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Official Report of Debates (Hansard)

Wednesday 18 September 2013

Journal des débats (Hansard)

Mercredi 18 septembre 2013

**Standing Committee on
General Government**

Skin Cancer Prevention
Act (Tanning Beds), 2013

**Comité permanent des
affaires gouvernementales**

Loi de 2013 sur la prévention
du cancer de la peau
(lits de bronzage)

Chair: Grant Crack
Clerk: Sylwia Przedziecki

Président : Grant Crack
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Wednesday 18 September 2013

Mercredi 18 septembre 2013

The committee met at 1603 in committee room 2.

SUBCOMMITTEE REPORTS

The Vice-Chair (Mrs. Donna H. Cansfield):

Ladies and gentlemen, if we could call the Standing Committee on General Government to order. We have a small bit of business just to begin with.

The first order of business is the report of the subcommittee on committee business, and we're fortunate enough to have two. There's the report of the subcommittee for Wednesday, September 11, 2013. Would you read that into the record?

Ms. Dipika Damerla: Your subcommittee on committee business met on Wednesday, September 11, 2013, to consider the method of proceeding with Bill 30, An Act to regulate the selling and marketing of tanning services and ultraviolet light treatments, and recommends the following:

(1) That the committee hold public hearings on Bill 30 in Toronto at Queen's Park on Wednesday, September 18, 2013, during its regular meeting time.

(2) That the Clerk of the Committee, with the authorization of the Chair, post information regarding the committee's business with respect to Bill 30 in English and French on the Ontario parliamentary channel, on the Legislative Assembly website and with the CNW newswire service.

(3) That interested people who wish to be considered to make an oral presentation on Bill 30 should contact the Clerk of the Committee as soon as possible.

(4) That the Clerk of the Committee, in consultation with the Chair, be authorized to schedule witness presentations on the bill as the requests are received, on a first-come, first-served basis.

(5) That presentations be scheduled in 15-minute time slots, and that groups and individuals be offered five minutes for their presentations, followed by up to 10 minutes for questions by committee members, three minutes per caucus.

(6) That the deadline for receipt of written submissions on the bill be 5 p.m. on Wednesday, September 18, 2013.

(7) That amendments to the bill be filed with the Clerk of the Committee by 12 noon on Friday, September 20, 2013.

(8) That the committee meet on Monday, September 23, 2013, during its regular meeting time for clause-by-clause consideration of the bill.

(9) That the committee Clerk, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

Your subcommittee met further to consider the method of proceeding on its review of regulations made under subsections 2.1(2) and (3) of the Automobile Insurance Rate Stabilization Act, 2003 (Prosperous and Fair Ontario Act (Budget Measures), 2013, c. 2, schedule 1) and recommends the following:

(10) That the committee meet on Wednesday, September 25, and Monday, September 30, 2013, at Queen's Park, during its regularly scheduled meeting times for the purpose of conducting its review.

There was one more thing that was discussed that's not in here, and that was to include on September 25, if we have the time after clause—sorry—on Monday, September 23, if we have time after clause-by-clause consideration of Bill 30, to then work on the aggregate report.

Ms. Laurie Scott: It's on the next one—

Ms. Dipika Damerla: It is? I don't see it. Oh, okay. Do you need me to read this as well?

The Vice-Chair (Mrs. Donna H. Cansfield): Could we adopt the first one, please, first?

All those in favour? All those opposed? Thank you. Carried.

Ms. Dipika Damerla: Standing Committee on General Government, subcommittee on committee business.

Report of the subcommittee, Wednesday, September 11, 2013—well, the date's wrong. September 18, 2013.

Your subcommittee on committee business met on Wednesday, September 18, 2013, to consider the method of proceeding with the committee's review of the Aggregate Resources Act (ARA), and recommends the following:

(1) That the committee meet for the purpose of report writing on the ARA on Monday, September 23, 2013, at the conclusion of clause-by-clause consideration of Bill 30, An Act to regulate the selling and mar-

keting of tanning services and ultraviolet light treatments, time permitting.

Your subcommittee met further to consider the method of proceeding on its review of Ontario regulation 273/13, pursuant to subsection 2.1(9) of the Automobile Insurance Rate Stabilization Act, 2003, and recommends the following:

(2) That the committee hold public hearings on the regulation review on Wednesday, September 25, and Monday, September 30, 2013, at Queen's Park, during its regular meeting times.

(3) That the Clerk of the Committee, with the authorization of the Chair, post information regarding the committee's business with respect to the regulation review in English and French on the Ontario parliamentary channel, on the Legislative Assembly website and with the CNW newswire service.

(4) That interested people who wish to be considered to make an oral presentation on the regulation review should contact the Clerk of the Committee as soon as possible.

(5) That the Clerk of the Committee, in consultation with the Chair, be authorized to schedule witness presentations on the regulation review as the requests are received, on a first-come, first-served basis.

(6) That presentations be scheduled in 35-minute time slots, and that groups and individuals be offered five minutes for their presentations, followed by up to 30 minutes for questions by committee members, 10 minutes per caucus.

(7) That the deadline for receipt of written submissions on the regulation review be 5 p.m. on Monday, September 30, 2013.

(8) That the committee Clerk, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

1610

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you. Could we just have a correction, though, on the third paragraph: "Your subcommittee met further ..."? Could you reread that into the record, please?

Ms. Dipika Damerla: Your subcommittee on committee business met on Wednesday, September 18, 2013—

The Vice-Chair (Mrs. Donna H. Cansfield): No, the third down.

Ms. Dipika Damerla: Your subcommittee met further to consider the method of proceeding on its review of Ontario regulation 273—

The Vice-Chair (Mrs. Donna H. Cansfield): No, 237.

Ms. Dipika Damerla: Oh. Did I do that the last time too? Okay—regulation 237/13, pursuant to subsection 2.1(9) of the Automobile Insurance Rate Stabilization Act, 2003, and recommends the following.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much. All those in favour? All those opposed? Carried.

SKIN CANCER PREVENTION
ACT (TANNING BEDS), 2013

LOI DE 2013 SUR LA PRÉVENTION
DU CANCER DE LA PEAU
(LITS DE BRONZAGE)

Consideration of the following bill:

Bill 30, An Act to regulate the selling and marketing of tanning services and ultraviolet light treatments / Projet de loi 30, Loi visant à réglementer la vente et la commercialisation de services de bronzage et de traitements par rayonnement ultraviolet.

LUPUS FOUNDATION OF ONTARIO

The Vice-Chair (Mrs. Donna H. Cansfield): Now, you have before you a number of letters that have been sent and presentations for you to read, and then we'll start with our guests.

I'd like to invite Margaret Moroz, a member of the board of directors of the Lupus Foundation of Ontario. Ms. Moroz, there will be five minutes for your presentation. I'll try to give you a heads-up about one minute in. You'll have to excuse me if I interrupt you, in case you're reading.

Ms. Margaret Moroz: Thank you. I appreciate that.

The Vice-Chair (Mrs. Donna H. Cansfield): Then we're going to do a rotation of three minutes each. We'll start with the New Democratic Party and we'll do that rotation. Thank you very much for joining us.

Ms. Margaret Moroz: All right, thank you. I'm on the board of directors of the Lupus Foundation of Ontario. I'm also a public speaker for them.

I understand the issues around the Charter of Rights. However, young people's decision-making is directed by ads, social media and magazines to look good, dress cool, drive nice cars, drink alcohol and get a tan. One's decision-making skills are hampered when you go into a salon and see a picture or plethora of pictures of young girls in bikinis, all nicely tanned—and also young men. My point is that if you saw those same people in bikinis having cancer or having lupus, you would have a better chance at making an educated decision as to whether or not you wanted to get a suntan at a tanning salon. Psychologically, the more you are exposed to something, the more it seems right and good or acceptable, especially if it's associated with pleasure or ego.

One severe sunburn in childhood or a total of five sunburns in a lifetime can more than double your risk of developing melanoma and some eye diseases like photokeratitis.

Tanning beds can also transmit staph infections and some sexually transmitted diseases. Tanning beds emit 12 times the UV rays emitted by the sun.

I have a personal connection to this. My son has lupus. In 1999, my son went to Spain in the summer, where he was on the beach getting a tan every day. By the time he got home, he was very, very ill. His mouth was full of ulcers. He was losing hair. His teeth were loose. His fingernails were loose. He was getting kidney failure.

Eventually he was diagnosed with lupus. He had his first stroke at the St. Catharines hospital. He was transported to Toronto Western, where he spent four and a half months in the hospital, 52 days in ICU in a coma. He further had another three strokes and 25 more seizures. My son was also treated with dialysis because his kidneys had failed. His body had swollen up to the size of what looked like a Michelin tire doll.

In the final stages he was on total life support, limiting his breathing ability—three breaths on a respirator to his one. Finally, they asked me to take him off life support. I refused to do that. A neurosurgeon came in and offered to operate on my son if I would sign autopsy papers. I did. He came through, and in about three days, he started to move his hands. It took him two years of rehabilitation and going to physiotherapy to be able to walk, talk, eat and function normally. However, he still has a lot of medication—over 30 pills a day. He suffers tremendously with pain and with mental problems in terms of how the surgery had affected his brain and his ability to have a good memory.

The thing about lupus is that exposure to sunlight attacks your DNA, and the body's response is to create anti-DNA. That is a direct effect on your vital organs; it starts to deteriorate your vital organs. With lupus, it can get very, very nasty. More people have lupus than cystic fibrosis, muscular dystrophy, leukemia and MS all together, but few people know about lupus because we lack funding. We are strictly an organization that does—we do walkathons or sell raffles or whatever—

The Vice-Chair (Mrs. Donna H. Cansfield): You have one minute.

Ms. Margaret Moroz: Time is up. Questions, please.

The Vice-Chair (Mrs. Donna H. Cansfield): No, no. You have a minute.

Ms. Margaret Moroz: Sorry?

The Vice-Chair (Mrs. Donna H. Cansfield): You have a minute.

Ms. Margaret Moroz: One minute, okay. I have a hearing problem. After 65, it happens.

My son—this basically ruined his life. He didn't get to finish school. He didn't get to become an architect. He didn't get married. He doesn't have a girlfriend. And he suffers. He suffers daily. He has a great deal of pain in his joints, similar to having rheumatoid arthritis.

This is something I would not like to see happen to another child, another person. It's more common in women: 90% of cases are women and only 10% are men. I would certainly not want to see a mother go through what I went through. I quit teaching and I stayed at that hospital, slept on a couch in a waiting room for four and a half months.

So I urge you not only to pass this bill but even to raise it to a level of 30 years old, because between the age of 20 and 30, life is like a party. You want to do everything; you want to exceed in almost everything: your goals, your—

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much.

Ms. Margaret Moroz: Okay.

The Vice-Chair (Mrs. Donna H. Cansfield): So, now I just have to work this.

Ms. Margaret Moroz: And if you have any questions, please speak loudly.

The Vice-Chair (Mrs. Donna H. Cansfield): We can start with the New Democratic Party.

M^{me} France Gélinas: Thank you so much, Mrs. Moroz, for coming. And thank you for sharing the story of your son. I realize that your son's story is at an extreme, and I'm really sorry for everything that he has lost. It is not my understanding, though, that this is the regular course of the disease of lupus—

Ms. Margaret Moroz: Yes, it is.

M^{me} France Gélinas: Okay. So the link between tanning beds applies to everybody that has lupus?

Ms. Margaret Moroz: Yes, it would trigger—an excessive amount of ultraviolet light triggers the lupus, all right? There are three kinds of lupus. There is the most severe form, which my son has. There's discoid lupus. There's also a lupus that can be brought on by drugs, but when the drug is removed, that lupus goes away.

There is no cure for this disease, but often you die. I have seen cases where people have suffered and died an early death. It's much like cancer.

M^{me} France Gélinas: I thank you for sharing that with us.

When you say that you would like to increase the age to 30, how did you come up with that particular age? Why not 25? Why not 33?

Ms. Margaret Moroz: Well, I guess I came up with that based on life experience, based on knowing people in that age category, that they are out there trying to have as much fun as they can. If you look at tanning bed situations, most people are in that age group and younger. It seems after 30, that's when people want to have families, and now they're more aware of health issues. They are more eager to look things up, and they kind of settle down in life.

M^{me} France Gélinas: Is the request that we increase the age to 30 something that the lupus foundation has a position on?

Ms. Margaret Moroz: Not formally. It has been a topic of discussion.

M^{me} France G linas: Okay, and does it have broader support within your foundation?

Ms. Margaret Moroz: Yes, it does.

M^{me} France G linas: Thank you.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much. PCs? I don't know who is speaking or asking questions. Laurie?

Ms. Laurie Scott: No, Jeff.

Mr. Jeff Yurek: Thank you very much for coming in today. Again, I'm also sorry about what occurred with your son during his fight with the disease, with lupus.

Other than raising the age to 30, do you see anything else in this legislation that is lacking or should be looked at?

1620

Ms. Margaret Moroz: I'm sorry; I can't hear you.

Mr. Jeff Yurek: Is this okay? Now you can hear me?

Ms. Margaret Moroz: Yes.

Mr. Jeff Yurek: Other than raising the age to 30, is there anything else in the bill that is missing that you think should be added or amended?

Ms. Margaret Moroz: Well, I think it's up to you people to make that kind of request at a legislative level and to debate that. That's not for me to say, but I think another thing that is important is what the tobacco industry has had: labels on cigarette packages. If you have an educated background and you see things, you can make choices. If you see that person sitting in bed, rotting away with cancer, you're going to think twice about lighting up a cigarette. The same thing when you go into a tanning salon: A young person is looking at these ads and saying, "Oh, I want to look like that. I want to look like the girl in the bikini." She's all nicely tanned, but they don't see the girl sitting in bed who is dying of cancer or lupus.

Mr. Jeff Yurek: Thank you.

Ms. Margaret Moroz: I think those pictures should be in the salons as well.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you. Anything—

Ms. Margaret Moroz: I'm sorry. Can I just further that? I'm just going to say that the Charter of Rights is there to protect the rights of individuals and minorities. Individuals are not always in a position to make educated choices based on what is presented to them, and we do regulate—or you regulate hazardous environments and chemicals that go into the atmosphere and air pollution and nuclear waste and so on. That's going to the extreme perhaps, in your opinion, but if you are trying to even look at saving health care dollars, we have to look at supporting our young people and keeping them safe from these kinds of problems, of cancer, of the tanning bed.

I just urge you to pass this bill and protect our kids, our young people.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much. Any further questions? Ms. Jaczek.

Ms. Helena Jaczek: Thank you, Ms. Moroz, for sharing your story. You certainly have our sympathy in what you and your son have gone through.

You have obviously done a lot of research. Are there some studies that talk about the trigger of UV radiation, whether it be through tanning or through the sun, and the incidence of lupus?

Ms. Margaret Moroz: Yes. The American lupus association has far more research because they get, like, \$200 million in funding from the federal government, whereas in Canada we get zero dollars. However, if you really want to look on the website, you can, with the Lupus Foundation of America, and you will find all kinds of literature and studies and documented incidence of this information that you're looking for.

Ms. Helena Jaczek: Are you aware of any other jurisdictions that have banned tanning at a certain age group? You are proposing perhaps increasing the age to 30. Are you aware of any other jurisdictions that have done that?

Ms. Margaret Moroz: No, I'm not.

Ms. Helena Jaczek: Thank you. We have no further questions.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much for your presentation.

Ms. Margaret Moroz: Thank you, on behalf of the lupus foundation, for hearing me.

The Vice-Chair (Mrs. Donna H. Cansfield): Delighted to have you this afternoon.

JOINT CANADIAN TANNING ASSOCIATION

The Vice-Chair (Mrs. Donna H. Cansfield): The next guest is Steven Gilroy, the executive director of the Joint Canadian Tanning Association.

Mr. Gilroy, you have five minutes for your presentation. I'll try and give you a heads-up at four, and then we will start the questions with the Progressive Conservatives.

Who will lead the questions off for the Conservatives?

Interjection.

The Vice-Chair (Mrs. Donna H. Cansfield): Okay.

Mr. Steve Gilroy: As you said, my name is Steve Gilroy, and I'm the executive director of the Joint Canadian Tanning Association, Canada's largest professional association for salons. As the voice of the nation of the indoor tanning community, I'm grateful for this committee and for the opportunity to speak and share our views on Bill 30 this afternoon.

To begin, I wish to express clearly that the indoor tanning sector supports the speedy passage of Bill 30, and we would very much like to see the legislation

finalized and enacted in law so that our members can both know the rules of the road and follow them.

That being said, the JCTA sees an opportunity to strengthen the bill in two primary areas. The first of these relates to professional controls over equipment and checking identification.

As you all know, the act would serve to restrict youths from accessing tanning services. However, the professional industry is concerned that the restrictions as written could lead to a rise in self-serve tanning, which could act as an access point for teens to use restricted equipment while also leading to a general de-professionalization of our sector.

To explain, our other jurisdictions which have enacted age-based restrictions have seen a corresponding rise in the prevalence of self-serve tanning equipment. For example, in England, the self-serve industry now makes up more than half of the indoor tanning sector, while in Sweden, the number is shocking: It's almost 100%.

These self-serve machines are controlled through the use of coin boxes, swipe cards or even directly controlled timers, with the client controlling that timer. This allows the client to set their own time without the understanding of how that equipment operates, as opposed to a professionally trained operator. Moreover, by removing physical operator controls, it becomes very difficult for salons to create an effective buffer to teen access. A swipe card can be traded or given away with very little control.

If we are serious about restricting teens' access to commercial UV tanning services, then I strongly urge the committee to amend section 2 of Bill 30 to require that the person confirming ID and age maintain operator control of the equipment. Such an inclusion would strengthen the act for all ages and, perhaps most importantly, ensure that no loopholes exist when we allow teens not to continue accessing commercial UV tanning equipment.

The second key recommendation that I would like to touch on today revolves around the use of the language in the act. Throughout Bill 30, "tanning services" continued to be referenced. To most among the Legislature, the assumption would be the reference to "UV-emitting tanning equipment." However, to those of us in the industry and the public who indoortan, "tanning services" is a nebulous term. Indeed, there are leg tanners, stand-up spray-tanning equipment and tanning lotions. In turn, this had led to confusion on the part of the operator with what specifically we will be restricting. For example, by not defining "tanning services" in the act, or using the words "tanning bed" in the short title, we will also end up banning spray tanning for teens, which appears beyond the scope of the proposed legislation, which targets UV-emitting devices.

It is for this reason that I strongly recommend to the committee that these terms be adequately defined. This can be accomplished in the legislation by defining

"tanning services" as "UV-emitting tanning equipment."

The Vice-Chair (Mrs. Donna H. Cansfield): You have one minute, sir.

Mr. Steve Gilroy: Thank you.

This will add needed clarity to the act.

In closing, I would like to again thank the committee and its members for the time to present today. As stated, the professional salon sector supports the speedy passage of Bill 30. The suggestions I have made here today will hopefully assist you in your work in creating an effective legislation. Moreover, we believe that they will go a long way in supporting the continued development of an adult-centric professional-tanning sector.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much, Mr. Gilroy.

Mrs. Elliott?

Mrs. Christine Elliott: Thank you, Chair, and thank you very much, Mr. Gilroy, for being here today. I think you've raised some very valid concerns. I'm wondering if you've had the opportunity to draft or look at how you would like specifically to have the legislation changed so that we could take that under consideration as we go through clause by clause.

Mr. Steve Gilroy: In regard to self-serve, we could see that so long that in the legislation it showed that the person checking ID for the teen—that all of those controls are operated by somebody other than the person going in for the tan. In our insurance policy—in a professional liability insurance policy, it actually demands that the timer be remotely controlled outside the room of the tanning bed by a certified operator.

1630

Mrs. Christine Elliott: The other issue, I guess, would be to not exclude spray tanning as well; make sure that that is not going to be excluded under—

Mr. Steve Gilroy: In our understanding, this is all about UV-emitting devices. In the majority of the regulations or legislation that I have dealt with through provinces, it has shown up that a definition is applied in there. In our briefing document, we've sent some terminology that is already being used. Peel region also uses it as well—the wording. I think you need a definition also for "tanning," as well as what you mean by "UV tanning" and what you mean by "UV-tanning equipment."

Mrs. Christine Elliott: Thank you very much.

Mr. Steve Gilroy: Thank you.

Mr. Todd Smith: Mr. Gilroy, thank you for coming in today. Your presentation is exactly why we needed this bill to come to committee, just so there wouldn't be any loopholes when this actually does pass and become legislation. You've raised some valuable points here.

I am curious about the stats from Europe regarding self-serve tanning. Is the increase in self-serve tanning in the European jurisdictions that you mentioned a result of a youth tanning-bed ban or any kind of a ban on

tanning, or is that just the way that the industry has progressed there?

Mr. Steve Gilroy: Talking to the presidents of the associations in Sweden, as well as in the UK, the UK—when they went in with the ban under 18, 18 months ago, about 20% of the industry was self-serve. It is now converted to well over 50%. What's interesting is, the US has controlled—30 states now have some way of controlling self-serve so that they don't get a marketplace like Europe.

It seems like the self-serve aspect of it is much easier for the operator. Our belief is that one is cleanliness; and two, operator control is all about skin-typing and making sure you're properly exposing that person to that equipment—

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much, sir.

Mr. Fraser?

Mr. John Fraser: Thank you very much, Mr. Gilroy, for your presentation today. I have a couple of questions. I'll put them all together.

Mr. Steve Gilroy: Okay.

Mr. John Fraser: They're not really complicated questions. Do you believe that this legislation would have a significant impact on your business? Secondly, there's a requirement in the bill that patrons are identified. Do you not believe that that would have the impact—that that's not enough to monitor that?

Mr. Steve Gilroy: Are you asking that we ask for ID?

Mr. John Fraser: Yes. In other words—

Mr. Steve Gilroy: Looking at under the age of 25 and whether or not the control is correct?

Mr. John Fraser: Yes.

Mr. Steve Gilroy: It's interesting; somebody in a location could actually just check the ID, then let the person close the door, turn the timer on, and you don't know what time they put that person in. And if they don't know their skin type and they don't know their exposure schedules, they wouldn't know how to operate that equipment. We then have a problem with over-exposure.

Mr. John Fraser: I guess the question is, in terms of effectively monitoring the use by people under the age of 18, is not the requirement to identify the patron enough to prevent them from getting into that tanning machine?

Mr. Steve Gilroy: Absolutely not, especially when you have a 24-hour self-serve tanning room where they can just swipe the card, walk in the door and turn on the machine. That's happening in gyms now and also in private tanning salons as well.

Mr. John Fraser: And the second part was, how do you feel this is going to impact your business?

Mr. Steve Gilroy: Approximately 2% to 5% of our gross sales is anybody under the age of 18, for a year, so the effect will not be there. I mean, that has never been our concern. We've always believed in profes-

sional standards, and that's why we always moved in that direction.

Mr. John Fraser: Okay. Thank you very much.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much, sir. It was a great presentation, and we appreciate it.

Mr. Steve Gilroy: Thank you.

Interjection.

The Vice-Chair (Mrs. Donna H. Cansfield): Oh, I forgot about you. Sorry, France; I apologize.

M^{me} France Gélinas: I won't hold you long. Just a quick question: As the representative of the association, how ready would you say your membership is for this bill?

Mr. Steve Gilroy: Everybody, so far, that I've talked to—and we have avenues to get all the information out. That's why we want to work with the government on this. As they're prepared—as soon as it's ready—we're prepared to move ahead. Most of them are already preparing for that already by either holding—not selling packages now that the second reading has already gone through.

M^{me} France Gélinas: People talk about the ban on under 18, but there are four more pieces to the bill, one being warnings directly on the tanning beds. Is this going to be an issue?

Mr. Steve Gilroy: Health Canada already has a warning label on the bed. My understanding of the legislation is it's on the wall within one metre of the equipment and within one metre of the cash register.

By the provinces that I've dealt with over the last five years in legislation moving forward, we have not had a problem moving this forward. It really comes down to making sure that everybody is told about it. The one thing that BC did with us is give us fair warning so that we could get it out to everybody, not only our members. We believe in dealing with the whole of the industry and helping the industry out.

M^{me} France Gélinas: You're looking at how many months to be a fair warning? Let's say third reading goes on next Monday. How long of a lead time do you need to reach out to all of your members about all of the contents of the bill which have to do with advertising, which have to do with registering, which have to do with warnings and the ban on—

Mr. Steve Gilroy: Once documentation is ready from the government, give us three days and we can have it out to everybody. It's that easy for us because if it's in document forms and PDFs, that goes out; that's what we did in BC. We had it out to probably 95% of the industry because of our connection with the suppliers as well.

M^{me} France Gélinas: And what percentage of your membership, or of the industry, do you figure presently operate self-use tanning beds?

Mr. Steve Gilroy: If you included coin-operated, swipe card and client-controlled equipment, I'm going to roughly guess between 20% and 25% of the industry right now is running that way.

M^{me} France Gélinas: So we're already at 20% to 25%. Would the gyms that have the tanning booth as part of their gym—would you be able to reach out to them too?

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much. Now I can say that the presentation—

M^{me} France Gélinas: Yes or no?

Mr. Steve Gilroy: Yes.

M^{me} France Gélinas: Okay.

Mr. Steve Gilroy: We have a connection through every one of them.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you, Mr. Gilroy, for the presentation, and I apologize.

Mr. Steve Gilroy: Thank you.

CANADIAN CANCER SOCIETY

The Vice-Chair (Mrs. Donna H. Cansfield): Our next presentation is the Canadian Cancer Society, Joanne Di Nardo, senior manager, public issues, and Kate Neale, a volunteer. Again, five minutes; I'll try to give you a one-minute heads-up, and then we'll start with the Liberals, and it'll be Ms. Damerla. You may go ahead.

Ms. Joanne Di Nardo: Excellent. Thank you.

I'm the senior manager of public issues at the Canadian Cancer Society. My name is Joanne Di Nardo. Today, I am here along with Kate Neale. We've pulled her out of school, and she has come willingly to talk to us as well. We're talking about the immediate need for action on indoor tanning as it relates to cancer.

Indoor tanning causes cancer; no debate there. Research has concluded that using indoor tanning equipment before the age of 35 significantly increases a person's risk of developing melanoma. The Canadian Cancer Society has placed the issue of youth and indoor tanning on the political agenda for over seven years, so we've had seven years to prepare for this. We hope that the government will act quickly to pass Bill 30, knowing that it has strong support from all political parties and Ontarians.

In June 2011, we commissioned an Ipsos Reid poll, and it showed that 83% of Ontarians support a ban on indoor tanning by youth under the age of 18 and 77% said that youth should be prevented from using tanning beds. In April 2012, we commissioned another Ipsos Reid poll, and we had them investigate tanning behaviours of Ontario youth between the ages of 12 and 17. The findings overwhelmingly reaffirm the society's call for a ban on indoor tanning by youth under the age of 18. The study found that 52%, half, of youth indoor tanners say that their parents pay for their tanning bed use; 24%, a quarter, of youth indoor tanners say that parents first introduced them to tanning. A growing percentage of youth in Ontario, almost one in 10, are using a tanning bed, up 5% from six years ago. Voluntary guidelines and parental consent do not

work—as our youth would say, epic fail. We urgently need this provincial legislation to protect all youth in all communities.

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The indoor tanning industry attracts youth to their business through tanning specials—I've seen them recently on WagJag, TeamBuy, all the online coupon sites—and promotions. Also, the tanning industry conveys misleading messaging that portrays their services as a natural, safe alternative to the sun and leads consumers to believe it is beneficial to their health. This should not be allowed to continue.

At the back of our notes, you'll find a jurisdictional analysis of what has occurred. Several countries, including France, Germany and Spain, have already passed laws banning the use of indoor tanning equipment by youth. Brazil has completely banned the use of indoor tanning equipment for cosmetic purposes since 2009, and parts of Australia have moved to outright bans as well.

In Canada, Nova Scotia, BC, Quebec, New Brunswick, Prince Edward Island and Newfoundland and Labrador have all passed provincial legislation. In Ontario, bylaws have been passed in the town of Oakville, the region of Peel and the city of Belleville.

Across the border in the US, Illinois just announced that it will enact an under-18 tanning ban that will go into effect on January 1, 2014. Illinois joins California, Nevada, Oregon, Vermont and Texas—just two weeks ago—which have already passed similar bans.

To help enforce regulation of tanning beds, it will be important to create an up-to-date registry of all indoor tanning equipment in operation in the province. Public health could offer the infrastructure and support necessary to enforce this legislation.

In Ontario in 2013, an estimated 2,950 new cases of melanoma diagnoses will occur, and 460 deaths.

Skin cancer is the most common type of cancer in young Ontarians aged 15 to 29, and it is one of the most preventable.

If there are medical conditions that require UV treatments, as prescribed by a doctor, this treatment should be performed by a knowledgeable medical professional in a medical setting.

The Vice-Chair (Mrs. Donna H. Cansfield): You have one minute left.

Ms. Joanne Di Nardo: I'll pass it on to Kate.

Ms. Kate Neale: Hello. My name is Kate Neale. I'm a resident of Belleville. I am 23 years old, and I am a stage 2 melanoma cancer survivor.

I want to share my story with you briefly. I was 16 when I signed myself up to tan indoors, which developed into me tanning up to 16 times a month for 16 minutes each time in a UVB bed that even had a warning not to stay in for longer than 12 minutes. I was told it was safe by the industry and had confidence because the salon was Smart Tan-certified. My parents were against it, but the salon offered at least 10 brochures that explained the benefits and safety of indoor tan-

ning, which I would bring home and share with them often. It was not until I was diagnosed with melanoma, the deadliest form of skin cancer, at 21 years old that I found out the danger of UV rays, and that it's a known carcinogen.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much for your presentation. Hopefully, some of the questions we'll ask will be of some help to further your conversation.

We'll start with Ms. Damerla.

Ms. Dipika Damerla: Thank you, Joanne, and thank you, Kate, for sharing your story.

Kate, could you share with us if there is anything in this bill that you think needs to be changed or amended? Somebody like you, who has had this personal experience—what would be your recommendation?

Ms. Kate Neale: I think the way the bill is right now is really good. I think it should stay the same.

Ms. Dipika Damerla: That's good. Just listening to your story drives home why it is so important that we do what we are planning to do, and it's heartening that everybody in this room is supportive of that. I'm glad you were here to share your story.

We have no other questions. Thank you very much.

The Vice-Chair (Mrs. Donna H. Cansfield): Would you like to take a moment and continue with your story?

Ms. Kate Neale: If I could.

The Vice-Chair (Mrs. Donna H. Cansfield): Certainly.

Ms. Kate Neale: When I was 18 years old, I started working at the tanning salon. As part of the job, we were required to not only be tanned but to sell the tanning sessions and products by playing up the myths perpetuated by the tanning industry. We were also told to target 16- to 20-year-olds because they have the most disposable income, less knowledge and will spend more, which is true. I think I spent \$6,000 within two years when I was 16 and 17. I was addicted to tanning, and I was heavily influenced by the industry.

I want to stop every young person from using indoor tanning beds, so I started volunteering with the Canadian Cancer Society in 2012 to take action on this issue and to become a spokesperson for the indoor tanning campaign. More than a year later, thanks to the efforts of many, this dream will hopefully become a reality when this legislation becomes law.

My life has been forever changed and may be cut short as a result of my exposure to tanning beds. I want you to help me ensure that this does not happen to any other young person. I am asking for your full support of the Skin Cancer Prevention Act. I have lost a couple of years of my life due to surgeries, weekly appointments, biopsies and the anxiety and paranoia I live with every day.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much. Ms. Gélinas?

M^{me} France Gélinas: Please continue.

Ms. Kate Neale: If my story and experience with indoor tanning helps pass a law that will save lives and educate, I believe I have done all I can personally do. I do not know what medically lies ahead for me, but I know my chances of another melanoma are high. My goal is to ensure that education and regulation are applied to the indoor tanning industry. I want to prevent others, especially youth, from suffering like my family and I have.

I am quite certain the tanning industry lobby was out in full force perpetuating their myths about indoor tanning. Fortunately, medical evidence shows quite clearly that the indoor tanning industry is wrong.

My purpose for being here today is to ask you to move forward and pass strong provincial legislation restricting access for youth under the age of 18 from using tanning beds. Many groups have been asking for this ban for years, with little action in Ontario. I need you, and the people in all of the communities across the province need you, to take action in order to prevent more young lives from being lost to this deadly, yet in many cases preventable, disease.

We have taken action on smoking, drinking and driving, and cellphones, yet nothing has been done to prevent more youths from becoming victims of indoor tanning. The time to pass the law is now. We cannot afford to wait any longer. Melanoma skin cancer is one of the most common types of cancer in young Ontarians, and it's also one of the most preventable. Action on this important public issue will prevent serious health consequences.

I would like to thank you all for your time and consideration. If you have any questions, I'll be happy to answer them.

The Vice-Chair (Mrs. Donna H. Cansfield): You have one minute left.

M^{me} France Gélinas: All I can tell you is that everyone in this room is committed to having clause-by-clause next Monday and having this bill come to third reading the following Monday. So Monday, September 30 should be the day we do the victory laps, and I will be really happy to celebrate that with you.

Ms. Kate Neale: Great. Thank you so much.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much. Mr. Smith?

Mr. Todd Smith: Thank you, Madam Chair. As the MPP in the constituency where Kate lives, in Belleville, I would like to congratulate you on your continued efforts to get this legislation passed. I know you and your family personally, and what you have meant to this is incredible, really. It's one thing for politicians to stand up and talk about the impact that this has on people's lives, but I think that when you see a lovely young lady who has dealt with melanoma and has gone through the experiences that you have, it means so much more. Every time you're on the front page of a newspaper, whether it's in Belleville or Toronto, or you're on CTV news or CBC news, it just means so much more, because there are all of these other people

on TV being glorified because they have a tan, whether it's the Kardashians or it's Jersey Shore. All of these things are very popular, but I think it's so much more meaningful when people like you, Kate, take on an issue like this. So congratulations to you on everything you've done to push this bill forward. As all three of us have said, we are in full support of this bill moving forward as quickly as possible.

I do have a question, though, for Joanne. When you hear about the self-serve tanning, is that an issue that you are aware of, and do you think that it is covered off properly in the bill as it's written right now?

Ms. Joanne Di Nardo: We would like to see speedy passage of this bill, so if anything is going to hold it up, we think the bill, as is, with minor amendments, is good. We have not heard that there is a large contingent of self-serve machines, but if there is, that is something that we see as problematic. Our partners and stakeholders in public health and at the OMA and the Canadian Dermatology Association feel that is a problematic issue as well. Then we would agree that we should make that change. But at this point, we don't see it as a significant impact.

1650

Mr. Todd Smith: Yes. I was surprised to hear Mr. Gilroy's testimony saying that it made up about 20% or 25% of the tanning beds in the province. I don't know. Kate, you've worked in the industry, and maybe you are a little bit more familiar with it. Do you think there are that many?

Ms. Kate Neale: I've never heard of one in Ontario. I know that was going on a little bit in Quebec, but I've never, ever heard of that, and I worked in the industry for four years.

Mr. Todd Smith: Right. Thank you both very much for coming in.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much for joining us this afternoon. Thank you, Kate, for taking the time to come and share your story with us. It's an important message.

ALLIED BEAUTY ASSOCIATION

The Vice-Chair (Mrs. Donna H. Cansfield): Our next presenter is Gordon Greenwood, who is counsel for the Allied Beauty Association. Mr. Greenwood, you have five minutes, sir. I'll try to give you a heads-up at four.

Mr. Gordon Greenwood: I'm obviously here more as a voice than as a face of beauty.

The associations that I represent and have for almost 40 years, the Allied Beauty Association and its equivalent in the US, are the manufacturers and distributors of professional beauty products to salons and spas, and most recently have added cosmetologists themselves as members.

Obviously, your support and the support even from the industry for the regulation of the tanning bed industry is wonderful. What we're concerned about is

the application: The wording, the scope, may go beyond that and include what is known in our trade as nail gel lamps. Nail gels are the fastest-growing element of beauty. They last for three times as long—two to three times as long—as a regular manicure. They are probably 30% to 50% more expensive than your regular manicure.

What happens is, there are three coats applied—a base coat, a colour and a top coat—that are cured after each time. By the time you finish that whole process, your hands have been in a UV lamp for up to 10 minutes, depending on the—you have 30 seconds to two minutes, roughly like that. We're talking about 10 minutes for every two weeks to four weeks, depending on how rabid a nail manicure fan you are—or sometimes longer than that. What we're concerned with is, because the phrase "ultraviolet light treatments" is used in the act, it includes these.

By the way, we've got a presentation, and as the exhibit, we've also made a proposal for amendment to the bill just to try and restrict its scope to include the targeted problem, which is the tanning itself. You're well aware—and you've heard from the Canadian Cancer Society—that's what the other provinces have done as well; they've used the words "for tanning."

We're concerned about the scope of it. We've cited some of the research. If you're using a nail gel lamp, you would have to use it for the equivalent, depending on the apparatus, of 2.4 hours to 22.4 hours to get the equivalent of one session in a tanning bed. It's used for 10 minutes per hand every two weeks to four weeks, and some people only get them done a couple of times a year. This is what we're concerned with.

As well, when you look at the administration of the act and the notices of operation and the carding of people who enter the nail salon, whether they're actually or apparently under the age of 25 years—totally non-scientific: I did a Canada 411 search and got 842 phone numbers for nail salons in Toronto. Our best guess within the industry is that there are 5,000 nail salons in Ontario. How many manicurists—what we call nail techs—work in a nail salon? We have no idea, but basically—

The Vice-Chair (Mrs. Donna H. Cansfield): One minute, sir.

Mr. Gordon Greenwood: Thank you.

Basically, what we're concerned with is that the reporting requirement, first of all, will be terribly onerous, that the scope of the act among the 5,000 salons—expand that to the number of nail techs, the carding of it—in an industry which, we submit, is not the target of this legislation. What we're asking for is the insertion of the words "for tanning" after the word "treatments."

Thank you, Madam Chair.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much, sir. To the New Democratic Party.

Ms. Peggy Sattler: Yes. I wanted to ask you: Are you a national association or just Ontario?

Mr. Gordon Greenwood: It's a national association.

Ms. Peggy Sattler: So in the other jurisdictions that have legislation governing tanning beds, do they use that phrase "for tanning"?

Mr. Gordon Greenwood: No, they do not. Sorry. They use the phrase "for tanning." It does not cover the nail industry. Nova Scotia, New Brunswick and Quebec use "for tanning." Yes, they use the words "for tanning."

Ms. Peggy Sattler: They do use it? Okay. Thank you.

Mr. Gordon Greenwood: I'd like to say I was creative and came up with it myself. I wasn't.

M^{me} France G linas: What percentage of your customers right now are people under the age of 18? Just to give me an idea.

Mr. Gordon Greenwood: That's very hard to tell. It's not monitored. When I went out and tried to ask that question, they said it's basically the prom, the graduation or they're in the wedding party somewhere. It's expensive, so you're not going to be doing it every two weeks. You're not going to get the 10 minutes every two weeks or a month. It is expensive; it's kind of a treat. But it's very hard for us to come up with a figure like that. I'm sorry.

M^{me} France G linas: And what percentage of a nail technician's time would be spent on doing gel nails versus the other types of manicure and nails?

Mr. Gordon Greenwood: Again, it's hard to put a percentage, because that tends to be dependent upon where the salon is. In the lower-income areas, it would tend to be the regular manicures. Where there's more disposable income—as I said, the best number we could come up with is that, in the last three to five years, it has tripled, the number of gel manicures and the popularity of it.

M^{me} France G linas: Because you're coming at the eleventh hour, and I know nothing about gel nails, how do I know that the nail technician does not get exposed to those 10 minutes 30 times a day, five days a week?

Mr. Gordon Greenwood: We have referred to the research for that in our papers. We have included the citation. Drs. Sayre and Dowdy were doing two things: They were looking at the consumer and they were looking at the workplace. If you can envision this as a nail machine, the tech is on the other side. The technician is not exposed.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much, Mr. Greenwood.

Mr. Gordon Greenwood: Thank you.

The Vice-Chair (Mrs. Donna H. Cansfield): I'm sorry; I don't know who is going to speak. Mrs. Elliott?

Mrs. Christine Elliott: Yes. Thank you, Chair.

Thank you very much, Mr. Greenwood. As a matter of fact, is it possible—if I'm not mistaken—that you

can actually buy the little machine that you can cure the nails in in a place like a pharmacy, like Shoppers Drug Mart or some place like that?

Mr. Gordon Greenwood: There are those. Unfortunately, you can buy almost anything on the Internet. We don't view it to the extent that the tanning bed industry was talking about with the self-tanning, but yes, there are certain of these apparatuses that are available for home use as well.

Mrs. Christine Elliott: So it's readily commercially available, not just in salons?

Mr. Gordon Greenwood: Yes, but again, doing gel nails is a skill. I guess it depends on what quality of work you want done. But yes, those things are available. Unfortunately, you can get them on eBay or Kijiji or whatever.

1700

Mrs. Christine Elliott: To your knowledge, is there any opposition to the amendment that you're proposing? Have you discussed this with the cancer society, for example?

Mr. Gordon Greenwood: We haven't discussed it with them. We made submissions to the ADM a few months ago. When nail gel lamps were coming out, there was a piece of research that was done that gave rise to a lot of flak. What happened with those researchers is that their peers got very upset and wrote very nasty articles about the quality of their research. Studying two people who have already had cancer wasn't really considered very scientific. As well, our clients received a piece of research from someone else who said it would take 250 years to reach that point, which is why Drs. Dowdy and Sayre were commissioned to do a proper study of it and come out with the results that I've told you and that we cite in our submission.

Mrs. Christine Elliott: Thank you. Perhaps it's unfortunate that the Canadian Cancer Society has already given us their views of things, but perhaps they can give us some feedback on that as well.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much. Ms. Jaczek.

Ms. Helena Jaczek: Yes, thank you, Chair. Thank you very much for coming, Mr. Greenwood, and producing such a comprehensive document and the details and so on. With the other jurisdictions following the wording, as you have suggested, for tanning, I'm sure this is something we'll take back and look at very seriously, so I would simply like to thank you for your presentation.

Mr. Gordon Greenwood: We certainly appreciate the time.

The Vice-Chair (Mrs. Donna H. Cansfield): Ms. Damerla?

Ms. Dipika Damerla: Thank you, Mr. Greenwood. It's good to see you again.

Mr. Gordon Greenwood: My pleasure.

Ms. Dipika Damerla: Just a quick question: The bandwidth or whatever of the UV rays that are used

for gel whatever-you-call-it is very different from that which would be used in a tanning salon. My understanding is that these rays do not tan your skin, right? I just wanted to get some sense of the difference. They're all UV rays.

Mr. Gordon Greenwood: Yes, and as the researchers had said, UV nail lamps are not like tanning beds. In another one of the quotes, they said it's "safer than natural sunlight and sun lamps," and it's "highly improbable that even the most dedicated nail salon client or avid home user would approach" a level of exposure which would cause any concern. So yes, it's the bandwidth, it's the spectrum, it's the duration of usage and it's the convenience. It would just take too long for someone to try to use that to tan.

Ms. Dipika Damerla: If you use it long enough, it could, but you're saying the 10-minute duration—

Mr. Gordon Greenwood: A 10-minute duration every couple of weeks is going to take forever. One of the things they said was, if you were to sit there for 22.4 hours, you might get some sort of a tanning effect from it.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much, Mr. Greenwood, for your presentation.

PEEL PUBLIC HEALTH

The Vice-Chair (Mrs. Donna H. Cansfield): Our next presenter is Dr. David Mowat, who's the medical officer of health for Peel Public Health. Dr. Mowat, I will give you a heads-up with a minute to go, sir.

Dr. David Mowat: Madam Chair, members of the committee, I'm Dr. David Mowat. I'm the medical officer of health of the region of Peel. I have with me Paul Callanan, who's our director of environmental health.

The region of Peel serves the 1.3 million residents of Mississauga, Brampton and Caledon. First, let me say that the public health community as a whole strongly supports this bill. You will have received a written submission from our association, the Association of Local Public Health Agencies, which in fact passed a resolution supporting like legislation in 2006.

You've already heard from the cancer society about the very compelling health and medical reasons why this is needed. I will not repeat them, but the region of Peel was the first health unit in Ontario to pass its own regional bylaw regulating tanning salons, so we're here to offer you some of our experience, as it may be relevant to this legislation.

Our bylaw was passed almost exactly a year ago and was effective January 1 of this year. To sum it up, implementation has been successful. There's widespread support. We were very quickly able to educate our 68 tanning premises and have undertaken inspections without any problems.

Based on our experience, a few points about the bill: The first one concerns the "ultraviolet light treat-

ments" designation. We use the "for tanning purposes" language in our bylaw, which has worked satisfactorily so that gel manicures are not caught. More important, however, would be medical, therapeutic use of ultraviolet radiation—for example, treatment of newborn jaundice—so there should be language that excludes the therapeutic use of ultraviolet radiation.

Concerning enforcement, I understand that there is an intent that this would be enforced through health units, and of course we are already doing that with no problems. There is a concern, however, about the enforcement of the advertising provisions, because that is outside the normal scope of the work of a health inspector, and we would certainly need specific guidance, training and help with resources to undertake that were it to be vigorously and proactively enforced.

Another issue is around the comprehensiveness of the protection. Our bylaw does make mention of protective eyewear, which might be added to the legislation. We also prohibit use in residential dwellings. We have, in fact, found people who run this out of their home or in the bedroom, which we don't think is a good idea. And we do have provision around the self-serve issue. The issue there for us is that tanning beds should always be monitored and under the control of an attendant. There are very few in places like condos, but mainly they're in gyms.

The Vice-Chair (Mrs. Donna H. Cansfield): Dr. Mowat, you have one minute, sir.

Dr. David Mowat: Thank you.

We do think that it is necessary for an attendant to always be in control of the equipment if we're serious about denying access to minors.

We've applied to use the Provincial Offences Act with the set fines provision for ease of enforcement, as we do with lots of other things that we do in public health, and we would recommend that there be a provision that would allow that.

Lastly, we understand that a lot of this will depend on the regulations, and we would certainly welcome an opportunity to participate in any consultation about the specific regulations. Thank you.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much, Dr. Mowat. We'll start questions. Mr. Yurek.

Mr. Jeff Yurek: Thank you, Doctor, for coming in today. Just commenting on the enforcement of the advertising and marketing provisions, you were earlier requesting more resources with regard to enforcing advertising inside and outside of the tanning facility. This is just a general question: You already have tobacco enforcement officers on staff; would it not just be a cross-training issue between a health inspector and a tobacco enforcement officer? They already look after advertising and displays.

Dr. David Mowat: Well, yes. Most of the tobacco enforcement people are, in fact, health inspectors across the province. I think the problem there is that

we are already inspecting several hundred tobacco—Paul, what is the number?

Mr. Paul Callanan: It's approximately 750 in Peel.

Dr. David Mowat: It's 750 tobacco outlets. Our funding is very constrained for this and we have very great difficulty meeting the requirements of the ministry already in doing that, and it's difficult to see how we could do this. I think it's the kind of thing where we need to talk more about it. I don't know what we'd do about an ad that we see passing on the side of a bus, for example—that kind of thing. It's a little more difficult, I think, than tobacco.

1710

Mr. Jeff Yurek: Enforcing the signage inside a tanning facility and such?

Dr. David Mowat: No. The signage inside the tanning is covered in the Peel bylaw, and that is, the signage is inspected when we go into the premises. So my concern is—my reading of the bill covers advertising; say, an ad in the paper or a poster or anywhere. How would we enforce that?

Mr. Jeff Yurek: I'm just bringing up this concern, because the bill is going to pass, and if there's going to be a fight over resources, I'm just—I come from small business, and when something new comes into the business and we don't have the money because there is no money left in the province's finances for new programs, we cross-train. I'm just throwing that out to you, that not all your health inspectors are tobacco-enforcement officers. If there's a way to use what you have in cross-training inside the facility, it might actually save quite a bit of money throughout the province's health units in order to get this implemented and fully actioned, so we don't get bogged down with fighting: "There's no money. There's no money. We can't do it without money." I want to make sure that's taken care of.

Dr. David Mowat: Okay, to be clear, under our bylaw, our health inspectors currently inspect the advertising within the business—no problem. Advertising in the media, for example, would be difficult for us.

Mr. Jeff Yurek: Okay.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much, Dr. Mowat.

Could you introduce yourself, sir, for the record, for Hansard?

Mr. Paul Callanan: Yes. My name is Paul Callanan, director of environmental health.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much. Ms. Damerla, you're going to ask the questions? Please go ahead.

Ms. Dipika Damerla: Thank you so much, Dr. Mowat, for coming, and congratulations for Peel being a leader on this issue.

I just wanted to follow up on MPP Yurek's question. Your concern is that, the way the bill is worded now, enforcement of advertising could be much broader than just inside or outside the location. It

could also capture television ads or radio ads or whatever. That's your concern, right?

Dr. David Mowat: Correct.

Ms. Dipika Damerla: Just so we understand and we can address that, if required.

My second question is—you said that Peel already addresses the issue of self-tanning. Could you just drill down a little bit more to say how exactly you address that? You said "by requiring an attendant all the time;" I understood that, but what do you do when it's in a condominium or it's in a 24-hour nightclub, where they may not be supervised at 2 in the morning?

Mr. Paul Callanan: That hasn't been an issue in Peel. For example, in a health club, where, previously, people could come in and use tanning facilities, they have an attendant now, so it hasn't been an issue.

Ms. Dipika Damerla: So that's how you've gotten around that. Okay. I don't have any more questions, but if my colleagues have—

Ms. Helena Jaczek: I'll simply say welcome to the committee. You and I have known each other for many, many years.

Dr. David Mowat: We have.

Ms. Helena Jaczek: Congratulations to Peel on bringing in your bylaw.

Dr. David Mowat: Thank you.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much, gentlemen, for your presentation.

Ms. Gélinas?

Interjection.

Ms. Peggy Sattler: Yes, I had a question. Thank you very much for the presentation, Dr. Mowat. I noticed that the bylaw in Peel included some provisions about sanitation of the equipment.

Dr. David Mowat: Yes, it does.

Ms. Peggy Sattler: However, in your presentation to us, you made a recommendation about including eyewear, but you didn't make a recommendation about the sanitation provisions. I wondered why you didn't include that in the recommendations.

Dr. David Mowat: It could be included, or it could also be said to be included under our personal services provisions within the Ontario public health standards, in any case. The fact is, regardless of what happens about this bill, when it comes to sanitation in personal service settings, public health is required, under the Ontario public health standards, to ensure that those standards are maintained, in terms of sanitation, anyway.

We happen to have repeated them in our bylaw. We thought, for the sake of simplicity, it wouldn't be necessary to spell that out in this bill. Obviously, we do support sanitary practices in tanning salons.

Ms. Peggy Sattler: If I could just ask you a question about the use of protective eyewear: How important do you think that is to be incorporated in this bill?

Dr. David Mowat: I think that's important and should be included. There are hazards—for example,

the creation of cataracts after prolonged UV exposure—that should be addressed, and most of the industry does that anyway.

Ms. Peggy Sattler: Thank you.

M^{me} France Gélinas: How long did it take you, between the time when the board of health passed it and the time that you had rolled it out to all 68 premises in Peel?

Mr. Paul Callanan: It didn't take very long at all. We did an educational visit wherein we introduced the bylaw and provided signage to operators, and the next visit was an enforcement visit—so perhaps two months.

M^{me} France Gélinas: So the bylaw came, and within two months, everybody in Peel was compliant?

Mr. Paul Callanan: Yes.

M^{me} France Gélinas: Wow, this is remarkable. What was your biggest challenge during that period of time?

Mr. Paul Callanan: There were some concerns about how it might affect business, but I wouldn't say that more than four or five operators expressed those concerns.

M^{me} France Gélinas: When it comes to advertising, at the time when I had first written the bill, I really had the proms in my riding—almost every tanning salon advertised in the yearbooks for graduates. I don't want them to do that anymore because this is targeted marketing to the population that is to be banned. Did you have a look at that at all? Is this something that happens in Peel?

Mr. Paul Callanan: I don't know. No, it's not something that we looked at.

Dr. David Mowat: That could be handled on a complaint basis, and that would be sufficient. We could certainly cope with that.

M^{me} France Gélinas: Did you have any issues with educating the residents of Peel regarding your new bylaw?

Dr. David Mowat: No. It was covered in the news media, and there was a positive reaction to it, with some exceptions. Really, people just accepted this, and we have not had any negative feedback.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much for your presentation.

UVALUX TANNING AND SUPPORT

The Vice-Chair (Mrs. Donna H. Cansfield): Our next guest is Uvalux Tanning and Support: Mr. Nik Van Haeren, president. You have five minutes, sir, for your presentation. I'll give you a heads-up at four, and then we'll start the questions with the Liberals.

Mr. Nik Van Haeren: Good afternoon. My name is Nik Van Haeren. I'm the president of Uvalux Tanning and Support. We are Canada's leading provider of spa supplies to the indoor tanning industry, as well as UV tanning equipment.

For those of you who are unfamiliar with our story, which is likely most of you, we were founded over 30 years ago in Woodstock, Ontario. Since that time, our business has grown to become a really significant contributor within our local economy and our local community. We have over 50 direct employees in Woodstock and close to \$20 million in revenue, and all of this gets injected every year into Woodstock and the surrounding area.

We've also used our tanning business to expand into other local businesses as well. This includes a world-renowned solar thermal manufacturing company, a nationwide construction concern, and my personal pride and joy: a five-star long-term-care facility. However, the core of my business and my passion remains within the indoor tanning sector, and that's why I'm here today.

From the outset, I would like to make it very clear that I am in support of the speedy passage of Bill 30. The salon sector, which I'm very proud to work closely with, would also like new rules to be enacted fairly as well as quickly. That said, there are elements of the bill that do need a second look here at committee if we want to get it right, and we do have a unique opportunity to do that.

The most pressing issue was raised earlier by my colleague Steven Gilroy, and that's the issue of self-serve tanning. To support that, as a supplier, I've already seen an increase in the inquiries on self-serve systems. This is including, recently, one major US chain that has expanded into the Canadian market. To date, I have refused to enter that side of the business because, to be frank and honest, I have significant concerns about how UV light is administered to the clients in these facilities.

1720

Now, should they become the industry norm, such as they have in Sweden and England, then not only will teens have a loophole to continue to access these salons, but adult customers will also be at risk. This is why I feel it is so important—and strongly—that we must ensure that professionalism remain and professionals remain in control of UV equipment.

As well, it should be noted the definitions in this act require clarity. As Steve mentioned, as it stands, if I read it correctly, the bill will also prohibit youth from accessing spray-tanning facilities. This seems to run contrary to the purpose of this legislation, and there is no suggestion from any side that spray tanning leads to any higher incidences of melanoma. Because of this, I believe that we have to take the time to ensure that the affected equipment is clearly defined under the act, as in the example with UV gel nails. I also ask the committee to ensure that the definition in the legislation is similar to what other provinces have done.

In closing, I'd like to thank the committee today for their time, the opportunity to speak and for consideration of the points that I have raised. I am absolutely pleased to take any questions you may have.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much, sir. We'll start with Mr. Fraser.

Mr. John Fraser: Thank you very much for your presentation. Thanks for coming here today. Just a quick one to start off: Do you produce any products that focus on youth in terms of—

Mr. Nik Van Haeren: Like a pink tanning bed for youth? No.

Mr. John Fraser: No, but—so that's not something that's inside your industry?

Mr. Nik Van Haeren: No. We don't target youth in any way.

Mr. John Fraser: What do you see as the impact of these restrictions on your business?

Mr. Nik Van Haeren: Very small, and actually positive. I'm a fan of bringing professionalism to our industry.

Mr. John Fraser: Okay. Thirdly, inside the bill there's a provision to make sure that patrons are identified. Do you feel that that's not strong enough?

Mr. Nik Van Haeren: No, I don't feel that's strong enough. Currently, there are self-serve tanning salons that operate within gyms. If somebody is a gym member, they could identify themselves, and I know that key tags and memberships very easily get passed along and passed around.

Mr. John Fraser: In terms of taking a look at your industry, what's the makeup between self-serve tanning and tanning salons?

Mr. Nik Van Haeren: I would concur with Steve that about 20% of the beds in Ontario are self-serve. Now, depending on how this bill changes and as the industry evolves and professionalizes, that's changing. But if we don't make the proper changes now, it could change in the wrong direction.

Mr. John Fraser: Thank you very much.

The Vice-Chair (Mrs. Donna H. Cansfield): Are there any further questions? Thank you very much. Ms. Gélinas? Ms. Sattler?

Ms. Peggy Sattler: Yes. Thank you for your presentation.

Mr. Nik Van Haeren: Thank you.

Ms. Peggy Sattler: You mentioned tanning professionals. Is there a certification or something, a designation for the people who are operating the machine?

Mr. Nik Van Haeren: Yes, we do have a certification program. It's actually a three- or-four-hour course—I can't quite recall—with testing and requirements and things like that afterwards.

Ms. Peggy Sattler: Is that what the earlier presenter was referring to as Smart Tan-certified?

Mr. Nik Van Haeren: Yes, but as things have evolved and changed, the certification has become more comprehensive, I think, as time goes on.

M^{me} France Gélinas: In the certification program, do you cover at all skin types, as in "type 1 should never be using tanning beds," etc.?

Mr. Nik Van Haeren: Yes, we do.

M^{me} France Gélinas: And what do you say about them, exactly?

Mr. Nik Van Haeren: We typically try to go to asking them particular questions about their heritage, their natural skin tone and how easily they tan outside. We've also developed a series of questions that salon owners can use that, as long as tanners fill it out appropriately, can help them determine what the proper skin type would be.

M^{me} France Gélinas: So for you, you feel the bill should be stronger. Some of the language that has been suggested was using "for tanning."

Mr. Nik Van Haeren: Yes.

M^{me} France Gélinas: Would that be sufficient for you to—or the first one that you brought that has to do with not targeting the spray tan?

Mr. Nik Van Haeren: Yes. I feel that that should be good.

M^{me} France Gélinas: That should be enough?

Mr. Nik Van Haeren: Yes.

M^{me} France Gélinas: And when you talk about "clearly defined," have you got something else that you want changed in the wording of the bill, or would simply adding "for tanning" cover it all?

Mr. Nik Van Haeren: I also want to make sure that we're clear to avoid any self-serve or coin-operated tanning beds.

M^{me} France Gélinas: Okay, and that comes by adding that the person who checks should also be doing the monitoring and should be the attendant?

Mr. Nik Van Haeren: Yes, and timers outside the rooms and things like that. I believe we provided wording or suggestions to wording that might be appropriate for that.

M^{me} France Gélinas: Okay. Thank you.

The Vice-Chair (Mrs. Donna H. Cansfield): Ms. Elliott?

Mrs. Christine Elliott: Thank you very much, Mr. Van Haeren, for coming to speak to us today. I think you've raised some important points. We've heard some information about the coin-operated, self-serve tanning option. I gather that this is a relatively recent phenomenon, that this is something that hasn't really caught on hugely in Ontario yet, but you can sort of see it coming down the line. Is that fair to say?

Mr. Nik Van Haeren: Actually, coin-operated tanning was around before professional tanning salons were around. The industry and the business originally started with coin-operated tanning beds or a coin-operated bed in the back of a fitness facility or a hair salon or something else to that effect. It's as the business has evolved over the years that professional tanning facilities have come and the increase in professionalism. My fear is that this bill could set some of that forward motion back.

Mrs. Christine Elliott: Thank you.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much for your presentation.

Mr. Nik Van Haeren: A pleasure. Thank you for your time.

The Vice-Chair (Mrs. Donna H. Cansfield): One of our other guests has been delayed—it seems that there has been a significant collision on the 401, a fatality—and he's stuck in traffic. Mr. Domino is here, so we're just going to check on his availability—a few minutes, and the reason is because at 5:45 we have a vote in the House. We'll just wait a moment. We'll recess. I think the gentleman is on his way, so if you'd like to take a five-minute recess. I'll put the timer on.

The committee recessed from 1727 to 1731.

CANADIAN COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION

The Vice-Chair (Mrs. Donna H. Cansfield): Our guest has arrived. Take a deep breath. Would you like a glass of water?

Mr. Darren Praznik: Oh, I would love one, please. My apologies. Today is a terrible day for accidents in our province—the terrible tragedy in Ottawa, and we had a major rollover on the 427 on the northbound cut-off. I saw the car that was sort of crushed underneath, and it has backed traffic up. It was over two hours to get here from Mississauga, so my apologies.

The Vice-Chair (Mrs. Donna H. Cansfield): Oh, don't apologize, please. We understand. I'm going to take the prerogative of the Chair and say, sir, there are no accidents; it's a collision. Accidents are preventable.

Mr. Darren Praznik: You know, you're absolutely right. As a former highways minister in Manitoba, I agree with you.

The Vice-Chair (Mrs. Donna H. Cansfield): And as a former Minister of Transportation in Ontario, we're on the same page.

Mr. Darren Praznik: Absolutely, absolutely.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much, Mr. Praznik. You're here on behalf of the Canadian Cosmetic, Toiletry and Fragrance Association.

Mr. Darren Praznik: Yes.

The Vice-Chair (Mrs. Donna H. Cansfield): And Mr. Domino is with you as well, who is consultant advocate.

Sir, I will let you know that you have five minutes for a presentation. At four, I'll sort of give you a bit of a heads-up.

Mr. Darren Praznik: I will be very brief because I think my colleague from the Allied Beauty Association addressed much of the same issues. I have a presentation. I'm not going to read it. Having been on that side of the table many times in another jurisdiction, I appreciate your time. I've provided it basically to give a summary.

The points that I wanted to make—first of all, our association represents the personal care products industry in Canada: manufacturers, distributors, retailers

of personal care products. Our interest in this bill is really twofold. Generally speaking, we're very supportive of efforts to protect people from damage to their skin. Our industry is the major producer—our member companies, in fact, have sun protectors, both primary and secondary. So anything that works towards legitimate protection from the sun is certainly good public policy. I wanted to say that.

Our one concern with this bill is the broad definition given to ultraviolet light. As my colleague from the Allied Beauty Association pointed out, there is a particular line of nail products that requires a heat treatment to dry, and those particular products, we feel, could be caught under the wording of this bill, particularly the lights that are used for drying. So our concern is that—in our discussions with the department, with the minister's office, we believe that this was really an unintended consequence of the drafting of the bill.

Just to provide certainty, we would certainly ask members of the committee to consider amending or to consider such amendments as would allow for greater certainty. We understand as well that there may be certain medical uses for ultraviolet light that might be caught in this bill as well, so you probably have some issues to consider, and we'd hope you'd consider ours.

One issue that I would like to cover under that, and I've distributed a copy of a summary of a number of studies that were done with respect to these lamps for—I'm still catching my breath. I must exercise more, Madam Chair. I'd like to tell people that I'm 85 and I use good product, but that simply is not quite true.

We provided a copy from Doug Schoon of a summary of the various studies that have been done with respect to these lights for drying nails and the risk factors, and I think all of the evidence suggests it's a much different scenario than what you're considering with respect to tanning.

In asking you to look at a means of exempting these types of products, we would be remiss and you would be as well if you didn't at least look to the safety elements. There is a fair bit of work done in this area that I think demonstrates that the amount of sun or light provided for the drying of fingers is the equivalent to, I think, about two minutes of daily exposure for the time you would do it, so it's very minimal.

I also spoke with Dr. Schoon this morning in anticipation of today's hearing and I asked him if in any of those studies there was a difference or concern with respect to younger people's exposure to these lamps, and he indicated that the amount of light was so small that that was not a safety risk for younger people.

So again, we're asking for clarification around the definition to ensure that there are not unintended consequences or unintended lights that are included in this particular legislation. I think we've provided scientific information to clearly distinguish that—

The Vice-Chair (Mrs. Donna H. Cansfield): One minute, sir.

Mr. Darren Praznik:—and that would be our request. Whether that be done by a clarification on the wording with respect to ultraviolet light or a regulatory power to be able to deal with issues as they come up—I think either would work, as long as there was some means to address this particular issue in a reasonable fashion.

I think, as Mr. Greenwood pointed out, there's an estimate of some 5,000 nail salons in Ontario alone—probably in every one of your ridings you have them—and to add an administrative burden in an area that wasn't intended would probably not be the best use of public resources.

So that's really a summary of our presentation. Thank you for allowing me to speak today, Madam Chair.

The Vice-Chair (Mrs. Donna H. Cansfield): My pleasure, sir. Ms. Gélinas? Ms. Sattler?

M^{me} France Gélinas: Would you know what percentage of the nail salon business deals with gel nails?

Mr. Darren Praznik: I wouldn't specifically. Mr. Greenwood would probably have a better sense of that, but I can tell you that it's a growing area in the marketplace because, from what my members who produce this product tell me, in fact, it lasts longer and better. So there's quite a degree of consumer interest. The number of young people accessing it overall would probably be a very small number at the end of the day.

M^{me} France Gélinas: I don't know if you call it "cure," but is there any other way to cure this product than to use UV? Could we use an oven or a little fan?

Mr. Darren Praznik: Well, I think the real issue here, and in all safety assessments is: Is there a risk involved with the use of this product or this method? I think the studies that we've pointed out in that summary suggest to you that the amount of light—this is not like a tanning situation. We fully appreciate what the government is trying to do in addressing tanning because, as an industry that does a lot of work in sun protection and skin care and anti-aging of skin, we understand exactly what you're getting at. But I think when you analyze this particular product and this particular method you find the risk is minimal at best—the equivalent of probably going out in the sun for an extra two minutes a day on the day you're actually having your nails done. That would be an insignificant risk. That's really the question: Do you want to capture something in your bill that poses no reasonable risk to any user, as opposed to looking for other methods that may or may not work? Today, to my knowledge, there really isn't an alternative.

M^{me} France Gélinas: I'm always reluctant to change words in a bill that restricts. I have been burned before with words in banning cigarillos. The ink on the bill was not even dry and the industry had

found a way around it. I don't think that will happen in this case, but I'm still reluctant. So you would be comfortable with making that a regulatory regime, where basically we would not capture nail salons and we would focus on tanning salons?

Mr. Darren Praznik: Yes. First of all, I don't think the industry here is looking for a way around a problem. I don't think it's been established, even in the materials that came out on the bill, that there was, in fact, a problem in this area. I think it's gotten captured by a broad definition. But to your specific question, absolutely. I've sat on that side of the table having to write legislation, and we don't know what we don't know today. Things change, and I think any good legislation needs to have flexibility, and the regulatory process does that. It allows us to adjust to circumstances.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much. Ms. Elliott?

Ms. Christine Elliott: Thank you very much for coming before the committee this afternoon, Mr. Praznik. I think that you have made a good case for what you're stating. Certainly, we will be taking that into consideration. We really are grateful for you making it here and safely, thank goodness, despite the considerable difficulties in getting here. We will certainly take what you've presented to us today very seriously.

Mr. Darren Praznik: Thank you, and my puffing is nowhere what those were feeling who were in those accidents. I think all our hearts go out to them.

Mrs. Christine Elliott: Absolutely. Thank you.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much. Ms. Jaczek?

Ms. Helena Jaczek: It's great to see you again, Darren. I'm hoping you and the family will be at my barbecue on Sunday, as you are my constituents, and maybe I can do a little public health intervention at the same time regarding the shortness of breath.

I'm going to simply echo Ms. Elliott's comments. I'm sure that the study that has been referenced both by you and by the Allied Beauty Association is going to be reviewed very carefully in terms of, of course, ensuring that there is no harm from UV radiation used very briefly for gel manicures. I understand your concern regarding the need to specify that in this case we're talking about UV radiation for tanning purposes.

Mr. Darren Praznik: Thank you very much.

The Vice-Chair (Mrs. Donna H. Cansfield): Thank you very much for your presentation. We're delighted you were able to get here safe and sound.

Mr. Darren Praznik: Thank you, and I must tell you, it's great to be a citizen of Ontario now, living in this province for 10 years.

The Vice-Chair (Mrs. Donna H. Cansfield): I might encourage you to move to Etobicoke Centre.

Thank you, sir. This meeting is adjourned.

The committee adjourned at 1742.

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