March 7, 2008

The Honourable Dalton McGuinty  
Premier and  
Minister of Research and Innovation  
Room 281, Main Legislative Building  
Queen's Park  
Toronto, ON  M7A 1A1  

RE: CORRESPONDENCE FROM SUSAN LEE, MANAGER,  
ADMINISTRATIVE & ASSOCIATION SERVICES, ASSOCIATION  
OF LOCAL PUBLIC HEALTH AGENCIES, DATED JANUARY  
10, 2008 RE: SUPPORT FOR PRIVATE MEMBERS’ BILL –  
BANNING SMOKING IN VEHICLES CONTAINING CHILDREN;  
and  

MEMORANDUM FROM DR. ROBERT KYLE, COMMISSIONER  
& MEDICAL OFFICER OF HEALTH, DATED FEBRUARY 21,  
2008 RE: SMOKE-FREE CARS (Our File P10-00)  

Dear Premier, please be advised the Health & Social Services Committee  
of Regional Council considered the above matters and at a meeting held  
on March 5, 2008 Council adopted recommendations of the Committee  
contained within the following two items:  

1. Private members Bill – Banning Smoking in Vehicles  
   
   "a) THAT the following motion passed by the alPHa Board of  
   Directors at their December 6, 2007 meeting be endorsed:  
   ‘THAT the alPHa Board of Directors endorse the private  
   members’ bill that would amend the Smoke-Free Ontario  
   Act by banning smoking in cars containing children under  
   the age of 16 years.’; and  
   
   b) THAT the Premier of Ontario, Ministers of Community Safety and  
   Correctional Services, Health and Long-Term Care and Health  
   Promotion, Durham’s MPPs, Acting Chief Medical Officer of  
   Health, alPHa, and all Ontario boards of health be so advised.”  

"Service Excellence  
for our Communities"
2. Memorandum of Durham Health Department – Banning Smoking in Vehicles

"THAT the Memorandum from Dr. R.J. Kyle, Commissioner & Medical Officer of Health be received for information and forwarded to the Premier of Ontario, Ministers of Community Safety and Correctional Services, Health and Long-Term Care and Health Promotion, Durham’s MPPs, Acting Chief Medical Officer of Health, alPHA, and all Ontario boards of health."

As per the recommendations contained in Item 2. above, please find enclosed a copy of the Memorandum regarding Smoke-Free Cars from Dr. R.J. Kyle, Commissioner & Medical Officer of Health for your information.

Pat M. Madill, AMCT, CMM
Regional Clerk

PMM/daj

c: The Honourable Rick Bartolucci, Minister of Community Safety and Correctional Services
   The Honourable George Smitherman, Minister of Health & Long-Term Care
   The Honourable Margaret Best, Minister of Health Promotion
   Ms. Laurie Scott, MPP (Haliburton/Victoria/Brock)
   Mr. Wayne Arthurs, MPP (Pickering/Ajax/Uxbridge)
   Ms. Christine Elliott, MPP (Whitby/Ajax)
   Mr. John O’Toole, MPP (Durham)
   Mr. Jerry Ouellette, MPP (Oshawa)
   Mr. Joe Dickson, MPP (Ajax/Pickering)
   Dr. George Pasut, Chief Medical Officer of Health and Long-Term Care (Acting)
   Ms. Linda Stewart, Executive Director, alPHA
   all Ontario boards of health
   Dr. R. J. Kyle, Commissioner & Medical Officer of Health
MEMORANDUM

TO: Chair A. Cullen and Members
    Health & Social Services Committee

FROM: Dr. Robert Kyle

DATE: February 21, 2008

RE: Smoke-Free Cars

In October 2007, the Health & Social Services Committee requested information on smoking in vehicles where children are present. The following is a summary of current evidence regarding the health implications of exposure to second-hand smoke (SHS) in vehicles, legislation in other jurisdictions pertaining to this issue, legislative options for Durham Region, and areas for further exploration.

1. Impact of Second-Hand Smoke Exposure

Second-hand smoke (SHS) is a complex mixture of over 4,000 gases and fine particles. It contains at least 50 known or suspected carcinogens (cancer-causing agents) and more than 200 poisonous substances.\(^1\)

The connection between SHS and serious health effects in non-smokers became evident in the 1980s when several scientific committees and national organizations concluded that exposure to SHS is a cause of lung cancer.\(^2\) Further research shows that exposure to SHS in adults is associated with increased cardiovascular disease, certain cancers, respiratory conditions, and reproductive problems.\(^3\)

SHS has been designated as a known human carcinogen by the U.S. Environmental Protection Agency, National Toxicology Program, and the International Agency for Research on Cancer (IARC). On January 26, 2006, the Air Resources Board of the California Environmental Protection Agency formally identified second-hand smoke as a toxic air contaminant.

A 2006 report of the U.S. Surgeon General has concluded that SHS exposure causes disease and premature death in children and adults who do not smoke. Exposure of adults to SHS has
immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.

The report concludes that children exposed to SHS are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma. In addition, there is emerging evidence that exposure to SHS during prenatal and/or postnatal periods can impact behaviour, attention, and children’s ability to reason and understand.\textsuperscript{iv}

In recognition of the detrimental health impacts of SHS, many jurisdictions are prohibiting smoking in public spaces such as workplaces, restaurants, and healthcare institutions. Additionally, smoking in vehicles is increasingly being seen as a significant source of SHS.\textsuperscript{v} In fact, often “motor vehicle SHS levels of exposure are much higher than the levels found...in hospitality venues such as casinos, bars and restaurants...”\textsuperscript{vi viii} The enclosed space results in an “alarming” amount of harmful suspended particles and carbon dioxide.\textsuperscript{vii ix}

With one in five children under twelve years old in Canada regularly exposed to SHS,\textsuperscript{x} minimizing this exposure should be a high priority for all levels of government.

2. Context for Legislative Action

a) Durham Region
In Durham Region, the daily smoking rate in adults aged 19 years and older is 16.5%, down from 20% in 2002. Durham Region residents recognize the health risks associated with exposure to SHS and are working to protect themselves and their families. In 2007, 89% of Durham Region residents lived in smoke-free homes, as compared to 66% ten years ago when the Health Department’s Smoke-Free Home Campaign started. Smoking is not allowed in 79.5% of vehicles of Durham Region drivers, up from 69% in 2001.

b) Ontario
According to a monthly telephone survey conducted by the Centre for Addiction and Mental Health (CAMH), public support in Ontario for banning smoking in motor vehicles rose from 55% in 1995 to 78% in 2005. Among smokers, support rose from 50% to 66% and in non-smokers from 73% to 81%.\textsuperscript{xii} An Ipsos Reid poll conducted for the Ontario Tobacco-Free Network in November 2007 found that 80% Ontarians support
legislation that would ban smoking in cars and other private vehicles where a child under 16 years of age is present.

Recently the Ontario Medical Association, which represents over 25,000 physicians, stated that "evidence makes it clear that SHS exposure in vehicles should be dealt with through legislation." Specifically, "the OMA recommends that caregivers should not be permitted to smoke in vehicles while transporting children, and that the provincial government takes steps to ensure the protection of children from SHS while traveling in vehicles through the introduction of legislation banning the use of tobacco inside vehicles used to transport children."

Municipalities in Ontario such as Thunder Bay have introduced resolutions directing administration to prepare a report on the feasibility of a bylaw to regulate smoking in private vehicles when children are present. London's City Council has also asked their legal counsel to determine whether they have jurisdiction to intervene in this area.

c) Canada
In November 2007, Wolfville, Nova Scotia (population 3,600), became the first Canadian municipality to ban smoking in vehicles where children under 18 years old are present. Subsequently, on December 13, Nova Scotia became the first province in Canada to pass a law banning smoking in any vehicle carrying children under 19. New Brunswick, British Columbia and the Yukon are also considering similar bans.

In November 2007, a Private Member's Bill (Bill 11) was introduced in the Ontario Legislature to amend the Smoke-Free Ontario Act to prohibit smoking in a motor vehicle when a person who is less than 16 years of age is present in the vehicle. Currently, the Bill awaits second reading. The introduction of Bill 11 received extensive media coverage. In December 2007, media reported that Premier McGuinty said he would allow Liberals a free vote on the issue.

d) Jurisdictions outside Canada
There are laws banning smoking in cars with children in many American states and cities, including California, Arkansas, Louisiana, Bangor (Maine), Keyport (New Jersey), and Rockland County (New York). States with legislation in progress include Georgia, Michigan, New Jersey, New York, and Vermont.
Others with legislation include Puerto Rico, the Australian state of South Australia and Tasmania. There is a high level of support for banning smoking in cars in Australia. In summary, there is increasing interest in and legislative action taking place in Ontario and elsewhere to ban smoking in cars when children are present.

Respectfully submitted,

R. J. Kyle, MD, MHSc, CCFP, FRCPC
Commissioner & Medical Officer of Health

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CTV.ca News Staff. Canadian jurisdictions follow N.S. smoking ban lead. 15 Dec 2007.
Canadian Press. Ontario private member’s bill would ban smoking in cars with kids. 7 Dec 2007.