

January 17, 2019

Michael Helfinger  
Intergovernmental Policy Coordination Unit  
Hearst Block, 7<sup>th</sup> Floor, 900 Bay Street  
Toronto, ON M6H 4L1

Dear Mr. Helfinger:

**Re: Comment Submission for Bill 66, Restoring Ontario's Competitiveness Act, 2018**

As Medical Officer of Health for the Simcoe Muskoka District Health Unit (SMDHU), I am writing to express concern about the Government of Ontario's decision to enact Bill 66, Restoring Ontario's Competitiveness Act, 2018.

We appreciate the intention to enhance employment opportunities throughout Ontario, and recognize good quality employment as a key element which influences health. Individuals who are unemployed, have precarious employment, or experience poor working conditions are at higher risk of stress, injury, high blood pressure and heart disease. However, the proposed bill will amend a number of acts and regulations intended to protect and promote public and environmental health.

In consideration of the proposed amendments, Bill 66 was assessed by SMDHU staff for implications to public and environmental health. We are apprehensive of unintended negative consequences which may arise from the implementation of this bill. The attached appendices outline concerns related to Schedule 3 ([Appendix 1](#)), Schedule 5 ([Appendix 2](#)) and Schedule 10 ([Appendix 3](#)). From our assessment, the implementation of Bill 66 to amend and repeal current legislation will potentially result in:

- Negative impacts to Ontario's natural and built environment;
- Degradation of important water sources;
- Decreased preservation of greenspaces including agricultural lands, forests, parks and natural heritage features;
- Decreased opportunities for physical activity;
- Impacts to child safety; and
- Increased risk of the spread of infectious diseases.

We request the government consider the impacts on the public health and safety of residents of Ontario prior to Bill 66 proceeding through the legislative process. We thank you for the opportunity to provide comment and your consideration of our feedback.

Sincerely,

**ORIGINAL Signed By:**

Charles Gardner, MD, CCFP, MHSc, FRCPC  
Medical Officer of Health

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## **Appendix 1: Concerns and considerations related to Schedule 3 – Ministry of Education**

SMDHU 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. Though evidence on optimal infant to caregiver ratios is inconclusive, the current limits in Child Care and Early Year's Act, 2014, were chosen to ensure child safety<sup>1</sup>. We urge the government to evaluate the effects of this legislation on child safety and developmental outcomes if implemented. 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>2</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.

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<sup>1</sup> Ontario Ombudsman. 2014. Ombudsman Report: "Careless about Childcare" Investigation into how the Ministry of Education responds to complaints and concerns relating to unlicensed daycare providers .Available at:

[www.ombudsman.on.ca/Files/sitemedia/Documents/Investigations/SORT%20Investigations/CarelessAboutChildCareEN-2.pdf](http://www.ombudsman.on.ca/Files/sitemedia/Documents/Investigations/SORT%20Investigations/CarelessAboutChildCareEN-2.pdf)

<sup>2</sup> Canadian Paediatric Society. 2015. Well Beings: A Guide to Health in Child Care – 3<sup>rd</sup> edition.

## **Appendix 2: Concerns and considerations related to Schedule 5 - Ministry of Environment, Conservation and Parks**

The purpose of the Toxics Reductions Act (TRA) is to prevent pollution and protect human health and the environment, through reducing the use and creation of toxic substances within Ontario. While SMDHU supports efforts to avoid duplication of existing provincial and federal regulations, it is important to recognize the need to reduce the availability of toxic substances within Ontario. Existing federal requirements through the National Pollutant Release Inventory and the Chemical Management Plan have limitations to supporting further reduction of toxic substances that the province of Ontario hoped to address. The TRA can provide important economic benefits which lead to potential cost savings, creating new markets, and supporting employee health and safety. Similar legislation has shown to be effective in other jurisdictions in the United States that have required toxic reduction plans. Thus, SMDHU encourages the province to not eliminate the TRA, but to evaluate more effective opportunities for toxics reduction in Ontario that can support creating healthy environments while reducing barriers for business

### **Appendix 3: Concerns and considerations related to Schedule 10 - Ministry of Municipal Affairs and Housing**

The Planning Act and associated provincial regulations support effective planning, by ensuring development meets community needs, allows for sustainable economic growth, while protecting green spaces such as agricultural lands, forests, parks and natural heritage features which provide multiple health, economic and environmental benefits. The health benefits of well-designed communities based on provincial policies include better air quality, protected drinking water supplies, availability of locally grown foods, reduced urban heat islands, increased climate resiliency, mitigation of vector-borne diseases, increased opportunities for physical activity, general wellbeing and lower health care costs. 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>1</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>2</sup>.

SMDHU is concerned that the proposed amendment to the Planning Act will allow the use of *Open for Business* planning by-laws to permit the use of these important lands for alternative purposes without adhering to existing local planning requirements, such as official plans. Employment land needs are explicitly identified within local planning documents, and thus the use of the by-law will compromise long-term planning decisions. While the by-law may provide short-term economic benefit through the expansion of employment lands, this will be at the expense of long-term, sustainable economic development and protection of green space currently prescribed by the Planning Act.

In addition, Bill 66 allows municipalities to bypass important environmental legislation and discount protections for clean water and environmentally sensitive areas across Ontario. After the events of 2000 in Walkerton, where seven people died and thousands were ill<sup>3</sup>, Ontario put legislation in place to protect the over 80% of Ontarians who get their drinking water from municipal sources. The Clean Water Act, which directly addresses 22 of the 121 recommendations made following the Walkerton Inquiry, supports the adoption of a watershed based planning process, and serves as the instrument for the creation of source water protection plans.

Current legislation protects drinking water sources and greenspace. The changes proposed in Bill 66 will weaken a number of noteworthy acts including the Clean Water Act, the Great Lakes Protection Act, the Lake Simcoe Protection Act, the Greenbelt Act, the Oak Ridges Moraine Conservation Act, and the Places to Grow Act. Currently these acts prevail in the case of conflict between a municipal plan and the noted act; under the proposed changes this would no longer be the case.

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<sup>1</sup> Tomalty, R. 2012. *Carbon in the Bank: Ontario's Greenbelt and its role in mitigating climate change*. [Vancouver]: David Suzuki Foundation

<sup>2</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.

<sup>3</sup> Walkerton Inquiry (Ont.) and Dennis R. O'Connor. 2002. *Report of the Walkerton Inquiry: A strategy for safe drinking water*. [Toronto]: Ontario Ministry of the Attorney General.

Notably, 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<sup>i</sup>. This important provision must remain applicable to all municipal planning and zoning decisions in order to protect public health and safety.

Bill 66 not only impacts drinking water, but also moves back progress made on protecting Lake Simcoe. The Lake Simcoe Protection Act was created to safeguard the watershed and protect our Great Lakes and Lake Simcoe from environmental damage. Lake Simcoe attracts 9 million visitors on an annual basis and accounts for approximately \$1 billion dollars in annual spending. Due to the economic, environmental and health impacts that the *Open for Business* planning bylaw will present, we urge the government to remove the amendment to the Planning Act, from Bill 66. At minimum, public health authorities should be granted the ability under the *Planning Act* to review and comment on open for business bylaw applications, due to potential risk and hazards to health and for the protection and promotion of public health and safety.

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<sup>i</sup> Threats identified in the act include 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