

From: Belinda Cole <belinda11.cole@gmail.com>
Date: Thu, Jul 14, 2011 at 11:33 AM
Subject: Wading pool closures
To: ccu.moh@ontario.ca

The Honourable Deb Matthews, Ph.D. Minister of Health and Long-Term Care for Ontario

Dear Ms. Matthews,

Thanks for your quick response to the wading pool closures. As you say, the mistake by Ministry staff about the extent of their powers to regulate wading pools came from a good motive – wanting clean water. In our park – Dufferin Grove – like so many others, people also want the pools to be welcoming and friendly places that are used to the fullest extent during the summer.

The recent wading pool closures highlight questions about how to best achieve all these goals, and the importance of talking to people who use and attend to the pools.

The law regarding the Ministry's power to enforce non-regulated procedures is confusing and we urge you to continue to clarify the limits on the Ministry's powers. The Ministry's website states that its s. 7 guidelines are enforceable - http://www.health.gov.on.ca/english/providers/program/pubhealth/oph_standards/ophs/legislative.html. As a result, this mistaken “back door” process for “enforcing” non-regulatory standards and guidelines for wading pools is having the following, unintended consequences:

1. Ministry staff have not only exceeded their legal powers, but they have taken on the role of our elected officials to “pass” and enforce rules. In this case, staff have decided to regulate wading pools - unwittingly overriding the decision by the Lieutenant Governor in Council to exempt wading pools from the regulations about public pools.
2. Unnecessary provincial spending as staff develop numerous regulation-like protocols - including various on-going training requirements.
3. Unnecessary city spending and pressure on municipal public health budgets to staff and regulate wading pools on the mistaken assumption that they are “mandatory programs”.
4. Running our popular wading pool is harder and harder because new training requirements keep being added, some of which seem to make very little sense.

At the Centre for Local Research into Public Space (CELOS), we have been looking at how laws and policies affect parks and public spaces over the past several years. We have come across other examples of this “back door” regulation at farmers markets across Toronto, which are “regulated” by staff-made guidelines although they, too, were specifically exempt from the Food Premises Regulations.

We would be pleased to come to talk to you about our research about these unintended effects of laws and policies. We look forward to following up on your continued clarification of regulatory vs. guideline powers under the Health Promotion and Protection Act.

Yours truly,

Belinda Cole

Centre for Local Research into Public Space (CELOS) celos.ca

On Fri, Dec 30, 2011 at 7:48 PM, Belinda Cole <belinda11.cole@gmail.com> wrote:

Dear Ms. Matthews,

As this was sent to your Ministry, perhaps you have not seen my email.

I look forward to your response.

Belinda Cole

----- Forwarded message ----- From: Belinda Cole <belinda11.cole@gmail.com> Date: Thu, Jul 14, 2011 at 11:33 AM Subject: Wading pool closures To: ccu.moh@ontario.ca

From: Lee, Stella (MOH) <Stella.Lee@ontario.ca>
Date: Mon, Mar 5, 2012 at 10:47 AM
Subject: HLTC2966MC-2012-235 re public wading pools

To: Belinda Cole

Dear Ms. Cole,

Thank you for your email dated December 20, 2011. Please find attached a letter from Nina Arron, Director of Public Health Policy and Programs Branch re public wading pools.

[HLTC2966MC-2012-235 re public wading pools.pdf](#)

Thank you.

Stella Lee

Scheduler/Admin Assistant to Nina Arron

Public Health Policy and Programs Branch

Public Health Division