

From: [Ruby Mekker](#)
To: [Julie Hamilton](#)
Subject: Re: Call for Agenda Items - MMWTWG Meeting - March 9, 2023 7pm
Date: March 2, 2023 8:18:43 PM

Hi Julie,

Please provide this to the Group members in preparation for my presentation at the March 9 meeting. Given that the compilation of the Group members have changed since the last meeting, please ensure that all members have the materials which were included with my presentation on November 3, 2022.

When you have time can you please reply to my March 1, 2023 email below.

Thanks.

Ruby

My presentation to the MMWTWG November 3, 2022

I had asked to present at the November 3, 2022 MMWTWG meeting. As I stated in my request and as it appeared on the Agenda and subsequently in the Minutes, the purpose of my presentation was:

“To have MMWTWG seek clarification/confirmation from the Government of Ontario whether industrial wind turbines are or should be considered to be a “health hazard” as defined by the Health Protection and Promotion Act of Ontario.”

The request could have been more precise as the focus of my presentation is, in particular, the *audible wind turbine noise* at the levels permitted by the Government of Ontario, and how it should be regarded as a “health hazard” in accordance with the definition that is provided in the Health Protection and Promotion Act of Ontario (HPPA).

I provided to the Group documents showing my inquiries trying to understand why the Duty that is imposed by Section 11 of the HPPA has not been fulfilled insofar as there are no statements available confirming that a determination has been made that a health hazard exists or does not exist as is required by the Duty.

I also provided to the Group documents published by the Government of Ontario and the Government of Canada which support the conclusion that the noise exposures are known to have an adverse effect on the health of some people. Thus we conclude that the audible wind turbine noise at the levels permitted by the Government of Ontario is a “health hazard”.

“Health hazard” is defined in the Health Protection and Promotion Act of Ontario as:

- (a) a condition of a premises,*
- (b) a substance, thing, plant or animal other than man, or*
- (c) a solid, liquid, gas or combination of any of them,*

that has or that is likely to have an adverse effect on the health of any person.

Section 11 of the Health Protection and Promotion Act of Ontario imposes a Duty on the local Medical Officer of Health to investigate complaints relating to occupational or environmental health hazards, “to determine whether the health hazard exists or does not exist”.

Complaint re health hazard related to occupational or environmental health

11 (1) Where a complaint is made to a board of health or a medical officer of health that a health hazard related to occupational or environmental health exists in the health unit served by the board of health or the medical officer of health, the medical officer of health shall notify the ministry of the Government of Ontario that has primary responsibility in the matter and, in consultation with the ministry, the medical officer of health shall investigate the complaint to determine whether the health hazard exists or does not exist. R.S.O. 1990, c. H.7, s. 11 (1).

The evidence supports the conclusion that a “health hazard” exists

The *Transitive Property* in mathematics states that if $A=B$ and $B=C$, then $A=C$.

I provided evidence to the Group that was produced by the Ministry of the Environment, Government of Ontario that states that the noise levels permitted by the Government are expected to result in a significant portion of the exposed people being “highly annoyed”.

I also provided a reference from Health Canada that states that community noise annoyance “is considered to be an adverse health effect by the World Health Organization”.

I am also providing to the Group another reference from Health Canada in which Health Canada advised that introducing a noise source into a community which is expected to cause people to be highly annoyed, is regarded as the causation of adverse health effects.

Health Canada’s approach to noise assessment is to consider a variety of internationally recognized standards for acoustics (i.e. United States Environmental Protection Agency (U.S. EPA 1974), CAN/CSA ISO standards). Health Canada considers the following noise-induced endpoints as health effects: noise-induced hearing loss, sleep disturbance, interference with speech comprehension, complaints, and change in percent highly annoyed (%HA).

https://publications.gc.ca/collections/collection_2015/sc-hc/H128-1-10-599-eng.pdf

Therefore, since annoyance is expected, and being that annoyance is an “adverse health effect”, it may be concluded that the permitted noise levels are expected to have “an adverse effect on the health of some people”, thus it should be regarded as a “health hazard”.

My request to the MMWTWG was somewhat misunderstood, and discussion at the Meeting digressed into debate where some Group members attempted to trivialize the term “annoyance” and what it represents, and argued that it was not an “adverse health effect”. Again I encouraged the Group members to read and understand the Health Canada document and accept the authority of Health Canada and the World Health Organization who consider annoyance from community noise exposure to be an “adverse health effect”.

Subsequent to the Meeting there was email exchange in which some group members contended that the Health Protection and Promotion Act of Ontario does not apply to the noise from wind turbines, and that noise from wind turbines could not meet the (a), (b), or (c) types of exposures contained in the “health hazard” definition.

In response to these contentions I observe that several Health Units in the Province have, in response to the complaints about wind turbine noise they have received, acknowledged the Duty that is imposed by Section 11 of the HPPA and have undertaken some steps toward fulfilling this Duty. Unfortunately, it appears they have not completed the Duty by issuing statements confirming that a health hazard exists, NOR have they have issued statements stating that a health hazard DOES NOT EXIST.

Furthermore, there are no statements that I am aware of from any government authority declaring that the Section 11 Duty of the HPPA does not apply to complaints about wind turbine noise.

I replied through email on November 17, 2022 and expressed my deep concern about the seriousness and risk of MMWTWG Group members contending that a Duty imposed by law does not apply and I urge these group members to retract those statements.

In response to the allegation that wind turbine noise does not classify as one of the (a), (b), or (c) types of exposures that may cause a “health hazard”, I point out that noise is a thing [clause (b)], and that the noise emissions that are permitted to blanket a property are a “condition of a premises” [clause (a)].

Proposed action plan for the MMWTWG

Enclosed is a draft letter that I am recommending the MMWTWG send to the Minister of Health of Ontario, asking for a reply.

Respectfully

Ruby Mekker

DRAFT LETTER

The Honourable Sylvia Jones
Minister of Health
777 Bay Street, 5th Floor
Toronto, ON M7A 2J3

Subject: Wind Turbine Noise levels permitted by the Ontario Government & “Health Hazards” as defined by the Health Protection and Promotion Act of Ontario

Dear Honourable Minister,

We are writing to inquire about whether the Government of Ontario considers that wind turbine noise levels that are permitted to affect neighboring residents should be regarded as a "health hazard" as it is defined by the Health Protection and Promotion Act of Ontario.

We have enclosed documents published by the Governments of Ontario and Canada that indicate that the noise levels permitted will cause adverse health effects for some of the neighboring residents. Therefore we believe this constitutes a "health hazard".

We are aware that some Medical Officers of Health in Health Units across the Province have acknowledged that the Duty that is imposed upon them by Section 11 of the Health Protection and Promotion Act of Ontario mandates their response to complaints about wind turbine noise, and that they have undertaken some steps towards fulfilling that duty.

Unfortunately we are not aware of any statements confirming that the wind turbine noise at the levels permitted by the Government constitutes a "health hazard", nor statements that confirm that the exposures are not a "health hazard".

We are troubled about the apparent failure to carry out this important public health duty to determine when a "health hazard" exists or to provide assurance that a "health hazard" does not exist.

Nonetheless we are ultimately seeking to understand whether the Government of Ontario, in light of the evidence that is available, acknowledges that the wind turbine noise levels that are permitted in the province constitute a "health hazard" as it is defined by the Health Protection and Promotion Act of Ontario.

Conversely if the Government of Ontario will not state that these noise levels should be regarded as a "health hazard" then we ask the Government of Ontario and/or its relevant agencies to state that with respect to the noise levels that are permitted, "a health hazard does not exist".

Respectfully,

The Multi Municipal Wind Turbine Working Group of Ontario

On Wed, Mar 1, 2023 at 2:41 PM Ruby Mekker <rjmekker@gmail.com> wrote:

Hi Julie,

Thanks for the reminder. I have been away with our five young grandchildren and it makes it very easy to lose track of time.

Please explain what "Teams" is. I will not be able to attend in person. Also, it would be helpful if you could send me a copy of the group's Terms of Reference so that I can present most effectively.

Ruby Mekker
Finch, ON

On Tue, Feb 28, 2023 at 9:07 AM Julie Hamilton <JHamilton@arran-elderslie.ca> wrote:

Good Morning,

The next meeting of the MMWTWG will be held on Thursday, March 9, 2023 at 7pm virtually via Teams.

Please provide any agenda items to me by Friday, March 3rd for inclusion in the agenda.

**There are members of the public BCC on this email at their request. If you no longer wish to receive these emails, please reply to this email.

Please note that my email has changed to jhamilton@arran-elderslie.ca

Please update your records to reflect this change.

Warm Regards,

Julie Hamilton

Deputy Clerk

Municipality of Arran-Elderslie

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