



Regional Clerk's Office
Corporate Services Department

February 18, 2011

Ms. Kimberley Kitteringham
Town Clerk
Town of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Members of Council
J. Lively
J. Baird
B. L. Lively
Mary Creighton
A. Taylor

Dear Ms. Kitteringham:

Re: Smoke-Free Outdoor Recreational Spaces

Regional Council, at its meeting held on Thursday, February 17, 2011, adopted the following recommendations of the Community and Health Services Committee regarding the report entitled "Smoke-Free Outdoor Recreational Spaces":

1. The Regional Clerk circulate this report to local municipalities for review and for consideration of smoke-free bylaw implementation in outdoor recreational spaces.
2. Regional Council request the local Councils to report back on their position regarding this issue.

A copy of Clause No. 3, Report No. 2 of the Community and Health Services Committee is enclosed for your information.

For more information on this report, or if you have any questions with respect to this matter, please contact Dr. Karim Kurji, Medical Officer of Health at 905-830-4444, Ext. 4012.

Sincerely,

Denis Kelly
Regional Clerk

/C. Clark
Attachments (2)

Clause No. 3 in Report No. 2 of the Community and Health Services Committee was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting on February 17, 2011.

3

SMOKE-FREE OUTDOOR RECREATIONAL SPACES

The Community and Health Services Committee recommends the adoption of the recommendation contained in the following report dated January 27, 2011, from the Commissioner of Community and Health Services and the Medical Officer of Health, with the following additional recommendation:

2. **Regional Council request the local Councils to report back on their position regarding this issue.**

1. RECOMMENDATION

It is recommended that:

1. The Regional Clerk circulate this report to local municipalities for review and for consideration of smoke-free bylaw implementation in outdoor recreational spaces.

2. PURPOSE

This report is prepared for Regional Council in order for it to carry out its legislative duties and responsibilities as the Board of Health under the *Health Protection and Promotion Act*. It provides an overview of the importance of smoke-free outdoor spaces and outlines the benefits of smoke-free recreation and sports initiatives that have been undertaken locally and nationally.

3. BACKGROUND

The health risks associated with smoking and exposure to second-hand smoke are well documented

Smoke created by burning tobacco contains over 4,000 chemicals, including more than 50 chemicals that are known to cause cancer as well as chemicals that contribute directly to diseases like asthma and heart disease. These chemicals are not just harmful to the smoker, since two-thirds of the smoke created enters the air around the smoker and can be inhaled by other people.

The Canadian Lung Association cautions that children are generally more vulnerable than adults to the health effects of second-hand smoke exposure because their lungs are still growing and developing. Exposure to second-hand smoke in children can lead to acute lower respiratory tract infections (e.g. bronchitis and pneumonia), asthma induction, asthma exacerbation and middle ear infections. However, even in adults, second-hand smoke can be dangerous for those who have concurrent or chronic illnesses. Statistics from Health Canada indicate that more than 1,000 non-smokers will die this year in Canada due to tobacco use. Over 300 lung cancer deaths and at least 700 deaths from coronary heart disease will be caused by second-hand smoke.

There is no safe amount of second-hand smoke. Under the Environmental Protection Agency's carcinogen assessment guidelines, second-hand smoke is classified as a Group A cancer-causing agent, for which there are no known safe exposure levels. According to the U.S. Surgeon General, even brief exposure to second-hand smoke has immediate adverse effects on the cardiovascular system and increases the risk for heart disease. Physical reactions such as an increase in heart rate, a decrease in oxygen supply and constriction of blood vessels leading to increased blood pressure occur after second-hand smoke exposure of only eight to twenty minutes.

A growing body of evidence shows that smoking in outdoor spaces contributes to various health and environmental problems

Until recently, few studies focused on the effects of smoking in outdoor locations. Emerging research, however, demonstrates several negative consequences of tobacco use in outdoor spaces.

Second-hand smoke affects outdoor air quality

In a 2007 study that measured tobacco smoke on patios, sidewalks and in parks, Stanford University researchers found that second-hand tobacco smoke could be detected at downwind positions three to four metres from a single, active cigarette. In some cases, as the number of active cigarettes increased, respirable particle concentrations were detectable at distances beyond four metres.

In order to assess exposure to second-hand smoke outdoors, a 2009 study conducted jointly between the University of Georgia and the Centers for Disease Control and Prevention measured levels of the nicotine by-product cotinine in non-smokers stationed near bars and restaurants where smoking was taking place outdoors. Results indicated that they had levels up to 162 per cent greater than the control group of non-smokers.

Cigarette litter contributes to a number of environmental hazards

Smoking in outdoor public spaces is linked to littering and environmental contamination. Audits of cities and shorelines regularly find that cigarettes are amongst the greatest source of litter. In a 2006 Toronto litter audit, survey teams discovered that cigarette-related litter made up 17 per cent of all small litter found on its streets. The problem is worse on beaches, which accumulate butts that are dropped outside and end up in street drains and then, eventually, in streams, rivers, and oceans. The annual Ocean Conservancy's International Coastal Cleanup reports that cigarette butts have been the single most recovered item since collections began in 1986. The Great Canadian Shore Cleanup reports that in 2009, 37.8 per cent of all litter collected was tobacco-related. Since chemicals caught in cigarette filters leach into the earth and groundwater, contamination persists even after butts are removed from streets and beaches.

Cigarette litter can be toxic to animals and children

Research from the United States and Australia has found that chemicals from cigarette filters are poisonous to marine life. For example, a study conducted at the San Diego State University demonstrated that chemicals from one filtered cigarette butt killed about half of the fish living in a one-litre bucket of water. In addition, the Los Angeles County Department of Public Health reports that fish, birds and other animals may also die of malnutrition or starvation as a result of swallowing discarded cigarette butts.

Nicotine poisoning can also occur in young children who ingest cigarette butts left near playgrounds, parks or other play areas. Each year, the American Association of Poison Control Centers receives about 6,000 reports of potentially toxic ingestions of cigarettes and cigarette butts by children six years and younger in the United States. This is likely an underestimate, since not all incidents are reported.

4. ANALYSIS AND OPTIONS

The Tobacco Strategy Advisory Group recommends banning smoking in outdoor public places as part of a comprehensive approach to tobacco control in Ontario

The *Smoke-Free Ontario Act* was implemented on May 31, 2006. It prohibits smoking in enclosed public places and workplaces including bars, casinos and common areas of multi-unit dwellings. Smoking is also banned within nine metres of a hospital entrance or exit, as well as on elementary and secondary school grounds and in the reserved seating areas of sport arenas or entertainment venues, including outdoor venues. Effective January 21, 2009, the *Smoke-Free Ontario Act* was amended to ban smoking in vehicles with children under the age of 16, with a fine of up to \$250 for each offence.

In October 2010, the Tobacco Strategy Advisory Group, established by the Ministry of Health Promotion and Sport to inform the Ontario government's direction in tobacco control, released its report to the Province. Recommendations of the Tobacco Strategy Advisory Group represent the consensus of all the leading tobacco control organizations in Ontario and focus on steps that are practical and achievable over time. One of the report's recommendations is to eliminate the smoking of tobacco products in priority settings, including:

- Playgrounds
- Unenclosed restaurant and bar patios
- Doorways and entrances, operable windows and air intakes

The provincial government, however, indicated that it would not currently move forward with any further bans relating to the *Smoke-Free Ontario Act*.

Within the Regional Municipality of York, several departments are working together to explore smoke-free options for Regional premises and outdoor spaces.

A growing number of municipalities prohibit smoking in outdoor public spaces

Ontario municipalities have the ability to prohibit or regulate smoking of tobacco in any public place or workspace under section 115 of the *Municipal Act, 2001*. Numerous towns and cities in the province, including Barrie, Collingwood, Orillia, Peterborough and Toronto, have enacted bylaws that go further than the *Smoke-Free Ontario Act* in banning smoking in outdoor recreational areas. These may include playgrounds, parks, pools, sports fields, festivals and zoos. Complete results of a scan of Ontario bylaws and policies pertaining to smoke- and tobacco-free playgrounds, parks and recreational facilities is provided as Attachment 1.

In York Region, two local municipalities have bylaws that restrict the use of tobacco in outdoor locations:

- The Town of Georgina prohibits the use of tobacco on Civic Centre soccer pitches.
- The Town of Newmarket has designated Sunnyhill Park next to Southlake Regional Health Centre to be smoke-free in support of the hospital's smoke-free policy.

Smoke-free outdoor recreational spaces have also been created in other provinces, including in the Town of Bridgewater, Nova Scotia and the City of Richmond, British Columbia.

Jurisdictions that have banned smoking in outdoor recreational spaces report positive results and self-enforcement of bylaws

Jurisdictions that have implemented some form of outdoor smoking ban generally report that the public is supportive of such bans. In many jurisdictions, compliance with smoke-free outdoor bylaws in playgrounds and parks where children and youth play is reported to be primarily self-enforcing.

Town of Collingwood

The Town of Collingwood first banned smoking within 25 metres of playground equipment in town-owned children's parks in 2000. Town Council also voted to support the posting of "Recommended No Smoking" signs on town soccer fields and town trails. In 2005, the bylaw was amended to include a smoking ban within 25 metres of playing fields.

A "lessons learned" document jointly prepared by the Simcoe Muskoka District Health Unit and the Ontario Tobacco Research Unit indicates that between 2000-2007, there were no complaints to the health unit or to the town regarding the bylaw or offenders of the bylaw. No tickets have been issued and damage to the no-smoking signs has been minimal.

Town of Georgina

In 2009, the Town of Georgina developed and implemented a tobacco-free bylaw making soccer playing fields located on the Civic Centre grounds tobacco-free. The bylaw prohibits smoking or using tobacco-products at all eight Civic Centre soccer pitches, including parking lots and within nine metres east of the most easterly soccer pitch limit.

According to Georgina's Department of Parks and Culture, the bylaw has been well received by the community. The bylaw is self-enforcing and has not been challenged. The Town of Georgina has not received any complaints, no tickets have been issued and informal feedback from the public has been positive. Posted signs cost the town approximately \$300 to \$400.

Town of Bridgewater, Nova Scotia

In March 2008, the Town of Bridgewater adopted a bylaw prohibiting smoking in parks, playgrounds and outdoor recreational facilities. A telephone survey was conducted with a random sample of 301 residents of Bridgewater and those living in an adjacent municipality in September 2009 to assess the experiences of residents after implementation of the bylaw. Results showed that 86 per cent of people who smoked and who were aware of the smoke-free bylaw reported complying with the bylaw. Over half of those who complied with the bylaw said the signs served as a useful reminder. The survey also showed that 12 per cent of people who currently smoked say they were trying to quit as a result of the town bylaw.

Sports organizations are adopting tobacco-free policies

A tobacco-free sport means that no one, including participants, spectators, or coaches, uses any form of tobacco product while taking part in a sport. International and local sporting organizations have begun to adopt tobacco-free policies. The 2002 FIFA World Cup Championship was the first smoke-free international soccer tournament. Recent Olympic Games have also gone smoke-free, including the games in Torino, Italy (2006), and Beijing, China (2008).

In York Region, the Public Health Branch provides education, consultation and support towards the development of tobacco-free policies. Branch staff have worked with the following teams and groups to develop tobacco-free policies through Healthy Community seed grant opportunities:

- Newmarket Hurricanes Junior A Hockey Club
- Markham Irish Rugby Association
- Redbirds Lacrosse League
- Ontario Soccer Association
- Fuerza Latina Group
- Middlefield Seniors' Wellness Club

The majority of York Region residents favour smoke-free outdoor spaces

Results from a 2009 Rapid Risk Factor Surveillance System telephone survey show that most York Region adults over the age of 18 support the development of bylaws making outdoor recreational grounds smoke-free. The margin of error represents the 95% confidence interval, meaning that 19 times out of 20 the results will fall into this range.

- 88% ($\pm 2\%$), of York Region residents support a bylaw making playgrounds smoke-free
- 80% ($\pm 3\%$) of residents support smoke-free public beaches
- 85% ($\pm 3\%$) of residents support smoke-free public sports fields
- 92% ($\pm 2\%$) of residents support making doorways to public workplaces smoke-free
- 90% ($\pm 2\%$) of residents support making doorways to public places smoke-free
- 78% ($\pm 2\%$) of residents support making outdoor public patios where food or drinks are sold smoke-free

5. FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

Local municipalities that amend or create smoke-free bylaws will have costs associated with the development and placement of signage in affected areas, as well as with any public education and awareness activities. Public health staff will provide consultation and support to local municipalities on their policy amendments as well as education and awareness strategies for the community.

Based on the experience of other jurisdictions, costs associated with bylaw enforcement are anticipated to be minimal. Studies show that bylaws tend to be self-enforcing when adequate education and awareness are provided.

6. LOCAL MUNICIPAL IMPACT

Smoke-free bylaws for outdoor recreational spaces will further protect York Region residents, especially young children, from exposure to second-hand smoke. Outdoor recreational spaces that could be made smoke-free include but are not limited to public playgrounds, playing fields and walking trails, transit stops, public sector doorways and outdoor patios without a roof.

Municipalities that choose to implement such bylaws will have some initial costs related to public education and awareness. The experience of other jurisdictions, however, indicates that bylaws become self-enforcing after an initial period of education. In return, municipalities will benefit from reduced litter and healthier physical environments.

7. CONCLUSION

Emerging evidence has led experts to concur that making outdoor recreational spaces smoke-free is an important part of a comprehensive approach to tobacco control. Based on the experience of jurisdictions that have already implemented bylaws and on results of a Rapid Risk Factor Surveillance System telephone survey conducted locally, the public is generally supportive of banning smoking in outdoor recreational spaces.

It is recommended that the nine local municipalities consider smoke-free bylaws for their outdoor recreational spaces. Public health staff are available to work with municipal councils through consultation and deputations.

For more information on this report, please contact Dr. Karim Kurji, Medical Officer of Health at Ext. 4012.

The Senior Management Group has reviewed this report.

Scan of bylaws in support of tobacco-free playgrounds, parks, recreational facilities and outdoor events in Ontario

(Excerpt from policy scan completed by the Play Live Be Tobacco-Free – Ontario Collaborative, with information from the Non-Smokers' Rights Association/Smoking and Health Action Foundation and from public health units. Last updated May 14, 2010.)

Jurisdiction	Description
Smith-Ennismore-Lakefield # 2009-099	Municipal Bylaw Smoking prohibited within 9 m of select outdoor bleachers and players' benches, of select playground equipment zones and of select gazebos, beaches and shade shelters.
South Bruce # 2009-52	Municipal Bylaw Smoking prohibited within 30 m of any playground equipment located within a municipal public park and within 15 m of any recreational field located within a municipal public park.
Midland # 2009-68	Municipal Bylaw Smoking prohibited within 10 m of any town-owned playground or sports field.
Timmins # 2009-6844	Municipal Bylaw Smoking prohibited within 10 m of any playground equipment within parks and playgrounds and within 10 m of any recreational field. Smoking only permitted at designated areas at beach locations.
Barrie # 2009-086	Municipal Bylaw Smoking prohibited on any property owned and occupied by the city including but not limited to property upon which is located a city facility, parkland, playground, sports field, spectator seating area, ice surface, etc.
Arnprior # 5739-09	Municipal Bylaw Smoking prohibited on any public land identified as a public playground within the limits of the Town of Arnprior.

Jurisdiction	Description
Clearview Township # 09-34	Municipal Bylaw Smoking prohibited on or within 9 m of a playground area or playing field including but not limited to soccer fields, baseball diamonds, football fields, etc., and on municipal property including parks during the period of time when people are assembled and authorized entertainment is provided.
Cornwall # 112-2007	Municipal Bylaw Smoking prohibited within 9 m of city-owned facilities such as splash pads, playground equipment, etc.
Elliot Lake # 03-4	Municipal Bylaw Smoking prohibited within 15 m of playground equipment and recreation fields including but not limited to baseball diamonds, soccer fields, tennis courts, etc. Smoking also prohibited in Miners Monument Park.
Georgina # 2009-0050	Municipal Bylaw Smoking or using any tobacco product prohibited at all Civic Centre soccer pitches (8 in total) including parking lots and within 9 m east of the most easterly soccer pitch limit.
Quinte West # 09-99	Municipal Bylaw Smoking prohibited within 25 m of playground equipment or playing fields within a playground park owned by the Corporation of the City of Quinte West.
Toronto Municipal Code Chapter 608 – Parks	Municipal Bylaw Smoking prohibited within 9 m of playground equipment and surfaces, wading pools and splash pads, and zoos and farms managed by Parks, Forestry and Recreation.
Woodstock Bylaw No. 8461-08, Smoke Free Work Places and Public Places	Municipal Bylaw Smoking prohibited within 30 m of any playground equipment located within a municipal public park (includes swimming pools), and within 15 m of any recreational field within a municipal public park (includes baseball diamonds, soccer pitches, player or spectator benches and lawn bowling fields, but not golf courses), and during special community events including but not limited to parades, outdoor concerts, sports tournaments, sidewalk sales, Canada Day celebrations and Cowapalooza.

Jurisdiction	Description
Orillia Chapter 953, Smoking Regulation, Public Places and Workplaces	Municipal Bylaw Smoking prohibited within 10 m of a playground area, sport activity area (including but not limited to ball diamonds, soccer fields, basketball courts, tennis courts, etc.)
North Huron No. 22-2008	Municipal Bylaw Smoking prohibited in an outdoor bleacher area to which the general public has access or is invited.
Belleville # 2007-142	Municipal Bylaw Smoking prohibited in any park or part thereof designated by signs or markers.
Collingwood # 02-109	Municipal Bylaw Smoking prohibited within 25 m of any playground equipment, the definition of which includes municipally-owned swimming pools, soccer pitches and ball diamonds.
New Tecumseth #2002-114	Municipal Bylaw Smoking prohibited within 10 m of any playground area established and fitted with equipment (slides, swings, etc).
Peterborough Bylaw #07- 126, As Amended, Being a Consolidated Bylaw Respecting Smoking in Certain Public Places in the City of Peterborough	Municipal Bylaw Smoking prohibited at the Riverview Park and Zoo, including the playground, the train station and platform, and the green space bounded by the fence.
Municipality of Chatham- Kent #212-2009	Municipal Bylaw No smoking or lit tobacco shall be permitted within 9 m of any playground equipment.
City of St. Thomas	Municipal Bylaw No smoking in parks, playgrounds and splash pads.
City of Owen Sound, Tobacco Free Sports and Recreation Policy	Municipal Policy No Smoking in parks, playgrounds, splash pads or on playing fields (i.e. soccer pitches). The policy is to be reviewed annually with the possibility of becoming a bylaw dependent upon community response and voluntary compliance.
Sault Ste. Marie Bylaw # 2007-154	Municipal Bylaw No Smoking in parks, playgrounds, splash pads or on playing fields (i.e. soccer pitches).

Jurisdiction	Description
City of Elliot Lake No Smoking Bylaw	Municipal Bylaw No Smoking in parks, playgrounds, splash pads or on playing fields (i.e. soccer pitches).
Town of Wasaga Beach	Municipal Bylaw No Smoking within 9 m of all playground areas and playing fields.
Labatt Park – London	Organizational Policy No smoking in the privately owned and operated ball diamond.
Township of Adjala-Tosorontio	Municipal Bylaw No smoking within 15 m of playground areas and playing fields.
City of Welland – Niagara	Municipal Bylaw No smoking on playing fields.