

Hamilton

Public Health Services
Healthy Environments Division
110 King Street West, 3rd Floor, Hamilton, ON L8P 4S6
Phone: (905) 546-2424, ext. 1308
Fax: (905) 546-2787

January 20, 2019

Provincial Planning Policy Branch
c/o Ken Peterson
777 Bay Street
13th Floor
Toronto, ON M5G 2E5

Re: Environmental Registry Comments from Healthy Environments Division, City of Hamilton for Bill 66, Restoring Ontario's Competitiveness Act, 2018

Dear Sir/Madame,

Thank you for the opportunity to comment the proposed *Bill 66, Restoring Ontario's Competitiveness Act, 2018*. The Healthy Environments Division of the Healthy and Safe Communities Department within the City of Hamilton is mandated by the Province of Ontario's Ministry of Health and Long Term Care (MOHTLC). One goal of *Ontario Public Health Standards: Requirements for Programs, Services, and Accountabilities, (2018)* is:

"To reduce exposure to health hazards⁹ and promote the development of healthy built and natural environments that support health and mitigate existing and emerging risks, including the impacts of a changing climate."

The City of Hamilton's Healthy Environments division maintains the Ontario Public Health Standards in a variety of areas including Safe Water and Air Quality. Provincial mandates for these areas are stated in the Program Standards of the *Ontario Public Health Standards: Requirements for Programs, Services, and Accountabilities, (2018)* for Safe Water and Healthy Environments.

The Provincial Program Standard for Safe Water includes the following goals: *"To prevent or reduce the burden of water-borne illnesses related to drinking water"* and *"to prevent or reduce the burden of water-borne illnesses and injuries related to recreational water use."*

The Healthy Environments Division respectfully does not support the passing of *Bill 66, Restoring Ontario's Competitiveness Act, 2018* as it will have potential adverse effects to air quality and safe water systems, misaligning with Ontario's Public Health Standards and will result in putting Ontarians' health at risk. The division would like to submit the following comments for the *Bill 66, Restoring Ontario's Competitiveness Act, 2018* EBR posting:

Repeal of Ontario Regulation 455/09, Toxics Reduction Act (2009)

Although some overlap may exist between federal and provincial programs in toxic reduction(s); the provincial approach which was introduced after the federal policy is more advanced in its mandate. The Province of Ontario has exceeded the National Pollutant Release Inventory (NPRI) by placing a greater emphasis on reducing the use and creation of prescribed toxic substances at the cradle end of the industrial process. The province's program is a more in depth reporting/accountability mechanism than its federal counterpart. Public transparency has

played an integral role in bringing voluntary compliance. By repealing this regulation, transparency is lost with potential threat to the health of citizens.

Schedule 10 Ministry of Municipal Affairs and Housing subsection 34.1 (6) (Planning Act Changes)

The *Open-for-business planning by-law* may have unintended negative environmental and health impacts. The by-law would allow different types of developments within previously protected naturalized areas such as the Greenbelt, Source Water Protection Areas, Provincially significant wetlands and other areas not previously designated for development. Not only do these naturalized areas provide significant carbon sequestration that reduces and stores carbon instead of releasing it in to the environment. It also provides other essential services including stormwater management to prevent flooding, air pollution removal of particulate matter and recreational opportunities to encourage a healthy lifestyle.

Further unintended consequences that can accelerate carbon dioxide emissions into the atmosphere making climate change worse is the urban sprawl that this type of development would allow. Municipalities have planned for greater intensification and connected modes of transportation and allowing development outside of these planned areas would lead to further traffic congestion and greater costs to municipalities that would have to expand infrastructure services including electricity and municipal sewer and water. Municipalities also direct industry and other related types of development towards certain areas to prevent land use compatibility issues. Development allowed near sensitive land uses such as residential development can have negative health related impacts from degradation of localized air quality from future industrial operations and traffic congestion.

The *Open-for-business planning by-law* does not align with other proposed provincial policy including the *Preserving and Protecting our Environment for Future Generations: A Made-in-Ontario Environmental Plan* which includes protecting clean air and clean water.

Section 39 of Clean Water Act (2005) --- Source Water Protection Plans

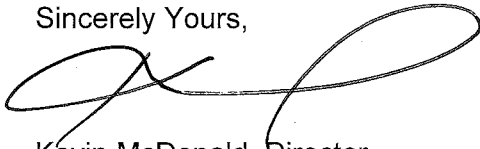
In Ontario, the Boards of Health have the responsibility of protecting population health via the implementation of the Ontario Public Health Standards: Requirements for Programs, Services, and Accountability are published as the public health standards for the provision of mandatory health programs and services by the Minister of Health and Long-Term Care, pursuant to Section 7 of the *Health Protection and Promotion Act (HPPA)*. Therefore, in Ontario, public health programs and services specified under the HPPA must ensure "provision of safe drinking water by small drinking water systems". The Clean Water Act (2006) works to protect existing and future sources of drinking water with a focus on source water protection as the essential step to protect the health of the population in this multi-barrier approach. The need for a multi-barrier approach to Ontario's drinking water protection was made evident after the Walkerton Water Crisis in 2000 where the drinking water system became contaminated with deadly bacteria, primarily *Escherichia coli* O157:H7 causing 7 deaths and 2300 illnesses (Ontario Ministry of Attorney General, 2002). The bill would grant municipalities the power to create an "open for business" by-law exempting cities and towns from sections of more than a dozen policies and acts, including the Clean Water Act, developed following the Walkerton tragedy. Deviation in Ontario's current approach to drinking water protection may compromise Ontario's ability to protect the drinking water supply serving the population and hence place the health of our population at risk of morbidity and mortality similar to those devastating events in the Walkerton Water Crisis (2002).

Section 20 of Great Lakes Protection Act (2015)

The *Great Lakes Protection Act (2015)* intent is to protect and restore watersheds, wetlands, beaches, shorelines and coastal areas for this Basin. The Great Lakes are the source of drinking water for 80 percent of the province's population. Stressors on the ecosystem from residential/commercial/industrial development must not have any legislative loopholes. Initiatives or designated policies that protect the natural heritage, land-water interface, hydrology etc. must be kept intact for all developments. This is of paramount importance as Ontario and specifically Hamilton faces more extreme weather and flooding impacts. In 2017 Hamilton experienced unprecedented shoreline damage caused by extreme precipitation and wind. Any legislation that proposes to minimize the protection of the Great Lakes puts municipal infrastructure, water quality and human health at risk.

The Healthy Environments Division is committed to working collaboratively with provincial agencies' to help improve and ensure the health of citizens in Hamilton and across Ontario. Please do not hesitate to contact the Senior Project Manager – Air Quality and Climate Change within the City of Hamilton Healthy Environments Division. Thank you very much for your time.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Kevin McDonald', with a large, stylized loop at the end.

Kevin McDonald, Director
Healthy Environments Division
Healthy and Safe Communities Department
City of Hamilton