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April 7, 2004

The Honourable George Smitherman, M.P.P.
Minister of Health
Ministry of Health and Long-Term Care
Office of the Minister
10th Floor Hepburn Block
80 Grosvenor Street
Toronto, ON M7A 2C4

Dear Mr. Smitherman:

Thank you for your letter dated February 2, 2004 indicating that you share my concerns regarding the dangers of exposure to second-hand smoke, and that making all public places and workplaces smoke-free is a big priority for the Ontario government. It is encouraging to see that Public Health is high on your agenda.

Having said that, I am writing to inform you of the mixed blessing associated with your Government's promise to make Ontario's indoor public places and workplaces 100% smoke-free by 2006.

On one hand, there are communities in the province who would have not chosen to enact smoke-free legislation in the foreseeable future. Provincial smoke-free legislation, even if delayed until 2006, will make a significant contribution to the health of workers and the public in those communities.

On the other hand, your Government's promise of 100% smoke-free legislation has served as an impediment in other communities considering by-laws or improvements to existing by-laws to protect workers and the public from the significant health impact of second-hand smoke.

For example, based on your Government's promise, City of Windsor Administrators recommended in a report dated January 13, 2004 (attached), that City Council reverse a July 21, 2003 decision (attached) to hold public hearings beginning in January 2004 on the City's smoking regulation by-law. On March 1, 2004, in the presence of more than 40 Bingo-funded charities, Windsor City Council supported the January 13th recommendation in a 7-2 decision (attached). Even City Councilors who are members of the Windsor-Essex County Board of Health supported the recommendation to defer a review of the City's smoking regulation by-law.

The ripple effect of City Council's decision was to see Amherstburg Town Council entertain a motion asking Essex County Council to repeal their smoking regulation bylaws, implemented on October 1, 2003, pending Provincial action.

While I do not presently see Essex County Council concurring with Amherstburg's wishes, it does reinforce the need to see Provincial action in this matter as quickly as possible to forestall any further threats. A copy of the Windsor Star article related to Amherstburg's motion is attached.

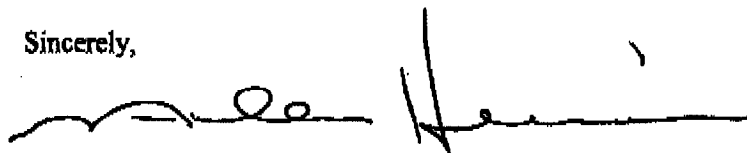
Letter to The Honourable George Smitherman, M.P.P.
Minister of Health
April 7, 2004
Page 2

Based on what I have witnessed, I urge you for the good of Public Health to move immediately to set forth an aggressive timeline for implementing province-wide 100% smoke-free legislation, with no exemptions. I also recommend that, as part of this strategy, Public Health be given the necessary resources to provide public and industry education prior to and during implementation, as well as enforcement of the legislation once it's in place.

In closing, I encourage you to do everything in your power to expedite the passing of province-wide smoke-free legislation. Please do not consider any exemptions that would leave a single Ontario worker unprotected from second-hand smoke. No worker should have to trade their health for their paycheck.

The Chairman of the Windsor-Essex County Board of Health and I would be pleased to meet with you to discuss this issue in greater detail.

Sincerely,



G. Allen Heimann, MD, MHSc.
Medical Officer of Health

F:\Medical Officer of Health\Letters\2004\Programs\Min Smitherman re provincial smoking ban-April 2004 let.doc

Attachments--4

cc: Dr. Sheela Basur, Chief Medical Officer of Health and Assistant Deputy Minister
The Hon. Dalton McGuinty, Premier
The Hon. Chris Bentley, Minister of Labour
The Hon. John Gerretsen, Minister of Municipal Affairs and Housing
The Hon. Jim Watson, Minister of Consumer and Business Services
The Hon. Dwight Duncan, MPP, Windsor--St. Clair
The Hon. Sandra Pupatello, MPP, Windsor West
Mayor Eddie Francis, City of Windsor
Warden Mike Raymond, County of Essex
Mr. Gary McNamara, Board Chair, Windsor-Essex County Health Unit
Dr. Albert Schumacher, President, Canadian Medical Association
Dr. Larry Erlick, President, Ontario Medical Association
Dr. David Paterson, Essex County Medical Society
CEOs, Essex County Hospitals
alPHA Board Members
Lynn Beath, ANDSOOHA - Public Health Nursing Management
Mary Lou Decou, Association of Public Health Epidemiologists in Ontario
Ken Gorman, Association of Supervisors of Public Health Inspectors of Ontario
Jill Faulkner, Chair, Health Promotion Ontario
Dr. Joyce Sinton, Ontario Association of Public Health Dentistry
Carolyn Kuntz, Ontario Society of Nutrition Professionals in Public Health
Peter Wiebe, Ontario Public Health Association
Board Chairs, Ontario Health Units



THE CITY OF WINDSOR

MISSION STATEMENT:

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

COUNCIL SERVICES AND CITY CLERK
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NOTICE OF COUNCIL DECISION

Windsor City Council adopted the following resolution at its meeting held July 21, 2003:

CR496/2003

That the public hearings to consider amendments for the City of Windsor No-Smoking By-law
BE HELD by the Windsor Licensing Commission commencing January, 2004 in accordance with the workplan outlined in the report of the Executive Director of Licensing & Enforcement Services, dated July 8, 2003.

Carried.

Basis Report Number 9551 MH/7550 C26

John Phorobachay

General Manager, Corporate Services and City Clerk

July 24, 2003

/jr

Internal Distribution

Executive Director, Licensing & Enforcement Services

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W.E.C.S.U.

JUL 18 2003

☒ Mr. A. Phorobachay	☒ Mr. A. Phorobachay
☒ Mr. E. Phorobachay	☒ Mr. E. Phorobachay
☒ Mr. E. Phorobachay	☒ Mr. E. Phorobachay
☒ Mr. E. Phorobachay	☒ Mr. E. Phorobachay

copied 2003
July 29 - 2003

THE CORPORATION OF THE CITY OF WINDSOR
Council Services – Licensing & Enforcement Division

**MISSION STATEMENT:**

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

BASIS Report Number: 9983 MH/7550	Report Date: January 13, 2004
Author's Name: Diane Sibley, Exec. Dir. of Licensing and Enforcement Services	Date to Council: February 2, 2004
Author's Phone: 519-255-6222 ext. 6428	Classification #:

To: Mayor and Members of City Council

Subject: Amendments to By-Law #11803 a By-law to Regulate Smoking in the City of Windsor.

1. RECOMMENDATION: City Wide: X Ward(s): _____

Whereas the Province of Ontario has announced its intention to introduce smoking regulations on a province-wide basis, be it resolved that **NO FURTHER** amendments be made to Smoking By-law 11803.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

City Council adopted the following resolution at its meeting held July 21, 2003:

"CR496/2003 That the public hearings to consider amendments for the City of Windsor No-Smoking By-law BE HELD by the Windsor Licensing Commission commencing January 2004 in accordance with the workplan outlined in the report of the Executive Director of Licensing & Enforcement Services, dated July 8, 2003."

Subsequent to that the decision, a change of government at the provincial level has adopted a policy whereby legislation will be introduced to ban smoking in public places by 2006. The government has not released any draft legislation at this time so it is unknown what impact that the legislation will have on the business community at this time.

3. DISCUSSION:

The City of Windsor was the first municipality in Essex County to pass a by-law that regulates smoking in a public place. The by-law has been actively in effect since that time and enforced.

There have been fourteen (14) charges laid and sixty (60) inspections completed for 2003.

1 of 5

In view of the government's announcement to go forward with legislation that will prohibit smoking in public places, it is recommended that the review of the by-law would be inappropriate at this time.

It is unclear on what the province's intention is when it comes to various businesses such as gaming facilities. Public hearings at the municipal level may produce results that are contradictory to the provincial policy objective.

Furthermore, once it is known what the government policy is, Council may wish to review the policy to see if it meets the community standards. The current status will remain in effect until such time as the provincial legislation has been enacted. Furthermore, the existing smoking by-law will continue to be enforced.

4. FINANCIAL MATTERS:

N/A

5. COMMUNITY STRATEGIC PLAN

N/A

6. CONSULTATIONS:

N/A

7. CONCLUSION:

Therefore, it is being recommended that no public hearings take place in view of the provincial governments announcement to go forward with their own smoke-free policy.

Diane Sibley
Executive Director of Licensing & Enforcement
Services

Dennis Perlin
City Manager

Roman Martiuk
General Manager of Corporate Services

DSIBLEY/sr

APPENDICES:



THE CITY OF WINDSOR

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NOTICE OF COUNCIL DECISION

Windsor City Council adopted the following resolution at its meeting held March 1, 2004:

CR170/2004

Whereas the Province of Ontario has announced its intention to introduce smoking regulations on a province-wide basis, be it resolved that **NO FURTHER** amendments be made to Smoking By-law 11803.

Carried, Councillors Halberstadt and Lewenza voting nay.

Councillor Zuk discloses an interest in this matter and abstains from voting.

BASIS Report Number: 9983 ME/7550 21

Steve Vlachadimas

Manager of Council/Committee Services/Deputy Clerk

March 17, 2004

/jr

Internal Distribution

Council Services - Licensing & Enforcement Division [Diane Sibley]

City Treasurer

City Solicitor

External Distribution

THE WINDSOR STAR

COUNTY/CITY

Tuesday, March 30, 2004 A5

Repeal smoking bylaw: Councillor

Amherstburg politician wants county's six-month-old ban rolled back in wake of Windsor decision

By Brian Oakes
COUNTY/CITY/AMHERSTBURG

A town councillor wants to roll back the county's six-month-old smoking ban for bars, restaurants, service clubs and kinges, following Windsor's recent refusal to consider a similar bylaw.

Rosa White plans to bring a motion to Amherstburg council next Monday to ask the county to modify a smoking ban for all workplaces and indoor public places so that hospitality businesses can create smoking and non-smoking sections.

"It's for economic reasons, to have a level playing field between Windsor and the county," said White, a former restaurateur who voluntarily made her own establishment smoke-free a decade ago.

But she insists that going totally smoke-free should be a matter of choice for the business owner. Hospitality businesses in the town are hurting because of the ban, she says. She believes the county and city should have similar smoking rules until the province deals with the issue. The provincial Liberals campaigned on a pledge to make provincial workplaces

and public places smoke-free by 2008. To get the bylaw changed, White would first need support from the majority of Amherstburg council.

"I think it's going to be an interesting good discussion. It will be interesting to see where it goes," said Amherstburg Mayor Wayne Hurst.

If passed, White's motion would be presented at county council. Last year's smoking bylaw debate was a long and controversial one, but the bylaw was passed without changes with strong support from most municipal council.

Mary Brennan, the county's director

of council services, said the new motion would need to be approved by four out of the seven member municipalities representing at least half the county's population. Public meetings would probably also be needed, she said. "It would open the whole thing up again."

Five of seven municipalities originally supported the ban, and Amherstburg became the sixth when it was time to finally ratify the bylaw.

"I don't see the county moving too fast to alter its bylaw, considering it's not even a year old yet," the county's deputy warden and Kingsville Mayor Neilson Santos said Friday.

Richard Kobovai, a spokesman for the Windsor-Essex Coalition on Smoking and Health, the group that has been pushing the ban, said he doubts there would be enough support at the county level for changing the bylaw.

But something has to be done to stop the flow of red ink at establishments like the kinges, said Sylvia Reden, an Amherstburg legion member who recently wrote to town council to say the legion has suffered a huge loss in business from members who smoke.

"A lot of them have walkers and wheelchairs. For them to go outside in the cold to have a cigarette, it's hard."