

# Briefing Note

Crematorium Working Group – Moore Park, Toronto  
[bettertoronto@gmail.com](mailto:bettertoronto@gmail.com)

**Date:** February 7, 2013  
**To:** Chair and Members of the Planning and Growth Management Committee  
**From:** Crematorium Working Group – Moore Park, Toronto  
**Re:** **Draft City-Wide Zoning By-law – Crematoriums**

---

## Recommendations

To safeguard public health from long-term exposure to toxic crematorium emissions, and consistent with provincial *D6 Guidelines* on land use compatibility, and with international best practices, we recommend that the Draft City-Wide Zoning Bylaw be amended to:

1. **Impose a minimum 300-metre setback of crematoriums from residential and other sensitive land uses to protect public health – especially that of children;**
  2. **Remove the requirement of siting crematoriums inside cemeteries to allow for competitive expansion of the sector in the public interest;**
  3. **Direct new crematoriums to designated areas zoned for industrial use and adequately separated from residential zones and consider incentives for the relocation of existing crematoriums to such designated 'crematorium zones';**
  4. **Withhold approvals for new or expanded crematoriums until such safeguards have been established in the Zoning By-law.**
- 

## What will this achieve?

1. **Reduce conflicting land uses** between crematoriums (as industrial incinerators) and residential zones by directing crematoriums away from cemeteries abutting residential areas;
  2. **Protect public health and safety from toxic emissions, including mercury, PM2.5 and dioxins**, emitted continuously during incineration of human remains, by requiring adequate separation distances between crematoriums and sensitive land uses in the Zoning By-law;
  3. **Reduce air pollution in residential areas** from crematorium emissions of fine particulate matter (PM2.5) and nitrogen dioxide - which cause asthma and are particularly harmful to children;
  4. **Generate economic benefits to the City in form of new property tax revenues** and job creation. (As tax-exempt entities under the *Income Tax Act*, crematoriums inside cemeteries now remit no property taxes to the City);
  5. **Reduce risk** to adjacent populations, to the environment and to property from spills, fires, floods, explosions and other catastrophic events resulting in release of toxic substances;
  6. **Reduce liability** for harm to health and property from such catastrophic releases;
  7. **Reduce vulnerability of the City to appeals to OMB** from new crematorium applications in areas which pose unacceptable risks to children's health by clearly directing crematoriums away from residential zones and into industrial zones.
- 

## Planning & Growth Management requested a 300-metre setback in June 2012. Why wasn't this implemented by staff?

- Pursuant to a letter by Councillor Wong-Tam, Planning and Growth Management Committee directed staff in June 2012 to consider and report on a 300-metre setback for crematoriums in the Draft City-Wide Zoning By-law;
- Staff did not incorporate the requested setback in the Draft Zoning By-law but inserted an inadequate 30-metre setback, contrary to best practices and guidance from the Ministry of the

- Environment, and also inserted a requirement that crematoriums continue to be sited inside cemeteries, notwithstanding the province's removal of this restriction from the legislation in 2012.
- In response to public comments, staff have recommended in their Final Report (PG21.1) that the Chief Planner, together with Public Health, Toronto Environment Office, Ministry of the Environment, and the Ontario Association of Cemeteries and Funeral Professionals review options for the location of, and conditions for, new crematoriums in the City.
- 

## Why does this matter now?

**Public Health** - Crematoriums are industrial incinerators, and as such, are major emitters of mercury, dioxins, nitrogen oxide and fine particulate matter – all of which are carcinogenic substances that impact children's physical and mental development. Because provincial air quality standards for crematoriums are weak and are not enforced, the best measure we have for protecting children from these emissions is to create a safe distance between such polluting facilities and residential areas where children live, learn and play. The Zoning By-law presents a timely opportunity to address the public interest in this matter, and protect public health going forward.

**Public Opposition** - The Ministry of the Environment recommends in its *D-6 Guidelines* on land use compatibility a **minimum** separation of 300 metres for industrial facilities from sensitive land uses. According to staff, six of the seven aging crematoriums in Toronto do not meet these Guidelines. Some are as old as 40 years and as close as 14.5 metres from the nearest homes, and none has emissions controls. Communities are increasingly opposed to incinerators in their midst and want them moved or closed. The precedent of closing all medical waste incinerators in Ontario in the 1990s on public health grounds is instructive.

**Provincial Intent: Municipal Responsibility** - The province has removed former legislative restrictions requiring crematoriums to be sited inside cemeteries in recognition of dramatically rising demand for cremation and the need to provide more cremation services across municipalities, but the onus is on municipalities to restrict the siting of these industrial incinerators in the public interest. As there is little land available inside existing cemeteries for more crematoriums, the City can expect a flood of new crematorium applications in coming years in funeral homes, shopping malls and residential zones. It is imperative that new crematoriums not be permitted to pose any further risks to public health and safety by directing them *away from* cemeteries, open green spaces, and residential areas into appropriate industrial zones, and requiring both modern emissions controls and sufficient 300-metre setbacks to protect public health.

**New Tax Revenues** - Councillors should be aware that the demand for new cremation facilities poses a significant new opportunity to benefit from a property tax revenue stream at present denied to the City due to the tax-free status of existing crematoriums operating inside cemeteries. For the City to benefit from this revenue stream, crematoriums must be sited outside cemeteries.

**Future of Incinerators in Toronto** - In light of the public health and economic impacts of the crematorium sector, we encourage the City to bring the Board of Health and the Economic Development Division together with the Planning Division in a comprehensive study of the future of cremation in the City. Community Councils played a crucial role in persuading the province to shut down all medical waste incinerators in the 1990s. This precedent should guide efforts to bring accountability and responsibility to the poorly-regulated crematorium sector, in the public interest. Suggested Terms of Reference for such a study follow.

# Terms of Reference for a Study of the Future of Cremation in the City of Toronto

---

## **Purpose:**

To engage the expertise of public health, planning and economic development authorities in an examination of cremation services in the City of Toronto and to make recommendations for the responsible development of such services in the public interest, going forward.

## **Matters for Study and Recommendation to Council:**

1. The most appropriate zoning for polluting industrial processes involved in cremation including incineration of human remains and caskets, continuous toxic emissions of mercury, dioxins, PM2.5, nitrogen dioxide, VOC and heavy metals, as well as toxic waste generation, storage and transfer, in order to prevent future conflicting land uses and protect public health and safety;
2. Restrictions on the types of materials burned in crematoriums to eliminate exposure by vulnerable populations to toxic emissions – especially emissions of mercury, dioxins and PM2.5 for which no safe threshold of exposure exists, and for which the province has only weak regulatory standards, or no standards at all, as for PM2.5;
3. The potential benefits to the City in the form of property tax revenues from new crematorium installations (in the recognition that the cremation sector's current tax-exempt status from their siting in cemeteries provides no such benefits to the City);
4. The economic impact of new crematorium facilities in response to dramatically rising demand for cremation and applications for permits to operate such facilities, including the costs of appeals to the OMB arising from crematorium applications where the City has inadequate guidance in the Zoning Bylaw;
5. Reducing risks of fire, flooding, accidental spills and catastrophic releases which pose harm to life and property by virtue of proximity to vulnerable populations;
6. Reducing the City's exposure and liability for harm to sensitive populations and property arising from continuous toxic emissions and accidental spills and releases of carcinogenic substances;
7. Decommissioning crematoriums currently in cemeteries where conflicting land uses are evident (i.e., all crematoriums within 300 metres of residential neighbourhoods), and prohibition on expansion of any such facilities in terms of numbers of bodies burned or physical expansion where this threatens existing adjacent populations, following the precedent of the closure of medical waste incinerators by the province in the late 1990s;
8. Requiring real-time reporting of emissions and toxic waste generated by incineration through a public website and publication in local media in addition to annual reporting under ChemTRAC, following precedents in U.S. jurisdictions;
9. Supporting the development and/or technology transfer of non-burn technologies for disposal of human remains to replace incineration processes in existing aging crematoriums;
10. Amending the Official Plan to reflect and support such economic and public health goals.