



**Ontario Public Health Association**  
 l'Association pour la santé publique de l'Ontario  
 Established/Établi 1949

The mission of OPHA is to provide leadership on issues affecting the public's health and to strengthen the impact of people who are active in public and community health throughout Ontario.

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Association of Public Health  
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Association of Supervisors of  
 Public Health Inspectors of Ontario  
 (ASPHIO)

Canadian Institute of Public Health  
 Inspectors (Ontario Branch) (CIPHIO)

Community Health Nurses'  
 Initiatives Group (RNAO)

Health Promotion Ontario (HPO)

Ontario Association of Public  
 Health Dentistry (OAPHD)

Ontario Association of Public Health  
 Nursing Leaders, (OAPHNL)

Ontario Dietitians in Public Health  
 (ODPH)

Ontario Society of Physical Activity  
 Promoters in Public Health (OSPAPPH)

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Michael Helfinger  
 Senior Policy Advisor  
 Intergovernmental Policy Coordination Unit  
 Ontario Ministry of Economic Development, Job Creation and Trade  
 900 Bay Street, Hearst Block, 7th Floor  
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Dear Mr. Helfinger,

**RE:EBR#013-4293 Bill 66, Restoring Ontario's Competitiveness Act 2018**

The Ontario Public Health Association (OPHA) welcomes the opportunity to provide comments to the Restoring Ontario's Competitiveness Act, 2018 (Bill 66).

Our organization is member-based, non-partisan and non-profit and focused on providing leadership on issues affecting the public's health and strengthening the impact of people who are active in public and community health throughout Ontario. Created in 1949, OPHA has a long track record of offering evidence-based public health expertise in diverse federal and provincial policy initiatives.

We appreciate the government's actions to support business investment and create quality employment, and we recognize this as a key element of healthy, sustainable and complete communities. At the same time, we strongly urge that the provincial government consider the impacts of Bill 66 on the public health and safety of residents of Ontario and the health of the environment that supports human health. OPHA strongly urges that the province consider our recommendations and address the concerns that we have identified below, prior to this bill proceeding through the legislative process.

OPHA's comments, outlined below, relate to three schedules contained within Bill 66:

- Schedule 3 – Amendments to the Child Care and Early Years Act, 2014
- Schedule 5 – Repeal of the Toxics Reduction Act, 2009
- Schedule 10 – Changes to the Planning Act, 1990

### **Schedule 3: Amendments to the Child Care and Early Years Act, 2014 (Ministry of Education)**

- 1. OPHA recommends that the Province consider the public health (infection control, food safety, and general sanitation) and safety implications of reducing the restrictions on home-based child care providers and authorized recreation and skill building programs and maintain existing child care and after school adult-child ratios.***

Bill 66 would increase the number of children that can be cared for under the age of two in both licensed and unlicensed home child care settings. OPHA recognizes the efforts to enhance child care availability to families by increasing the total number of children under the age of two that can be cared for by home child care providers. However, we have grave concerns about the implications for children's health and safety. We strongly urge the government to evaluate the effects of this legislation on child safety and developmental outcomes. For example, the proposed changes will not adequately address issues of access, affordability, and quality child care for families. Similar to our high quality education system, a child care strategy that prioritizes accessibility, affordability and quality is best addressed through a government system that ensures universal access to high quality care.

In addition, there may be implications to infection prevention and control due to the proposed amendment to paragraph 4 subsection 6 (4) of the Child Care and Early Years Act, 2014, which recommends the reduction of the age restriction from six years of age to four for registration in authorized recreation and skill building programs. Authorized recreational and skill building programs are not proactively inspected for food safety nor infection prevention and control by local public health units. With immunization follow-up doses for several diseases (e.g. measles, pertussis, and chickenpox) not occurring until a child is between 4 – 6 years, coupled with the potential for decreased hygienic practices and larger numbers of children congregating in one location<sup>1</sup>, there is the potential for the spread of vaccine-preventable diseases. Facilities that are not required to be inspected may not have the administrative (e.g. policies on when to exclude ill children) or physical (e.g. appropriate disinfectants) infrastructure to prevent infections. By lowering the age from six years to four, a potential increased infectious disease risk will occur for children 4-6 years attending these programs. Consequently, **OPHA recommends that neither of these changes to regulatory measures be implemented.**

### **Schedule 5: Toxics Reduction Act, 2009 and Regulations (Ministry of the Environment, Conservation and Parks)**

- 1. OPHA strongly urges the Province not to repeal the Toxics Reduction Act.***

As noted in our submission to EBR#013-4235, OPHA strongly urges the Government not to repeal the Toxics Reduction Act. The Toxics Reduction Act and Regulation 455/09 under the Act have increased protection of public and environmental health by reducing the use and creation of toxic substances and informing Ontarians about toxic substances. Ontarians are exposed to hundreds of chemicals every day through the air we breathe, the food and water we consume, and the things we handle. Some of these chemicals have the potential to cause adverse health effects and may play a role in the development of chronic diseases such as cancer.

OPHA strongly supports regulatory action to reduce the public's exposure to toxic substances. Requirements under the Toxics Reduction Act and Ontario Regulation 455/09 for facilities to quantify and report on the use, creation and release of toxic substances within their facility helped inform industry, workers, consumers and the public on chemical exposure in communities and workplaces. Preparation and reporting of Toxics Reduction Plans helped manufacturers identify cost-savings, and worker and environmental protections, that also enabled them to showcase their commitment to sustainable business practices.

Leading up to and following the enactment of the Toxics Reduction Act in 2009, OPHA was pleased to be part of the Ministry of Environment's Multi-Stakeholder Group that brought together industry, non-governmental health and environmental groups, and First Nations to work on regulations and frameworks towards full implementation of the Toxics Reduction Program. With a two-pronged goal of preventing pollution by reducing the use and creation of toxic substances and informing Ontarians about those substances, the Toxics Reduction Program achieved results to protect Ontarians from exposure to toxics substances.

***2. OPHA recommends that the Province consider the value-added elements of the Ontario Toxics Reduction Program beyond what is provided by the Federal Government's Chemical Management Plan***

The Toxics Reduction Act requires regulated facilities to report on the use, creation and release of regulated substances and to prepare Toxics Reduction Plans. Regulated facilities are required to make this information publicly available. They are also required to identify whether they will be implementing the Plan or actions within it. In this way, facilities are encouraged and incentivized to make reductions. Many facilities identified that there would be financial and environmental savings from implementing their Toxics Reduction Plans.

While OPHA supports efforts to avoid duplication between provincial and federal regulations, it is important to recognize the value added by the Toxics Reduction Act to further reduce toxic substances, including cancer-causing agents, in Ontario. Existing federal requirements through the National Pollutant Release Inventory and the Chemical Management Plan have limitations. A 2018 report by the federal Commissioner of Environment and Sustainable Development identified that despite ongoing efforts, the Federal government still had gaps in selected areas such as enforcement to effectively control the risks of toxic substances. These can leave our population and environmental health at risk. [http://www.oag-bvg.gc.ca/internet/English/att\\_e\\_43149.html](http://www.oag-bvg.gc.ca/internet/English/att_e_43149.html)

The federal Chemical Management Plan does not require that regulated facilities prepare a Toxics Reduction Plan. At the same time, it is not clear that the reporting requirements under the National Pollutant Release Inventory will adequately capture the reporting of creation, use and release of the many thousands of toxics substances that people are potentially exposed to in Ontario.

***3. The Toxics Reduction Program achieved significant results in reducing the creation, use and release of toxics substances in Ontario***

According to the 2017 Minister's Annual Report on Ontario's progress to implement the toxics reduction program, there have been measurable decreases, year over year, in levels of toxic

substances used and created by regulated facilities in Ontario. The report reported that between 2015 and 2016, across all regulated facilities, there was a:

- "6% decrease in use of toxic substances;
- 2% decrease in creation of toxic substances;
- 9% decrease in the amount of toxic substances contained in product;
- 2% decrease of substances released to air, land and water; and
- 3% decrease in the levels of carcinogens being released to the environment."

**4. *The Toxics Reduction Program could do more to protect Ontarians from exposure to toxic substances and support businesses through full implementation of Regulations under the Toxics Reduction Act***

While the Toxics Reduction Act has achieved some results in protecting Ontarians from exposure to toxic chemicals there is the potential to do more, and a need to support Ontario businesses to achieve the intended goals of the Act. This work could provide important economic benefits, create new markets, and support employee health and safety. Similar legislation has shown to be effective in other jurisdictions in the United States that have required toxic reduction plans. The province could evaluate more effective opportunities for toxics reduction to protect the health of Ontarians and the environment while reducing barriers for business.

The Act had provisions that could better address workplace exposure to toxic substances. The Toxics Reduction Act also focused on reducing toxic substances in consumer products. There are also provisions under the Act allowing the government to establish toxics reduction targets. More substantial toxics reductions, consumer and worker protection, and public 'right-to-know' could be realized if these provisions were to be fully implemented under the Toxics Reduction Act. Finally, the Toxics Reduction Act had a Living List Framework for reviewing and updating the list of substances prescribed under the Act, whereby anyone could nominate a change to the list. In order to be effective, this framework must be easy to navigate and supported by provincial resources to ensure that the list remains current and includes all toxic substances, including 'substances of concern' to which Ontarians are exposed.

***Schedule 10: Changes to the Planning Act (Ministry of Municipal Affairs and Housing)***

Community design is central to promoting the health of all Ontarians, reducing the burden of preventable diseases, and decreasing health care costs. For example, physical activity, healthy eating and protection from exposure to contaminants in our air, land and water are achieved and promoted by healthy and complete communities that are compact, pedestrian-friendly, transit-supportive, and contain a mix of uses that support daily living.

Healthy and complete communities also entail the protection of the natural environment, which provides innumerable benefits such as breathable air, fresh water for drinking, climate-resiliency, protection from flooding, droughts, and extreme weather, and rich soils to grow our food. Healthy and complete communities support health care savings through cost avoidance.

- 1- **OPHA recommends that the Province remove schedule 10 from Bill 66 given the environmental and public health impact of proposed development.** In particular, two areas of existing legislation are highlighted from a public health perspective:

a. **Importance of provincial policy for environmental health protection.**

Should the proposed changes take effect, it would be important that municipal, public health and environmental authorities be granted the ability to assess potential risks and hazards to health and the environment. Bill 66, as currently drafted, allows local municipalities to exempt new economic growth opportunities from all existing municipal and provincial regulations and public consultation. These mechanisms were put in place to protect the environment and health of Ontarians. In by-passing established regulations, the creation of 50 or 100 or more new jobs for smaller or bigger municipalities respectively could come at the cost of irreparable damage to the environment and public health.

The links between health and the environment (both natural and built) have been well established. As such, current regulations recognize the importance of evidence-based approaches and support building healthy and complete communities that consider climate change mitigation and adaptation. These regulations protect and promote health through better air quality, protected drinking water supplies, reduced urban heat islands, mitigation of vector-borne diseases, and increased community resiliency, physical activity and general well-being.

For example, it is critically important to the health and safety of Ontarians that no development occur that could impact access to clean drinking water. Section 39 of the *Clean Water Act* currently requires all *Planning Act* decisions to conform to policies in approved source protection plans that address significant drinking water threats prescribed by the *Clean Water Act* (e.g. landfills, sewage systems, and the storage or handling of fuel, fertilizers, manure, pesticides, road salt, organic solvents and other substances on lands near wells or surface water intake pipes used by municipal drinking water systems). This important provision must remain applicable to all municipal planning and zoning decisions in order to protect public health and safety.

In addition, conservation of natural heritage features such as the Greenbelt addresses climate change mitigation (carbon sequestration) and adaptation (mitigating flood risks). For example, the Greenbelt actively stores carbon, with an estimated value of \$4.5 billion over 20 years; annual carbon sequestration is valued at 10.7 million per year<sup>[i]</sup>. Benefits of greenspaces are communicated within the ‘Preserving and Protecting our Environment for Future Generations: a Made in Ontario Environment Plan’ which identifies the government’s commitment to protect the Greenbelt for future generations<sup>[iii]</sup>.

Consideration should also be given as to how the review of Open-for-Business By-laws for major employment developments will be aligned with other Provincial initiatives related to regulating industrial greenhouse gas emitters.

Bill 66 has the potential to increase environmental and health inequities between municipalities. For example, if an action is taken that negatively impacts the quality of a river upstream in one community, it could pose a risk to people and the environment further downstream in another municipality. The potential challenge with Bill 66 is the removal of

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<sup>[i]</sup> Tomalty, R. 2012. *Carbon in the Bank: Ontario’s Greenbelt and its role in mitigating climate change*. [Vancouver]: David Suzuki Foundation

<sup>[iii]</sup> Ministry of the Environment, Conservation and Parks. 2018. *Preserving and protecting our environment for future generations: A Made-in-Ontario environment plan*. [Toronto]: Ontario Ministry of the Environment, Conservation and Parks.

various policy mechanisms designed to equitably support local municipal policy decisions for the benefit of the environment and the health of residents across Ontario.

**b. Protecting the role of municipalities in planning community structure, healthy communities and planning feasibility.**

Future major employment uses support the achievement of healthy and complete communities. This will ensure that new large employment developments consider healthy development matters and can be well integrated and connected to the community.

Current growth in any sector should occur in a logical, comprehensive form that does not put undue strain on our food, transportation, or infrastructure systems. Exempting certain developments from this policy may increase the overall risk to public health. Locating employment uses outside of the transit system causes inequities for those who cannot afford to drive. Permitting employment uses in rural areas may facilitate development sprawl, leading to further traffic issues on roads. Allowing employment and industrial uses in agricultural and natural heritage areas can affect the viability of farms, the quality of surrounding well water and land use compatibility issues for adjacent residential uses.

An unintended consequence of Bill 66 as currently drafted can be an increased cost for municipalities by negating long-term planning for street network design, road capacity, and transit route planning. It could permit the development of employment lands outside the designated employment zoning identified within long-term municipal planning documents. These lands would not have been considered when forecasting and budgeting for the long range water and waste water plans, or transportation (including transit and active transportation) plans. This could have unanticipated costs for the local municipalities that may well go beyond the benefits gained through increased employment.

There are potential unintended consequences of the proposed Open-for-Business Planning Tool. Checks and balances, as well as opportunities, that could be achieved through adherence to local planning policies, such as the official plan, would be lost. For instance, lack of planning controls could result in loss of protection of the urban boundary, leading to the potential for land speculation and unrestricted growth. The lack of site plan control could result in missed opportunities to promote a vibrant public realm that could benefit communities; for instance, active street fronts, landscaping, provision of trees, active transportation pathways and connections. The removal of density bonusing may result in lost public goods (i.e. trails, local services, parks, etc.). These could have population health consequences through unhealthy built environments, contributing to higher health care costs, as well as costs to the municipality in meeting long-range planning needs.

**2- OPHA recommends that the Province clarify the employment requirements to ensure good quality jobs are created that contribute to healthy communities.**

Bill 66 has the potential to allow for employment uses that do not meet the density targets required to create healthy and complete communities. The job creation thresholds proposed in the Regulation (50 jobs for municipalities with a population of less than 250,000 and 100 jobs for municipalities with a population greater than 250,000) seem low in light of the overall employment targets considered in some of the existing provincial and municipal planning legislation.

OPHA supports a reduction in processing time for sustainable employment uses that generate high quality jobs that are not land intensive. However, the proposed legislation has not provided definitions for major employment uses that trigger the new tools. Many major employment uses do not meet the density criteria for new uses such as warehousing and manufacturing that rely on technology rather than staffing for the production of goods. This type of employment use will not provide enough meaningful employment opportunities to warrant the measures offered in Bill 66. Consider opportunities to prioritize higher targets of employment that offer conditions for workers to connect with their communities, access existing community and health services and provide good quality of life. Consider also conditions of the sustainability of employment overtime so that the employment targets are long term, and not reduced after a few years.

While Bill 66 has the potential to contribute to the Ontario economy by promoting employment and growth, it is essential that the potential negative impacts to human health and the environment be considered. It is also important to highlight that, from an economic perspective, a healthier population equates to lower health care costs. The health care costs already make up the largest proportion of Ontario's expenses and a growing and aging population will increase demand on the health system. Supporting public health and environmental health legislation has the potential to reduce those health costs. OPHA urges the government to assess these important environmental and public health consequences of Bill 66 that will offset any short-term economic benefits prior to its continuation through the legislative process.

As the regulations stand now, OPHA is gravely concerned that important components of the Planning Act will be weakened through the introduction of Schedule 10. This opens the doors to municipalities to override existing environmental regulations to develop in protected green space and aquifer recharge zones. Such change threatens the environmental protection controls that have been put in place to avoid a repeat of what happened as a result of the contamination of the water supply in Walkerton. These control measures include, for example, the Clean Water Act, Greenbelt Act, Oak Ridges Moraine, Environmental Sensitive Areas, Niagara Escapement controls and Planning Zones, the Source Water Protection Plans and wellhead protection zones.

The volunteer members our Environmental Health and our Built Environment Workgroups have pooled their knowledge and expertise to assess the impact of the regulatory changes highlighted above. We strongly urge the provincial government not to proceed with these changes due to the negative consequences for the health and wellbeing of Ontarians and the environment. We would be pleased to talk about other options to address the government policy goals while not removing critical health protection measures. Please don't hesitate to contact us by calling 416 367-1281 or writing to [pwalsh@opha.on.ca](mailto:pwalsh@opha.on.ca).

Thank you for the opportunity to comment and your consideration of our feedback.



Pegeen Walsh  
Executive Director

***About the Ontario Public Health Association:***

*OPHA is a member-based charity that has been advancing the public health agenda since 1949. OPHA provides leadership on issues affecting the public's health and strengthens the impact of those who are active in public and community health throughout Ontario. OPHA does this through a variety of means including promoting public dialogue and education on healthy public policy, capacity building, research and knowledge exchange. Our membership brings together many different disciplines and sectors working together to achieve our shared vision of optimal health for all.*

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- i. Canadian Paediatric Society. 2015. Well Beings: A Guide to Health in Child Care – 3<sup>rd</sup> edition.