's that when you give the tobacco industry an inch, they take a mile. The Saskatchewan Coalition for Tobacco Reduction agrees, and clearly states, "Research says partial bans are not effective, given the tobacco industry's propensity to make the most out of such situations. You may be getting pressured not to have a complete ban. We encourage you to provide children and youth in your province with complete protection from tobacco industry promotion."

The OTN implores this government to do the right thing: Ban retail displays of tobacco industry products,

including power walls, 100%—no exemptions, no loopholes. Thank you.

The Chair: Thank you. The questioning will go to the NDP.

Ms. Martel: Thank you for being here. Thank you very much to Eric and Ryan for coming here today to talk to us. We appreciate that very much and we will think very seriously about the ideas you raised for us today.

Let me ask some of the friends who are with you: When you went to visit the tobacconist's shop today—of course, this committee was assured by presenters in Toronto that tobacconists sold only tobacco and tobacco products and nothing else—tell me again what was being sold.

Ms. Landau: I was actually shocked myself, because we're from Toronto, and the few stores in Toronto seem to have fewer products: pop, chips and some candy. In this store, however, it was way beyond that. It was a convenience store that sold bread, milk, crackers, chips, gum, candy, and then, over to the side, there was a large power wall as well as the cases of imported cigars and chewing tobacco and the regular tobacconist materials. The store, in fact, was called a tobacconist.

Ms. Martel: We were also assured that they didn't normally sell cigarettes. Correct me if I'm wrong, committee members. So that's a bit different from what we were led to believe.

You got these there?

Ms. Landau: Yes, we got you those little presents there today.

Ms. Martel: I don't think most adults go in to buy those. Some of the presentations referred to somewhere else.

In any event, let me focus on Mac's milk. One of the things Mac's told us was that this was a real security issue for them; they were focusing on employee safety, and if employees didn't have the product around them and had to turn around and lose eye contact, that was a serious safety issue. But the ban was in place on the power walls, for example, for over 18 months in Saskatchewan. Was there any problem with security, with safety, with employee protection when it was removed and it was out of sight?

Ms. Barron: No. Actually, our understanding was that there was no problem with theft. In fact, there was a period of time when the Supreme Court decision was being dealt with during which the ban, as you know, was eased off and they were allowed to display their cigarettes. We understand that up to 40% of convenience stores chose to keep their products covered because they actually found that it was safer.

Ms. Martel: I wondered about that, because when you see 250 or so brands on a big power wall, my perspective is that that's just an invitation more than anything else. If there's anything that makes it prevalent for someone who wants to do something wrong, that might be just it. It certainly isn't out of sight, out of mind. It's right there in full view. My sense is that that would make the situation even worse.

Ms. Landau: From what we understand, anecdotally we've been told by convenience store owners that the amount of stock they currently carry is excessive and they certainly don't sell that much. In fact, tobacco industry representatives sometimes have to replace the stock behind. In one row of cigarettes, if you see one face, there are seven more packs behind it. Some of those back packages have to be replaced because they've gone stale as they simply can't sell their stock. I would have to agree with you: It doesn't seem to make any sense that they would want to carry so many packages of a high-priced product.

Ms. Martel: We've heard from a lot of students over the course of the four days, and that has been really useful. I don't think I had a clear sense of how alluring, if I could use that word, a power wall could be for a teenager who's thinking about smoking, maybe has tried

it, has tested it out or is being subjected to peer pressure. I had no clear understanding, until I heard from so many of these teenagers, of just how powerful a message that can be that it's OK and, probably more importantly, that this is quite normal and common and that so many people are smoking, when the reality is that the statistics don't bear that out at all. We really do have to take a look at the power walls and ensure that those are banned.

Ms. Barron: If I could just add one point: In the video that we're leaving with you today, you'll see a 14-year-old girl from northern Ontario speak about her experience of not wanting to go into convenience stores because she sees those power walls and she's trying to cut back on her smoking.

The Chair: Thank you. This meeting is adjourned.

The committee adjourned at 1614.

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CONTENTS

Friday 29 April 2005

Tobacco Control Statute Law Amendment Act, 2005, Bill 164, Mr. Smitherman / Loi de 2005 modifiant des lois en ce qui a trait à la réglementation de l'usage du tabac, projet de loi 164, M. Smitherman	F-1651
Exposé Smoke-Free Youth Project	F-1652
Mr. Trevor Haché	
Delhi Belgian Club Ltd.	F-1654
Ms. Anne Vankerrebroeck	
Middlesex-London Health Unit	F-1655
Dr. Graham Pollett	
Mr. Adam Payler	F-1657
Ms. Katrina Richter; Mr. Lloyd Fischer	F-1659
Committee to Save Charity Bingo	F-1661
Mr. Andy Norwich; Ms. Eileen Dunsmuir	
Royal Canadian Legion, Branch 153	F-1663
Mr. Carl Cowden	
Ontario Fruit and Vegetable Growers' Association	F-1664
Mr. Harold Schooley	
Not to Kids! Coalition	F-1667
Ms. Lidija Halovanic	
Council for a Tobacco-Free Brant	F-1670
Ms. Karen Kuzmich	
Pub and Bar Coalition of Canada	F-1672
Mr. Randy Hughes	
County of Lambton	F-1675
Mr. Kevin Churchill	
Mr. Brian Hatton	F-1676
Norfolk County	F-1678
Mr. Roger Geysens	
Windsor-Essex Council on Smoking and Health	F-1680
Mr. Dennis Paré; Mr. Richard Kokovai	
Ms. Barbara Aiken; Ms. Laura Wall	F-1682
Ontario Flue-Cured Tobacco Growers' Marketing Board; AgraTurf Equipment	F-1683
Mr. Fred Neukamm; Mr. Henry Scholten	
Regional Niagara Public Health Department	F-1689
Ms. Linda Rix	
Cancer Care Ontario	F-1691
Dr. Michael Sherar	
Delhi District German Home	F-1693
Mr. Joe Csoff	
Ontario Lung Association	F-1695
Ms. Heather Roberts; Mr. Kelly Muñoz	
Perth District Health Unit	F-1698
Dr. Rosana Pellizzari; Ms. Laura Matheson; Ms. Katelyn Smith; Ms. Camille Burnett	
Ontario Tobacco-Free Network	F-1700
Ms. Stacy Landau; Ms. Vonnice Barron; Ms. Lorie Boychuk; Mr. Eric Mack; Mr. Ryan Mack	