



TORONTO STAFF REPORT

June 25, 2004

To: Board of Health

From: Dr. Barbara Yaffe, Acting Medical Officer of Health

Subject: Toronto's No Smoking By-law (Municipal Code Chapter 709–Smoking) – Offer of Enforcement Enhancement from the Association of Local Public Health Agencies (alPHa)

Purpose:

This report provides information regarding an offer from the Association of Local Public Health Agencies (alPHa) to provide funds to enhance the enforcement of the third phase of Toronto's No Smoking By-law.

Financial Implications and Impact Statement:

As part of its Supporting Smoke-free By-laws project in Ontario, alPHa has offered \$268,560 in one-time 100% funding to Toronto Public Health to assist with enforcement supports for the period June 1, 2004 to March 31, 2005. If accepted, the funding would be used to enhance the Toronto Public Health implementation resources for enforcement of the by-law by hiring seven additional enforcement officers for an eight month period from August 1, 2004 to March 31, 2005. The addition of these 7 officers would bring the total number of by-law enforcement staff to 4 permanent and 11 temporary.

Currently, Toronto Public Health has \$785,700 (gross) / \$392,800 (net) in the 2004 Operating Budget for by-law implementation. These additional resources would bring the total 2004 budget to \$953,550 (gross) / \$392,800 (net). There would also be an impact on the 2005 operating budget with \$100,710 of this one-time 100% funding being added to the gross budget for by-law enforcement in 2005.

The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that the Board of Health:

- (1) authorize the Medical Officer of Health to accept the \$268,560 in one time 100% funding from the Association of Local Public Health Agencies to enhance existing enforcement activities with respect to Toronto's No Smoking By-law;
- (2) amend the 2004 Toronto Public Health operating budget to include the addition of \$167,850 (gross) to the operating budget for No Smoking By-law implementation and forward this report to the Policy and Finance Committee for their information; and
- (3) authorize and direct the appropriate City Officials to take the necessary action to give effect thereto.

Background:

On May 13, 2004, staff from Toronto Public Health participated in a teleconference hosted by alPHa to discuss by-law enforcement needs for the successful implementation of upcoming tobacco use by-laws across the province. Also participating in the teleconference were representatives from the Ontario Campaign for Action on Tobacco (OCAT), the Program Training and Consultation Centre (PTCC) and other Health Units across Ontario that were preparing to implement new smoke-free by-laws or the final phase of a by-law that creates smoke-free public places and workplaces. During the teleconference, alPHa indicated that they were collaborating with OCAT and the PTCC to submit a proposal to the Ministry of Health and Long-Term Care, Public Health Division, to request one-time 100% provincial funding to support implementation of smoke-free by-laws in Ontario.

In a follow-up letter of introduction to participating Medical Officers of Health dated May 14, 2004 (see Appendix A), alPHa's Executive Director advised that "the focus of the proposal is to enhance the enforcement of by-laws moving into implementation between May 31, 2004 and September 5, 2004." Accompanying the letter was a form upon which each interested Health Unit could describe their existing enforcement resources and identify their additional enforcement requests. Toronto Public Health submitted a request for \$373,427.46 and on June 6, 2004, Toronto Public Health was notified that it would be offered \$268,560 in 100% provincial one-time funding. In a June 8, 2004 Letter of Agreement (see Appendix B), the offer of funding was confirmed providing that Toronto Public Health agrees to hire new dedicated by-law enforcement staff, recruit off-duty or retired police officers and to do so during the period between June 1, 2004 and March 31, 2005.

Comments:

The recently approved 2004 Toronto Public Health Operating Budget includes funding for eight Municipal Code Enforcement Officers (MCEOs) who are dedicated to enforcement of the No Smoking By-law (four permanent and four temporary for six months). The MCEOs conduct

enforcement activities focused on those establishments primarily affected by the changes with Phase 3 of the by-law, working during hours when offences are most likely to occur and when enforcement would be least expected. This includes early mornings for establishments such as donut shops, evenings and weekends to monitor most hospitality establishments and overnight to cover clubs and 24-hour food premises and workplaces. In order to respond to complaints and monitor compliance, enforcement methods include unannounced inspections and surveillance.

The enforcement work conducted by the MCEOs is supplemented by the Public Health Inspectors who monitor compliance with the by-law in Toronto's hospitality establishments as part of the food safety inspection program and, if necessary, take appropriate enforcement action. Similar to the enforcement process for hospitality settings, the Public Health Inspectors assigned to Health Hazard investigations will, with the support of the MCEOs, respond to complaints from the public and employees in some of Toronto's 73,000 plus workplaces and in residential settings which are covered by the by-law (i.e. multiple occupancy residential buildings such as apartments or condominiums where the lobbies, hallways, and stairwells are considered to be public places and required to be smoke-free).

If accepted, the funding offered by ALPHa would be used to enhance the enforcement activities already in place. Seven additional enforcement officers would be hired on a temporary basis from August 1, 2004 to March 31, 2005 to expand the number of establishments that can be monitored on a daily basis and to re-enforce the message that non-compliance with the by-law will be dealt with expeditiously. Having additional MCEOs would also result in having increased dedicated enforcement support during the daytime hours to deal with enforcement issues in workplaces and hospitality settings that are busier during the summer months. The option to hire retired police officers or purchase the services of off-duty police officers will be investigated as a method to achieve compliance in settings where enforcement is more challenging or the identification of individuals observed to be in violation of the by-law is problematic.

Conclusions:

In the first few weeks of implementation for the third phase of the smoking by-law, the rate of compliance has been 96%. In order to continue with this successful implementation, Toronto Public Health must continue to maintain a strong and effective enforcement presence and be prepared for any challenges. It is still early in the implementation of phase 3 and the cooler weather in the fall and the winter months may have an impact on compliance when people can no longer smoke in outdoor patios. In order to be able to meet the challenges, the Board of Health is encouraged to approve acceptance of the funds offered from ALPHa.

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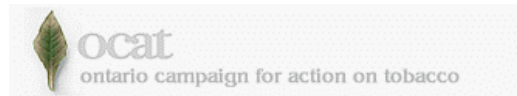
Dr. Barbara Yaffe
Acting Medical Officer of Health

List of Attachments:

Appendix A: Letter of Introduction from alPHa dated May 14, 2004

Appendix B: Confirmation and Letter of Agreement from alPHa dated June 8, 2004

Appendix A



May 14, 2004

Medical Officer of Health,

In June 2004, the Ontario Tobacco Strategy Steering Committee determined that the successful implementation of upcoming tobacco use by-laws would be one of its main priorities. The rationale was that successful implementation of future by-laws will continue to increase the percentage of Ontario that becomes smoke-free and can help convince the government to accelerate their promise of provincial 100 percent smoke-free public and work places.

With this in mind, the Association of Local Public Health Agencies (alPHa), the Ontario Campaign for Action on Tobacco (OCAT) and the Program Training and Consultation Centre (PTCC) are collaborating to submit a proposal to the Ministry of Health and Long-Term Care, Public Health Division. The focus of the proposal is to enhance the enforcement of by-laws moving into implementation between May 31st and September 5th, 2004.

Components of the proposal will include:

- Training in by-law enforcement;
- Mentorship program and other on-site assistance;
- A secured website for information sharing;
- Weekly teleconferences; and,
- Hiring of temporary enforcement staff.

To complete this proposal, we need your help. Please review and fill-in the attached form as this will form the basis of the proposal. Your information will help the project management team finalize the details of the proposal. A member of the project management team may contact you if they require clarification on your submission.

Please return the completed form as soon as possible and no later than Tuesday May 18, 2004 at 5:00 pm. Thank you for your prompt response.

Yours truly,

A handwritten signature in black ink, appearing to read 'Andrew Papadopoulos'.

Andrew Papadopoulos
Executive Director
Association of Local Public Health Agencies

Appendix B



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**Providing leadership in public
health management**

June 8, 2004

Dr. Barbara Yaffe, Acting Medical Officer of Health
Toronto Public Health
277 Victoria Street, 5th Floor
Toronto, Ontario
M5B 1W2

Dear Dr. Yaffe,

I am pleased to confirm that the Association of Public Health Agencies (alPHa) shall provide **\$268,560** to Toronto Public Health to assist with enforcement supports as identified in Schedule A below, as part of the Supporting Smoke-free By-laws project. Toronto Public Health shall in turn provide or ensure the provision of the enforcement supports as set out in Schedule A.

The funds will be paid to Toronto Public Health as soon as possible after alPHa receives a signed copy of this Letter of Agreement and the funds from the Ministry of Health and Long-Term Care.

Toronto Public Health shall keep and maintain all books, records, invoices and other documents relating to the Agreement in a manner consistent with generally accepted accounting principles and shall make such books, records, invoices and other documents available for review by alPHa or the Minister of Health and Long-Term Care upon written request for a period of seven years from the date of the last payment of funds to the health unit.

If the terms of this Letter of Agreement are acceptable to you, please sign and return a duplicate of this letter to Andrew Papadopoulos, Executive Director, Association of Local Public Health Agencies at the above address.

Yours truly,

A handwritten signature in black ink that reads 'Andrew Papadopoulos'.

Andrew Papadopoulos
Executive Director

The undersigned understand and agree to the terms of this Letter of Agreement this day of

_____, 2004 in _____, Ontario

Signed

Print Name

Schedule A Obligations of Signatory Health Unit

Toronto Public Health will complete the following by-law enforcement related activities during the period between June 1, 2004 and March 31st, 2005, as listed in its response to *the Public Health Unit – Enforcement Needs Assessment Questionnaire – May 2004*:

1. Hire new dedicated by-law enforcement staff
2. Recruitment of off-duty or retired police officers

alPHa reserves the right to request submission of activity reports by Toronto Public Health related to the terms of this agreement.