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the public health units
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alPHA Sections:

Boards of Health
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Council of Ontario
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**Affiliate
Organizations:**

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Epidemiologists
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Association of
Supervisors of Public
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Ontario Association of
Public Health Dentistry

Ontario Society of
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in Public Health

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Sylwia Przedziecki
Clerk/Greffière
Standing Committee on General Government
Room 1405, Whitney Block
Queen's Park, Toronto ON M7A 1A2

Dear Ms. Przedziecki,

Re: Bill 45 – Making Healthier Choices Act

On behalf of member Medical Officers of Health, Boards of Health and Affiliate organizations of the Association of Local Public Health Agencies (alPHA), I am pleased to provide written input on Bill 45, for consideration by the Standing Committee on General Government. We are providing comments on each of the three Schedules, and have included alPHA's related Resolutions to provide further background on our positions.

Schedule 1 - Healthy Menu Choices

alPHA strongly supports point-of-sale disclosure of nutritional information on menus and menu boards. We believe that it is extremely important for consumers to be armed with this kind of information if they wish to make health-conscious decisions about what to eat. We also believe that food retailers should bear a certain degree of responsibility for providing that information as it relates to their products.

alPHA's position is similar to what is being proposed in Bill 45, in that we agree that all large chain restaurants, including fast food outlets and retail grocery stores that sell prepared foods must conspicuously post the calories for each item on menus and menu boards.

Given that this proposed legislation is a policy response to addressing obesity as a risk factor for illnesses such as cardiovascular diseases and diabetes, we believe that sodium content should also be included given the evidence that it is also an important risk factor for many of the same chronic diseases that are associated with obesity. We know that in Canada, the average per-capita daily intake of sodium is known to be far higher than the recommended maximum, and part of that is due to the high sodium content of the kinds of foods that will be covered by menu labelling legislation.

If the sodium disclosure requirement is not incorporated into the Act during the legislative process, we would strongly support swift passage of a regulation under Section 2 (1).

Schedule 2 - Smoke-Free Ontario Act

Amendments being proposed for the Smoke Free Ontario Act address a number of concerns that we have expressed you in recent years. Chief among these is closing a major loophole that allows tobacco companies to continue to sell fruit and candy flavoured tobacco products, which are particularly enticing to young people.

We are pleased to see that, unlike previous iterations of this Bill, that menthol cigarettes are not specifically exempt. That said, we note that Section 3 (3) would allow for future exemptions via regulation. We cannot think of acceptable exemptions for flavoured tobacco products of any kind, and will argue strongly that this clause be removed.

We would also strongly recommend the incorporation of additional prohibitions that were included in Private Members' Bill 130 (Prohibiting Flavoured Tobacco, New Tobacco Products and Smokeless Tobacco) from the 40th Session into your Government Bill. These are aimed at banning youth-targeting products such as smokeless tobacco and candy-mimicking lozenges, twist-sticks and dissolvable strips that the tobacco industry already sells elsewhere to deliver addictive nicotine. Given the adeptness of the tobacco industry at identifying and exploiting regulatory loopholes, we believe that an explicit prohibition on the introduction of new tobacco industry products is essential.

Schedule 3 - Electronic Cigarettes Act

E-cigarettes are tobacco- and smoke-free devices designed to deliver nicotine vapour to users. Their popularity is growing but there is little clarity about their risks and benefits in the current body of evidence. We do recognize the important potential for these devices to be effective smoking-cessation aids, but at the same time, we are concerned about the possible negative health impacts of long-term use as well as the setbacks to our efforts to denormalize the use of tobacco and its associated products.

Earlier this year, alPHA passed Reasolution A14-2, *Regulating the Manufacture, Sale, Promotion, Display, and Use of E-Cigarettes* (attached). We are very pleased to see that you have proposed measures that we believe will protect the health of Ontario residents by subjecting e-cigarettes to the same purchase and use restrictions as tobacco products, while supporting further research into these novel devices.

The one major concern we have is that the rationale behind prohibiting the use of e-cigarettes in enclosed public spaces is not being similarly applied to the indoor use of water pipes, also known as hookahs. As you observed during your introduction of Bill 45, "we have now had a generation of Ontarians who have grown up in the province where lighting up a cigarette in a restaurant or on a GO Train is unacceptable. We don't want to turn back the clock". We agree, and believe that the current permission to use water pipes in enclosed public spaces is doing precisely that.

In addition to the critical importance of denormalizing smoking of any kind, there is also much evidence about the harmful effects of using water pipes and exposure to their environmental smoke, especially in enclosed spaces.

Having introduced legislation that places stronger restrictions on a device whose health effects are less well-understood, we hope that you will take the next logical step and answer our call to introduce legislation as soon as possible to prohibit the use of water pipes in enclosed public places and enclosed workplaces, as per the attached ALPHA Resolution A13-5.

In conclusion, we are strongly urging all MPPs to support Bill 45, and hope that the changes that we are recommending will appear in the final version.

Sincerely,

A handwritten signature in black ink that reads "Linda Stewart". The script is cursive and fluid, with the first name "Linda" and last name "Stewart" clearly distinguishable.

Linda Stewart,
Executive Director

Encl.

alPHa RESOLUTION A14-2

TITLE: Regulating the Manufacture, Sale, Promotion, Display, and Use of E-Cigarettes

SPONSOR: Board of Health, Peterborough County-City Health Unit

- WHEREAS an e-cigarette is a device designed to mimic the appearance and feel of a regular cigarette, pipe or cigar, but with one critical difference – they do not contain tobacco; and
- WHEREAS there has been a huge increase in the growth and popularity of e-cigarettes in recent years; and
- WHEREAS in one study on the prevalence of use among youth and young adults, results indicate that ⅓ of Canadian smokers and 6% of non-smokers had ever tried e-cigarettes. Of those, 14% of smokers and 1% of non-smokers indicate being current e-cigarette users; and
- WHEREAS e-cigarettes are available from a wide variety of locations including convenience stores, gas stations, pharmacies, specialty e-cigarette stores, and the internet; and
- WHEREAS e-cigarettes do not contain tobacco, they are not covered under the Tobacco Act or the Smoke-Free Ontario Act; and
- WHEREAS e-cigarettes that contain nicotine and/or with health claims require pre-market authorization by Health Canada before they can be sold in Canada; and
- WHEREAS there are no long-term studies on the health effects of using e-cigarettes, they pose a substantially lower health risk compared to cigarettes, and there has been little evidence of harm from e-cigarettes; and
- WHEREAS the long term risk of inhaling propylene glycol (one of the main ingredients) is still unknown and lack of manufacturing standards means there is significant variation in nicotine and other chemical content, which poses a health risk to the user; and
- WHEREAS e-cigarettes have tremendous potential to help smokers reduce their cigarette consumption and to quit smoking altogether; and
- WHEREAS current available smoking cessation aids have limited effectiveness and e-cigarettes have the potential to help smokers reduce their health risks; and
- WHEREAS using an e-cigarette in indoor environments, may involuntarily expose nonusers to nicotine from second hand vapour but not to toxic tobacco-specific combustion products; and
- WHEREAS e-cigarettes, both with and without nicotine, have the potential: to undermine current smoke-free regulations; complicate enforcement; re-normalize smoking thus making the habit more attractive, especially among youth and young adults; and lead to an increase in dual use (e-cigarettes and traditional cigarettes); and
- WHEREAS more research is needed to determine the health risks of exposure to second-hand vapour;

NOW THEREFORE BE IT RESOLVED that the Association of Local Public Health Agencies request Health Canada, the Ontario Ministry of Health and Long-Term Care and its stakeholders to provide for the public health, safety, and welfare of all Ontario residents by: ensuring manufacturing consistency of e-cigarettes; conducting research on the long-term health effects of e-cigarettes and exposure to second hand vapour; and regulating the promotion, sale and use of e-cigarettes in Ontario.

AND FURTHER that the Premier of Ontario, the Chief Medical Officer of Health, Ontario Public Health Association, Prime Minister of Canada, Chief Public Health Officer of Canada, federal Minister of Health, and Ontario's Minister of Health and Long-Term Care be so advised.

ACTION FROM CONFERENCE:

Resolution CARRIED

TITLE: Provincial Legislation to Prohibit the Use of Waterpipes in Enclosed Public Places and Enclosed Workplaces

SPONSOR: Simcoe Muskoka District Health Unit

WHEREAS the emerging use of waterpipes in enclosed public places and enclosed workplaces has the potential to undermine the success of the Smoke-Free Ontario Act; and

WHEREAS tobacco-free (“herbal”) waterpipe smoke has been demonstrated to have concentrations of toxins comparable to tobacco waterpipe smoke¹; and

WHEREAS the environmental smoke from waterpipe use in indoor public places and workplaces has been demonstrated to contain toxins at harmful concentrations²; and

WHEREAS the alleged “herbal” preparations are poorly regulated and often contain tobacco even when they are labelled tobacco free³; and

WHEREAS the Tobacco Strategy Advisory Group report recommends an amendment of the Smoke-Free Ontario Act, with “the addition of controls on the indoor use of waterpipes such as hookahs”;

NOW THEREFORE BE IT RESOLVED that the Association of Local Public Health Agencies (alPHa) advocate for provincial legislation to be enacted to prohibit the use of waterpipes (regardless of the substance being smoked) in all enclosed public places and enclosed workplaces.

ACTION FROM CONFERENCE: Resolution CARRIED

References

1 Shidadeh A; Salman R; Jaroud E; Saliba N; Sepetdjian E; Blank M; Does switching to a tobacco-free waterpipe reduce toxicant intake? A crossover study comparing CO, NO, PAH, volatile aldehydes, tar and nicotine yields. Food and Chemical Toxicology Journal Vol. 50, Issue 5, 2012.

2 The Ontario Tobacco Research Unit, OTRU Update, Waterpipe Smoking: A Growing Health Concern, January 31, 2011.

3 The Non-Smokers’ Rights Association, Hooked on Hookah: Issue Analysis and Policy Options for Waterpipe Smoking in Ontario, March 2011.