

From: Wyatt & Helens Email
Date: February 1, 2016
To: "Ridley, Virginia" <vridley@london.ca>
Subject: Open Burn Bylaw Review

Virginia,

Please provide this email to your committee for consideration by them regarding the open burn bylaw within London. You have my permission to publish this with the agenda.

I am glad to see the CAPS committee now reviewing the open burn policy in the London area. It is time to make changes. As a society we have passed laws severely restricting smoking on public patios and workplaces, playgrounds, public pools etc.. At the time those laws were enacted the surveys reported that the public was widely in favour of those bans. I expect the majority would feel the same way today about banning or restricting open air wood burning in their neighbourhoods for the same reasons. As always I expect a vocal minority will raise concerns over a ban/restrictions, sometimes we just have to do the right thing. "The majority of Middlesex-London residents, 73%, supported a smoking ban on bar and restaurant patios," said Linda Stobo, the Health Unit's Manager of Chronic Disease Prevention and Tobacco Control.

Today in London my neighbour can light up a fire and spread smoke and particulate matter across my yard, my pool area and patio, in my windows and force my family to hide indoors, close my windows to avoid the wood smoke. This is all done without regards to my property rights and my health. London has a "nuisance" clause but the reality is this just pits neighbour against neighbour, it doesn't work for anyone, a fine of \$100 is meaningless for many.

Wood smoke limits the enjoyment of my property severely. I cannot predict when I need to close my windows, no one has to notify me that they are burning, my 2nd floor has often been filled with wood smoke rising from neighbourhood fires. Fact is Ontario bans open burning but London provides an exception to this law thru its municipal bylaw, this makes little sense and allows neighbours to violate the property rights of neighbours and compromise their health. The City of London thru the bylaw has become an accomplice to this.

Shortly after the open burn bylaw in London was enacted in 2007 the following year the Supreme Court of Ontario ruled in favour of a homeowner in Hamilton that wood smoke did violate their property rights in the case of Deumo vs Fitzpatrick (http://burningissues.org/bi/car-www/pdfs/HAM_LAW-2-08.pdf) :

Wood smoke from a neighbor's stove can be more than just an annoyance. It can be a threat to health and to enjoyment of property. In February 2008, the Supreme Court of Ontario found that Brenda and David Deumo of Hamilton, Ontario had suffered harm "severe enough to deprive [them] of the ability to stay outdoors in their yard, or to go to the house and leave the windows open. It even caused them some disturbance when the windows were closed. It was a severe interference with the use and enjoyment of the property. The judge ordered \$270,000 in damages and legal costs.

Wood smoke is a hazard at any level of exposure... Montreal is even banning wood burning stoves and fireplaces that are indoors to stop winter air pollution (<http://montreal.ctvnews.ca/montreal-fast-tracks-restrictions-on-fireplaces-and-wood-burning-stoves-1.2513908>)

<http://www.environmentalhealth.ca/fall08woodsmoke.html>

"The chemical composition of wood smoke, especially from low-temperature fires, is really nasty," notes McCarry. "...Wood smoke is as big a danger as any other combustion source.

Because it is considered natural, it is considered benign, but it's really a very dirty energy source. “

“ The largest single source of outdoor fine particles (PM2.5) entering into our homes in many American cities is our neighbor's fireplace or wood stove,” according to Stanford University professor Dr. Wayne Ott. Fine particles are considered the most hazardous type of air pollutants, because they are inhaled deeply where they can cause more damage. “Only a few hours of wood burning in a single home at night can raise fine particle concentrations in dozens of surrounding homes throughout the neighborhood and cause PAH concentrations higher than 2,000ng/m³,” notes Ott, an expert in outdoor pollution.

Most large municipalities in Ontario ban or severely restrict outdoor burning, municipalities that ban recreational wood burning outdoors include Toronto, Vancouver and Montreal. They have decided that wood burning is just not a suitable past time in congested urban areas. We have closed coal burning power generators in Ontario , erected wind farms and solar to replace those at the expense of billions of dollars to limit their pollution and yet we allow wood smoke pollution in London on a recreational basis. Wood burning is not a requirement of life in 2016, we have propane, natural gas alternatives readily available. We take climate change seriously in Canada, London council last year discussed putting warning stickers on gas pumps but we allow wood burning in backyards with little restriction.

<http://www.epa.gov/burnwise/wood-smoke-and-your-health>

Smoke forms when wood or other organic matter burns. The smoke from wood burning is made up of a complex mixture of gases and fine particles (also called particle pollution, particulate matter, or PM). These microscopic particles can get into your eyes and respiratory system, where they can cause health problems such as burning eyes, runny nose, and illnesses such as bronchitis. In addition to particle pollution, wood smoke contains several toxic harmful air pollutants including: benzene, formaldehyde, acrolein and polycyclic aromatic hydrocarbons (PAHs).

Wood smoke can affect everyone, but children, teenagers, older adults, people with lung disease, including asthma and COPD or people with heart diseases are the most vulnerable. Research indicates that obesity or diabetes may also increase risk. New or expectant mothers may also want to take precautions to protect the health of their babies, because some studies indicate they may be at increased risk. It's important to limit your exposure to smoke.

Times have changed, in the past we accepted smoking socially, now we understand the damage being done and limit it severely to protect individuals from second hand smoke. Yet burning the equivalent of thousands of cigarettes in your backyard, allowing that smoke to drift onto others properties and inhibit the use of those properties, create health issues for those neighbours is ok. Now is the time to make this right in London for the greater good.

My hope is that this committee and eventually council recognize it is time to move on from the past and change this bylaw. If we have to allow open burns at minimum we should restrict those times to Friday and Saturday , 6 pm – 11 pm for recreational fires. The months of April to Oct this allows start times one hour before sunset.

Thank you for your consideration,
Wyatt Ebare