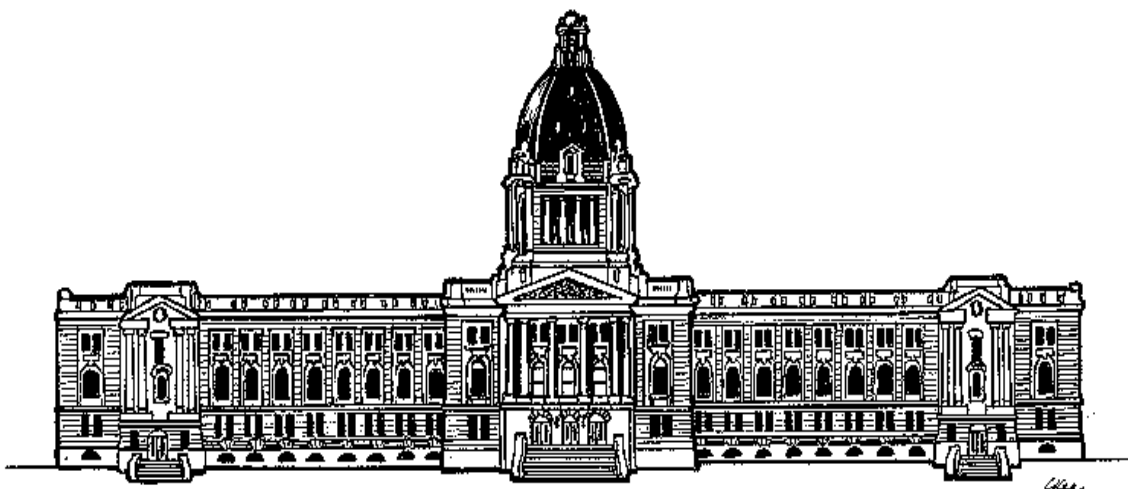




# **Special Committee on Tobacco Control**

## **Hansard Verbatim Report**

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**Legislative Assembly of Saskatchewan**

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**SPECIAL COMMITTEE ON TOBACCO CONTROL  
2000**

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Mark Wartman  
Regina Qu'Appelle Valley

The committee met at 9:00 a.m.

**The Chair:** — Well good morning everybody. Good morning committee members and good morning to the representatives of the hoteliers association and welcome to all our guests.

We are about to begin our 40th meeting of the tobacco control committee. The item before us today is to deal with the mandated issue of . . . as was laid out for us by the legislature and that is to deal with this issue. And I quote from the mandate:

A strategy to protect the public from the health risks of second hand smoke, including consideration of smoke-free public place designations and jurisdictional authority related to tobacco use bylaws.

We have made numerous recommendations with respect to the other parts of the mandate. This one we postponed until this time of the year and we're very pleased to have you back at our request to deal with this specific issue.

Before I make additional remarks, I just want to take a moment to go through some introductions, and then I'll make a couple of more remarks and then we will proceed with the hearings.

We have sitting beside me Greg Putz, the committee Clerk who has been with the committee since our visiting Clerk went back to Ontario; we've got Tanya Hill on my left who is our research officer and has been in contact with the hotelier's association and also with the restaurant association. I'd like to introduce to everybody Viktor Kaczkowski who is our committee Clerk into the legislature of Saskatchewan. Probably your first committee meeting Viktor?

**Mr. Kaczkowski** — First one I've been to the table, yes.

**The Chair:** — First one here for us.

**Mr. Putz** — He was in Public Accounts yesterday.

**The Chair:** — And he said he was in Public Accounts before, so nice to have you on board, Viktor. And Maria Swarbrick, is a member services librarian. Maria, also she comes to us from Credit Union Central here, and is also then a new employee at the legislature.

This morning our agenda is to work with the hotel association from 9 until 10 and then put the Canadian Restaurant and Foodservices Association from 10 till 11.

I should just like to mention that in our previous work we have dealt largely with making recommendations which suggest that the government should develop a comprehensive tobacco strategy. We suggested that it should have a very strong emphasis on youth. We suggested that there be a ban on smoking in all public places with the exception of the hospitality industry which I have not yet dealt with. And we made some rather strong recommendations regarding the system to prohibit youth from accessing cigarettes including the prohibition of display, signage, and promotional materials associated with the sale of tobacco; also, prohibiting the use of

tobacco on all school property in all schools from kindergarten to grade 12.

By and large the recommendations have been met quite favourably. There are a couple of things that the committee has been criticized for, particularly with respect to the aspect of fining youngsters and penalizing youngsters. But overall I think the recommendations seemed to go over fairly well.

And now we have to deal with one more thing. The basis of our deliberations so far was that we want to be in a position to advise government how fast and how far they should go with this issue, which arises . . . the issue of health really which arises from some facts which I guess we accept more or less.

The facts that are given to us by the medical people that about 1,500 people die annually in smoking and the fact . . . the other fact given to us with respect to how many people actually die from environmental tobacco smoke — somewhat disputed. But the best that I can come up with in terms of that number is about . . . a ratio of about one to eight; that is for every eight people that die from directly smoking, the doctors . . . the medical association tends to accept the figure or give us the figure that about one dies from environmental tobacco smoke. So, in Saskatchewan, if you take even say a tenth, that would be roughly 150 people and that's . . . our big concern is what can we do about that.

Before . . . when we were meeting, we dealt with a lot of evidence. We dealt with evidence from both sides: economic impact evidence, the social habit evidence, the medical evidence and we've gone over it and over it and I suppose we could go over it and over it again. What we need at this stage is to arrive at some clarity.

So I was very encouraged to hear, when I did talk with representatives of the hoteliers association, that you were looking at this as a sort of a moving target, as something that things were changing and probably a couple of things have changed even since we last discussed the issue with you. And I was very pleased that you were able to present us with a new list of recommendations or revised list of recommendations.

I notice that you have added in here, in the sheet that you have, several options. What I'm hoping is that the committee members will be able to ask questions about these options just till we can get more and more clarity and slowly zero in on this.

We want to be able to do this . . . the committee has taken the approach that we want to do things in a . . . and solve the issue in a sort of a consensus manner. Actually that's the way the committee is structured. As you know, the committee is structured with an equal number of members on two sides and basically we're trying to find the best middle road on this.

So what I will be doing now is asking your representatives to first of all introduce yourselves and then if you have some specific comments that you would like to make with respect to the presentations, fine; if you want to leave more time for question and answer, that will be fine as well.

So maybe we could start now. If I could turn it over to your

president or head spokesperson and then you can take it from there.

**Mr. Bird:** — Thank you, Chairman Kowalsky. My name is Larry Bird and I'm president of the Hotels Association of Saskatchewan. And committee members, ladies and gentlemen, I thank you for the opportunity to present here.

I'll just quickly introduce the members of our committee. Brian Dionne is owner/operator of the hotel in Raymore, Saskatchewan. Ken Leschuk is here from Winnipeg with Hospitality Corporation of Manitoba, as is Leon Ledohowski; and they're going to speak a little bit more about their experiments with filtration in night clubs in Winnipeg.

Wayne Choponis is manager and part owner of the Confederation Inn in Saskatoon. Rod Riddell, from the Wawota Hotel, owner/operator; and Bill Nelson, our executive director, soon to retire, of the Hotels Association of Saskatchewan.

Just a few comments on the written presentation that we have presented to the committee via Tanya Hill there sometime back. The dilemma for us is in order . . . is to keep an adequate level of business and at the same time to accommodate as many people as we can in terms of having good quality air in our places. And to that end we've used a couple of programs in the past; it was the Courtesy of Choice Canada-wide program and that was a system of air make-up and directional air flow in your beverage rooms and meeting rooms and dining rooms. I think we have something better than that now.

We endorse what this committee says about protecting children. We would point out that beverage rooms and lounges — children are not frequenters of, nor should they be. And by law they are not allowed to be.

I point out on the graphs on pages 2 and 3 the changes — non-legislated changes — to the number of non-smoking hotel rooms in the province, in Regina, and in Saskatoon. And that has been a very steady increase. Hotels are extremely responsive to customer demand and when we, at the end of the day, have a very small number — 10 hotel rooms left to rent in a 150-room hotel — if we have some smoking rooms and some non-smoking rooms left, then we are exactly matching our customer preferences.

And in fact you can see that since 1985, there's been a steady growth in the number of non-smoking rooms that we provide to the public right across this province. And that's not by legislation; that's by the choice of hotels to do that — they're responding to customer demands.

The point we're trying to make there is that we in fact are extremely responsive to what our customers want and that applies not only to our guest rooms but to our commercial areas as well.

We point out that there has been studies by various groups that would say that business increases when a tobacco ban goes into effect. Not the case. Matter of fact I just arrived back last night from the BC (British Columbia)-Yukon hotel association meetings that were on November 19, 20, and 21.

Our presentation says 540 jobs lost in the first three months of that ban before it was overturned in court. And in fact when they finally totalled it up, it was about 730 — 731 was the number they had. And some of those jobs are a bit slow coming back although to be fair there hasn't been a study done to see when that tobacco ban was overturned, there is no rule, smoking occurs anyplace in BC right now that anybody wants to. And other than if the establishment has set smoking . . . non-smoking rules.

And in fact, to be fair, there has been a few places that were created 100 per cent smoke-free when . . . in January of last year when the ban went in, and they have remained smoke-free. But I will point out that those are the extreme, high-end lounges and bars that are associated with the really high-end hotels. The one we stayed in, the Waterfront hotel, the lounge there is smoke-free, but that's a rarity and it's an extreme high-end hotel. A very small portion of the hotels in fact.

And I would like to point out an anomaly, I guess, if you would call it that, when we're talking about loss of business. In Kitchener-Waterloo, they did the same sort of study that was done in Regina here, last year, prior to the last go around for the smoking ban. The survey that was done of 1,000 Regina citizens indicated that a majority indicated that a ban would make no difference to the use of public places. And one of those places that they examined was bowling alleys, bingo halls, and curling rinks. And the impact of a smoking ban: 23 per cent of the people said they would attend more often; 67 per cent said they would attend the same; and 10 per cent less often. Yet that same study, with very similar results in Kitchener-Waterloo, was done also January 1st last year and an article in *The Globe and Mail*: Kitchener, in the Kitchener-Waterloo county:

City council is set to refund \$100,000 in licensing fees to help struggling charities survive a ban on smoking at bingo halls. Figures indicate attendance at 72 bingo halls in the metro area fell by one third in January and those \$100,000 licensing fees is for one month of a ban in bingo halls, and yet the assumption was from the study that business would go up by some percentage factor.

So obviously the studies that are done don't necessarily reflect in real numbers when it comes to economic losses. That's a point to keep in mind.

I would . . . I think what I'd like to do before I discuss our recommendations or get the questions, I'd like to introduce Leon Ledohowski from the Manitoba . . . from the Hospitality Corporation of Manitoba and let Leon talk about some of the experiments that they've done with filtration. There's been some absolutely excellent results in terms of employee safety and the comfort, and so on, for the customers of those hotels. Leon owns and operates seven hotels in Winnipeg, with 800 accommodation rooms and 16,000 seats at restaurant, bar, dinner theatre, and banquet hall capacity. They're currently expanding internationally with the hotel in Grand Forks.

Leon is a former Saskatchewan boy, Ram player, attended University of Regina and University of Saskatchewan. He started his . . . him and his family were in the hotel business in Broadview, Esterhazy, and Yorkton. And then when they moved . . . or Leon went into Winnipeg and got lost, and

couldn't find a place to stay, so he bought a hotel, and has been there ever since.

Actually Leon has a real feel for rural hotel business as well as city hotel business, and that is important to us here today because there's a very distinct difference how legislation will impact rural places compared to city places. And Leo, I'd like you to speak to the work you've done.

**Mr. Ledohowski:** — Okay, what we've approached . . . I started studying indoor air quality long before the second-hand smoke issue came in place. So what I've done is there's a handout here called "Indoor Air Quality," which is a summary . . . I've been putting something together like this, and this, I found this in *Business Week*, and they articulated it so well that I put my stuff to the side, copied theirs, and present it as an explanation of problems.

Generally when we think about indoor air quality, ETS (environmental tobacco smoke) is only one component. But one of the most dangerous places to be in is a brand new house for the first few months because the kinds of gases and formaldehydes and things that are in the air are quite outstanding.

That defines the problem in indoor buildings, indoor air quality. Then I went looking for some answers in various places — Chicago, Las Vegas, and different conferences. I got hooked up with a crew out of Honeywell.

And so there's a second thing, which is really the answer, or what we perceive as an answer to the indoor air quality problem. And it's basically a filtration system that's added. So you've got the problem, you've got the answer, and then you've got an executive summary of some testing of the answers. So that's the three handouts we've given.

The system that's used . . . And incidentally just before we start, I mean I am not a fan of smoking. My father died prematurely from smoking. I wish nobody smoked. I've got four children — two that smoke and two that don't smoke. I'm very unhappy that two have chosen to smoke but it is their choice. As a businessman and a responsible member of society, I have to accommodate all people regardless of whether they've made correct choices or not.

We were the leaders in Manitoba of creating a group called the Coalition for Clean Air Options, recognizing that there this a considerable amount of discomfort and resistance to ETS and that one of the answers obviously is a ban, but we looked for some other answers where you accommodate smokers and non-smokers. And the filtration system proposed by Honeywell — but it's not proprietary to Honeywell; it's been used throughout — it's not overly expensive and it's basically done of three components.

You've got a preliminary filter, which is the same as you have on your gas furnaces, your furnaces in your house that take out the large particles. Then there's a HEPA (high efficiency particulate arrestance) filter. And there's an activated carbon, zeolite particles that absorb the gases.

We find that the HEPA filters, for example, are used in . . .

every hospital room in Regina would be using them. Every hospital operating room, sorry, would be using this part of the filtration systems. Okay.

And this is technology that was used, if you remember, there was Desert Storm, a war that . . . in Iraq, etc., when all those oil wells were burning. All those soldiers slept in tents and they ate in mess halls — they were all tents, they were pretty elaborate tents — but they all did sleep and they . . . And if you remember how black those skies were from all those oil fires, and say, well how did they protect them? Well they protect them with these types of systems. The air came in, it came out, it was filtered and purified.

And it works to a fairly significant level. It's basically off-the-shelf technology. We've got . . . we've provided you an executive summary of five tests. I've brought Ken Leschuk with me; he's our company sort of expert we're developing on this. And it seemed to us the correct way to go to try to accommodate both smokers and non-smokers.

And like I say, if you remember, I'm a dichotomy right in my own family; how do I satisfy everybody? And it just seems to me we had to, as a responsible corporation, look at some way where we don't really disenfranchise anybody — that non-smokers have rights but then the smokers have rights, and how do you balance what seems like an irreconcilable difference. And it seemed like the way to do it was through this air filtration system.

We've spent some time in Ottawa, showing the system. And like I say, it's not a proprietary system. There's Honeywell, there's an outfit out of Montreal, there's different firms that do. It's in place in lots of places, being used a lot. We spent some time in Ottawa.

And there's kind of an interesting by-product to this thing is that generally the solution has been, for good air quality they use what they call displacement HVAC — heating, ventilation, air conditioning — system. They bring in outside air. Like in the wintertime you warm it up and you take the inside air out and you dilute. Which works great in Saskatchewan. Doesn't do well in Toronto or Vancouver where the outside air is pretty messy.

But there's another side to it. And all the engineering so far has always dealt with the dilution, the change of air. For whatever the reason, whether it's a paradigm shift in the thinking that's required, but they haven't approached the filtration side of it. And our sense is that you need the two to make things work. And in almost all the studies we've done, they always . . . every focus is on the HVAC system. It doesn't go into filtration which is what we're saying that should be added to.

But the interesting by-product is, when we went to the . . . in Ottawa in October at the Office of Energy Efficiency, there's a nice by-product of this. Because if . . . and not if, but because the filtration system works and removes a lot of the indoor air quality contaminants, that you can cut the amount of HVAC air exchanges in. And for our one facility in Winnipeg, and we've tested it now — we've got it in two of our facilities, two different bars, and we're going to be doing a third one next month, testing — we found that if we could cut the air

exchanges down by 25 per cent, the energy saving is 18 per cent for that specific bar.

And the Office of Energy Efficiency is kind of interesting, and it may seem like I'm digressing but it's an important factor. Because a few years ago our Prime Minister Chrétien signed a thing called the Kyoto accords where we have to, and I don't want to get too hysteric, but we have to cut the greenhouse gases, etc., etc.

There is a severe, major interest on the part of Ottawa in having this perhaps even mandated into national building codes. Because if we can cut down, and I say 25 per cent, if you can cut down 15 per cent of the air exchanges, a massive energy saving component for the country as a whole. And there's some major grants into the tens of millions of dollars and the hundreds of millions of dollars that are available for retrofitting existing buildings across the country. And this would not only apply to our industry but to all industry, shopping centres, etc.

We have, in our testing so far in Winnipeg, we've done it with a local firm. Last weekend we brought in a firm from Chicago. They tested on Friday and Saturday. And it's interesting how people get used to things. The quality of the air is very good. On Friday we shut the system down so they could do baseline tests for a smoking room. Massive amount of complaints from our regular customers who had gotten used to it.

It's a piano bar. It's an upper scale bar for a little older crowd. And we put it back on Saturday so that the people of Chicago could test. Now we've got the baseline, could see what the improvement is. And just the difference is outstanding. It is really outstanding and it works. It works very well and we'll get the results from the group from Chicago.

So far our preliminary tests have shown that there is no problem meeting the same indoor air quality standard as non-smoking food courts. So if you go to . . . If every shopping centre has, you know, where you have the A & W's and the McDonald's and all these places stacked up, you have a non-smoking food court — so far our testing has shown, specifically in our places, we can meet that same air quality standard. Okay. And I think we can surpass it. And as we do some more testing and we do some more research, we'll show . . .

And in closing anyways, that's been our approach, is that rather than try to discriminate against one group or the other, we try to accommodate and balance everybody's needs. Our customer count this last year was 4 million and with the two places we're opening up in 2001, our customer count will run between 5.4 and 5.6 million. So if we can accommodate everybody and even if we can increase our customer count somewhat, it's fairly large numbers of people.

In closing I would like to make a couple of other comments. I mean the filtration system works. There's some standard off-the-shelf units you can put . . . It's very scaleable. It's about two and a quarter American a square foot, which translates into about \$3.50 a square foot for a bar environment in Canada, and about 10 per cent annually for operating costs. Okay?

The basic filter, the coarse filter that you have from furnaces, those you change the way you change your furnace — once a

month; those are very inexpensive. The HEPA filter and the carbon — activated carbon — the zeolites, you change about once a year. And so it will cost you 30 to 50 cents a year for operating costs.

But there's for a lot of small . . . And it's a very scaleable because it's on a per square foot basis. If you have a 10,000 square feet, you obviously do a lot more than you have a thousand square feet. So it's not like you're stuck with some basic overhead.

And there's a magazine I've got here, it's *Hedonics*, it's new products; and I believe, Bill, you may have copied it. And it's for \$350, \$370, whatever it is, it's a plug-in unit. These are starting to be used in hotel rooms.

A lot of people, you think about it . . . When I was young I don't remember very many people having breathing problems. But if you think about it nowadays, it's got to be . . . it's more than just tobacco. People used to smoke more than they do now. But almost all of us have either a family member, a cousin, a nephew, a niece, a grandchild that has a breathing problem. That didn't used to exist. There's something in the air and whether it's the paints or the carpets or something; the carpets have formaldehyde, etc.

And so a lot of these are starting to get into the rooms. And you can put them in, for example, a small beverage room in rural places; put a couple of these units and you basically eliminate 80, 90, 95 per cent of the contaminants.

The other thing I would like to say kind of in closing — I don't want to take too much of the time here. But I have a little skepticism to some of the claims made by the really strong abolitionists, I guess I would call them, for a couple of reasons. And some of that is just sort of the experience we've had. The situation being they're saying that no filtration system works because this is a class A carcinogen and no level of exposure's acceptable.

Well that's not really true because every component that exists in ETS, except for nicotine which is not a carcinogen, exists in the outside air. It's much more diluted, but if you have sensitive enough equipment, all the components of ETS exist in air outside of nicotine. So if it's diluted at a certain level, it doesn't hurt.

And you can use, for example, your water supply in the city of Winnipeg, okay? And I know it seems like I'm jumping, but you add fluoride in here I'm sure; most cities do. You know that fluoride is an extremely hazardous material. In a factory environment if fluoride spills, you have to bring in . . . you have to shut the place down, evacuate, and bring a hazardous material unit in to clean it up.

So it tells me that if it's very diluted, not only is it not damaging but in that particular case it doesn't . . . it helps.

And the other comment I want to make is, we talk about the possibility of deaths from ETS. There's a study here done by University of Ohio — and I don't know if I can find it, I had it marked here — and ETS is kind of interesting because when we're talking about ETS, are we talking about ETS in public

places or are we talking about ETS?

The studies have been done. And I've got a quote here from Chicago that most researchers, and it's . . . Did I say University of Chicago? University of Ohio — Ohio State University Extension, from Columbus, Ohio. Most researchers agree that your risk of disease increases as exposure does. If an individual has lived a lifetime with a smoker, okay, your chances of getting or being close to on a continuous basis. As for exposure through such environments as restaurants and similar conditions, there's no clear evidence of how much these exposures contribute to the risk of disease.

So we're talking about . . . in Canada the medical professions estimates that 300 people would die from second-hand smoke, okay. The numbers you quote are different than the numbers that I'm used to, but regardless. But is it second-hand smoke exposure in restaurants and bars? Or is it second-hand exposure due to a spouse where a husband and wife, or one spouse or the other smokes and you're exposed, it's a long-time situation. So if we're banning in public places but the real problem is elsewhere, are we really solving the problem?

In any event that sort of kind of finishes what I'd like to say. I'm open to any questions. If they get really, really technical, Ken can help me with it. But I've spent a lot of time . . . Our firm has invested an awful lot of money in trying to come up with an answer which accommodates everybody rather than trying to discriminate against anybody.

In our process of studying and the filtration, we've done a fair amount of research into some other issues. And I will stop here because I'm chewing up too much of your time. Thank you.

**The Chair:** — I notice that Doreen's got a question. I want to go back — Larry, did you want to have Wayne or somebody else add to Leon's remarks before we go ahead and question.

**Mr. Bird:** — Well I guess one point we overlooked when we discuss, I guess, the differences in what bans could result in, in the . . . between cities and country places. And we got two operators of country hotels here, and I'd like to get each of them, maybe starting with Rod, to speak to their particular situation and what an outright ban would mean to them. Rod.

**Mr. Riddell:** — Well in my property, I've been in . . .

**Mr. Bird:** — In Wawota.

**Mr. Riddell:** — In Wawota, Saskatchewan, where I have my hotel, I have been there fourteen and a half years. And since I've been on this committee I've been kind of watching and seeing what's, what's, you know . . . (inaudible) . . . on the smoking issue. And I'd estimate that 65 per cent of my total customers that I see, smoke. And that's total customers.

My regular guys in small-town Saskatchewan — and all bars, probably you know that, they have a dozen or so regulars — I would say 90 per cent of them smoke. So I create a . . . We have a lot of traffic in our small-town hotels, and we're open every day but Christmas. And a lot of these bars are like that. We're the convenience store in these towns; we're everything. And a total ban of smoking — even some ban hurts a lot — but a total

ban would be really bad for our small . . . especially all the small properties.

You can go around to all the small towns. We're the restaurant where we sell your milk at night; we sell everything you can think of. And we create a lot of traffic and stuff like that. And just on rough estimate, I know . . . of 100 per cent of my customers I would know 90 of them by name. And so I can say fairly closely, like out of my total thing, I'd be about 65 per cent and then 90 per cent would be of the regular guys that I see every day.

And Brian probably would have something that's similar.

**Mr. Dionne:** — Yes, Brian Dionne from Raymore. My situation is very much the same. I'd say probably 90 per cent of my customers smoke. I personally don't smoke. My wife's asthmatic and doesn't smoke, and my two daughters are asthmatics.

But we have a fan system that keeps the smoke out of the room and I consider that very important but it's very expensive. I am pumping a lot of warm air out on the street and in summer I'm pumping cold air out on the street but it's necessary for . . . like my wife can stay in our bar. She cannot go to a cabaret for instance where they have smoking. So I'm very strong in favour of keeping the air clean and I really like Leo's system because you have the method to keep it clean and the economical.

As far as to say, no smoking in my bar, first of all it would be just about impossible to enforce. My clientele sometimes isn't the easiest to handle as it is and to turn around and tell some of them that they are not to light up would leave me . . . I'd need a lot of help. I'd need a lot of help. My business is good. I want to keep it good.

Like I said, I don't smoke myself and I never have so I am very much in favour of any method we can do to improve it. But closing my doors is not an answer for the town of Raymore or for myself. And I think if we said no smoking, period, that's what we'd be doing. I think the 10 per cent of the people who don't smoke . . . a good portion of Raymore don't smoke, but they're not the people that come in and support me.

**Mr. Bird:** — Yes, okay, thank you, guys. I guess that kind of outlines the problem. We've got six recommendations as an association of hotels that we're bringing forward to the committee and I guess what I'd like to do is kind of run through those and answer . . . Any member of the committee, you can aim questions at us and we can all answer them.

What we're talking about here is the ability to give our clientele — smokers and non-smokers, smoking staff and non-smoking staff — good quality air, and to do that by ventilation and filtration. That's the end that we're trying to achieve. And our suggestion is that any places that can provide good quality air as measured by testing would be able to set their own non-smoking sections or smoking sections as they see fit and not be legislated to any set number.

The testing is quite achievable. There is hand held devices that cost around \$500 that inspectors could use to monitor air quality and see if it does in fact measure up to the level it

should be. That's our first recommendation and we could answer questions relating to that one. Or do you want me to run through them all?

**The Chair:** — You might as well do them all because I've got Ms. Eagles on the waiting list already and I don't want somebody else to budge in here.

**Mr. Bird:** — Okay. All right. We're recommending that non-smoking areas — and this is relating to bars and restaurants — non-smoking areas in establishments that do not have a filtration ventilation standards, that don't come up to the standards, we set at 20 per cent for bars and 40 per cent for restaurants. That would be the non-smoking areas. And we recommend that a period of up to two years be allowed for implementation of these guidelines for non-smoking areas in hotels and restaurants to allow for financial planning, and there no doubt be waiting lists for installations and to allow for that.

This timeline would allow hospitality establishments a window of opportunity to improve air quality and also give the public a period of time to be educated about the coming changes.

We recommend that hospitality establishments in population centres of less than 250 people should be exempted indefinitely from tobacco control laws because of the diverse population. The small size and low volume of business makes changes impossible.

We want to work with the government to establish a phase-in system that would take some of the financial pressure off rural properties just as Leo is suggesting about the possible savings to be had from reducing the amount of make-up air. That could be implemented as part of it.

And our sixth recommendation is that employees in establishments with a smoking section would have the right to request to work in a non-smoking section of that establishment. And in fact this is being done in several hotels in the province right at this time.

And now we'll answer questions.

**The Chair:** — Okay, we'll go to Ms. Eagles, please.

**Ms. Eagles:** — Okay, first of all I want to thank you for your presentation.

Leo, you made a comment about people being exposed to second-hand smoke in restaurants and bars not suffering a long-term effect. I really don't think that is what the public actually feels is happening. I think it's just the annoyance of it and probably for asthmatic reasons it would have an instant effect.

But having said that, I am particularly concerned about the effect that a smoking ban would have on rural Saskatchewan. I think that, as I've stated many times before, that non-smokers do have rights and smokers do have rights. And I think that the non-smokers should be treated with respect as well as the smoker.

I think that if a ban was coming into place that it would absolutely force the businesses right out of rural Saskatchewan. The towns would become ghost towns because in a lot of cases, and the gentlemen from Wawota and Raymore might agree with me on this, is that once the hotel closes, that's the end of the community. I mean we've lost grain elevators and now if the hotel goes, that's going to be the end of it.

And I kind of liked what Larry said about perhaps populations of less than 250 people could perhaps be exempt from a total ban. And again, I mean if the business owner chooses to go non-smoking that's up to him. But if he chooses to remain as a smoking business, perhaps if he had signs outside that clearly stated that it was a smoking . . . that smoking was allowed in this business that maybe that would alleviate some of the problem. I don't think we're in a stage where we're ever going to please everybody.

But I mean these things do concern me because I am from small-town Saskatchewan and I know the tough time out there that businesses are having of making a go of it, but at the same time I also realize, you know, that smoking is a very unhealthy habit and the serious health effects it has.

That's just a few things I had to say on that.

**The Chair:** — Do you have any questions, Doreen?

**Ms. Eagles:** — It was just comments basically, Myron, thanks.

**The Chair:** — I know that these gentlemen's time is very valuable so I would like members to kind of . . . if they have questions they want to ask for clarification, that's the important thing to get out at this stage.

**Ms. Bakken:** — Brian, did you make the statement that your wife can go in your bar because of your system?

**Mr. Dionne:** — I have two great big filters, fans that suck the air out. So I waste a lot of air as far as you know . . . like I can move the smoke right out of my bar right away. We'll walk in . . . because some of my workers are smokers and my wife can't walk into it when it's smoky, I'd always walk in first and if the air is not perfect in my mind, I just turn those fans on and it'll change my air almost immediately.

**Ms. Bakken:** — So would this system that you're talking about, would it be . . .

**Mr. Dionne:** — But it's expensive, the way I do it.

**Ms. Bakken:** — Would it be comparable?

**Mr. Bird:** — About six to eight air changes per hour.

**Ms. Bakken:** — So this would not . . . would this be comparable to that system you're talking to.

**Mr. Dionne:** — Well no. Mine is I'm taking warm air and pumping it out in winter where his is recirculating the air inside.

**Ms. Bakken:** — But would the air quality end up the same? I know that they're not the same system.



**Mr. Dionne:** — I would think his would be better probably.

**Ms. Bakken:** — His would be better?

**Mr. Dionne:** — In many cases, I would think so. I'm removing it and what I'm doing is getting outside air in then . . . (inaudible interjection) . . . Yes, I would save a lot on energy. Mine is very expensive from an energy point.

**Ms. Bakken:** — And that's been my concern, is that I thought a system, putting in ventilation would be very costly for the operators of the establishments. But you're saying that this is a cost-effective system that you've come up with and . . .

**Mr. Ledohowski:** — There's two approaches. The approach that he's using, which is displacement which is the standard HVAC heating, ventilation, air conditioning system. You bring outside air in and depending on how much you do, you can dilute it, and have the fresh air, and then have the impact he has.

Or you can do a more effective way, is the HVAC factor as it is, and add the filtration system. The advantage of filtration system, it takes a lot of other elements out of the indoor air quality components out besides the ETS, the environmental tobacco smoke, plus you have the energy saving. And so it's a more efficient system. And in some cases it would be cost prohibitive to do what he's doing.

**Ms. Bakken:** — Exactly.

**Mr. Bird:** — If you can reduce your air changes from seven times per hour down to five and have better quality air, I mean better and cheaper I guess, that would help to pay for the filtration system.

**Ms. Bakken:** — And you're talking about the cost but I wasn't clear what exactly . . . like, could you give us an example of say a normal size bar, what it would cost around?

**Mr. Ledohowski:** — Okay, if you have say a rural bar, 100 people, I guess that would be kind of a standard. That would be about 1,200 square feet so that . . . and that would be about . . . the capital cost would be about 3, 3.50 a square foot to install this system.

**Ms. Bakken:** — That's \$3.50.

**Mr. Ledohowski:** — Yes. So if you're talking 1,200 square feet you're talking 3 to \$4,000 depending upon your ceiling heights, etc.

**Ms. Bakken:** — Okay.

**Mr. Ledohowski:** — Then it would take about 10 per cent of that each year to change the filter system.

**Ms. Bakken:** — Oh, okay.

**Mr. Ledohowski:** — So you're taking 3 to \$4,000 . . .

**Ms. Bakken:** — Up front?

**Mr. Ledohowski:** — Up front. And probably \$500 a year

changing filters, some maintenance maybe, \$600 a year, \$400 a year. Each individual site would vary somewhat. But the nice part about it is it's scaleable.

I mean you could minimum. You could put a couple of these units in, and I think that Bill made a copy of it, and you could literally just plug them in the wall. Probably a better system is to get somebody who knows a little bit to put it in, but these things will work as well.

**Ms. Bakken:** — And have you, Larry, maybe, have you talked to your members, could they live with this kind of a cost and is there a willingness to go to a system like this?

**Mr. Bird:** — Absolutely. The only place where it would become a problem is when you get into the financial constraints of say not being able to have \$5,000 to add a filtration system.

**Ms. Bakken:** — But that's what I mean.

**Mr. Bird:** — Yes, but anybody that can afford it would certainly go this way in order to preserve a higher proportion of smoking seats because in . . . I guess I'll set the example. I'm involved in two hotels in Regina here, the Plains Hotel and Seven Oaks.

The Regina bylaw right now requires 20 per cent non-smoking section in bars and lounges, 65 per cent in the restaurants. On busy times in the weekend that section sits empty right now.

**Ms. Bakken:** — The 20 per cent?

**Mr. Bird:** — The 20 per cent non-smoking. Very rarely do you have customers sit in those simply because people that go to bars tend to spend a lot more time in a bar than people that go to restaurants would maybe be in there for an average of an hour. It would be three times that long, about as long as it takes to watch a sporting event on average, even if that's not the activity.

But people going to bars are in groups that smoke and so they don't want those non-smoking sections. And it becomes a cost factor because then you've got a non-producing section of your establishment.

**Ms. Bakken:** — So then it would be to your advantage to put the system in and to pay the capital because you would see in the increase in business down the road.

**Mr. Bird:** — Absolutely.

**Mr. Ledohowski:** — Our proposal in Manitoba is . . . and the Winnipeg city council is looking at it and they give us 90 days to present some results, and they gave us now another 120 days to finish off our testing. And our proposal to their bylaw, they were putting up a bylaw for phasing out and we said yes, leave your bylaw stand except add one sentence "to be exempted if you have a filtration system in place." Okay?

So if somebody chose or couldn't do it or chose not to do, then the bylaw would apply. But if he had the equipment in place . . . we have all kinds of health inspectors and stuff doing restaurants and, you know, this will be just another type of

thing.

Getting back to the cost. There are firms . . . okay now, I will just choose some numbers off the top of my head, but I don't think I'll be that far wrong. So system we talk . . . the hypothetical system for 100 people, 1,200 square feet, going to say a capital cost . . . and I'll just say 4,000, probably be less.

You could probably . . . there's firms that will lease that to you probably at \$100 a month and if I'm out, it's \$120 or \$80 a month, you know. But it'll be that type of a . . . and if it becomes sort of the law of the land, where this is going to have to be put in, I think you'll find a lot of firms . . . there are firms doing this now. There's a lot of these installations on. There's a lot of these installations in the States. I mean, I've got a list that's a yard long from different associations that have recommended it and have done it. So it's not cutting edge technology.

**Mr. Bird:** — And we get to the point then where air quality is the guideline, and of course that's what this all started over in the first place is the quality of air. Some people felt that the air quality was not to a standard that they either were comfortable with either in long term or short term. And that's what we are trying to present is an ability to produce some better quality air.

**Mr. Ledohowski:** — See, I would invite members of this committee if you wish — but I won't pay for your transportation, but I'll provide you with accommodation — come to my hotel and just study it. If somebody wishes to come along, I'll leave my cards here and you can give me a call and . . .

**Mr. Bird:** — Now that's confidence.

**Mr. Ledohowski:** — Yes. I mean, we . . . you know, so if anybody wishes to.

And I mean, I believe in it. We've invested an awful lot of money in it. I think it's an answer — well I know it's the answer, and it solves it. And we'd be quite prepared if somebody, you know, wishes to avail themselves of it.

Or if you wish any more information than what we've provided because obviously we can give some summaries here. We have an e-mail address there and stuff and we will provide you with technical details if you wish.

**Mr. Bird:** — I didn't notice you passing out any of those cards to ourselves.

**The Chair:** — Thank you very much. Thank you, Ms. Bakken. I go to Mark Wartman.

**Mr. Wartman:** — Thank you. Thanks for your presentation.

A couple of questions. One, Larry, I'm curious. In the Plains where your no-smoking section, your 20 per cent is, in the bar there.

**Mr. Bird:** — As you come in the Albert Street entrance, immediately to the left, that's our . . . in terms of the air circulation in the room, that was the most logical place to put it,

so we put it right in that corner.

**Mr. Wartman:** — Entertainment still on the right when you come in?

**Mr. Bird:** — Entertainment is on the right.

**Mr. Wartman:** — So on the busiest nights everybody wants to be where the entertainment is too. Then it's no less crowded over there than it was before.

**Mr. Bird:** — It's not the prime seating for the entertainment. You're right about that.

**Mr. Wartman:** — Exactly. I've been there a few times, enjoyed the music, and just about choked.

**Mr. Bird:** — Yes.

**Mr. Wartman:** — Anyway, I also wanted to check now . . . yes. One of the dilemmas for us, and this one I have really struggled with. Myron gave the number of deaths and we had that graphically portrayed to us when one of the people that was witnessing to us said, think of it this way. Every year, every three months, a jumbo jetliner full of people crashes and kills everybody on board in this province of a million people. If that were happening, we would do something about it to put an end to that; 15, 1,600 people a year dying.

We've got people saying, you've got to do something about our health care system. We know that tobacco-related illness and people who have other illnesses, who smoke, do not recover as quickly. It's an amazingly expensive cost to our health system, and people want tax cuts and they want an improved health care system.

So I'm looking at this from the perspective of what is the value of human life? How do we balance the economics? And I'm not unsympathetic to the issues that you raise. I've lived in small-town Saskatchewan, have friends who've owned and run hotels and restaurants in those small communities.

So I'm trying to, in my own mind, in terms of the recommendations that we're trying to lay out, I'm trying to get a sense of how then do we . . . and I think ultimately, yes, we don't want children to smoke, we're concerned about that. But ultimately it would be wonderful to have a non-smoking society, given the costs that impact on us. And that's where I would like to see us head, is to how do we do this?

From BC, we've had anecdotal things on both sides. I mean you've given figures on job loss — how are those relative to other years? What's the job loss that's happened outside of years when there has been a smoking ban on?

The anecdotal stories. We've got some bar owners would never go back. A bar owner I believe in Kelowna who has put all new leather furniture in, wouldn't do that with a smoking room. And just love . . . he's so pleased and his business has kept up.

So the dilemma for us, as I see it is, you're asking us to consider a filtration system which may reduce a lot of the contaminants and pollutants in the air, which may make it better

for people who are working in there who are subject to ETS. And to balance that with the fact that it still enables, doesn't make it more difficult to smoke, and the loss of life and the cost to our health system. Now that's a heck of a dilemma to be in and we have to make those decisions. We have to make those recommendations.

And I'm not convinced that enabling smoking, despite the fact that we have rights and freedoms that we want to maintain in this land, I'm not sure that it's a good thing for us to do. I think that we need to try and do whatever we can to eliminate smoking from our society. And that's not going to happen easy, but if we can make it more difficult it may help.

So I'd just like you to comment because this is a real dilemma for us as we're struggling with this.

**Mr. Bird:** — I agree; it is a great dilemma. But I guess from our standpoint, the impact on overall number of problems in society from smoking . . . like changing the smoking habits of bar patrons is, I think, a very small portion of the overall problem. And when you mention children you're exactly right — that is where the focus should be. And the generation that comes through might render all of the work that we're doing here obsolete because there will be very few smokers left and the problem then is basically gone.

**Mr. Wartman:** — We're hoping so, Larry.

**Mr. Bird:** — Well, and I hope so too, very clearly. But at present the risk is devastating an industry for a very small gain in human life. Or how do you measure one versus the other? I guess . . . You have a dilemma — you're right. And I'm glad I don't have to make the choices.

**Mr. Wartman:** — You're glad you're not on the committee, right?

**Mr. Bird:** — That's right.

**Mr. Wartman:** — I have one other question and that is . . . because we're also going to hear from restaurateurs, and restaurateurs where children can get in, have access, say to us — some of you are in the dual role — say to us, it has to be a level playing field. If you're going to ban smoking here you've got to ban smoking in all the bars as well.

**Mr. Bird:** — But it's a totally different clientele. That argument is . . . you know like within our own places the clientele that makes use of our restaurant is not . . . there's not a huge crossover with the clientele that makes use of the bar. To talk about a level playing field is a red herring in absolute terms.

We would like to see restaurants held at a percentage where they can still accommodate non-smokers. Again if you can present some evidence of having quality air in the restaurant. But restaurants and bars are totally different and that has to do with the age of the clientele, the length of time that you stay there, what you're serving. You know, it's not . . .

**Mr. Wartman:** — What they raised for us is that all those people who smoke and eat will be coming over to the hotels and

the bars to eat. They'll leave the restaurants. So if we're going to do one ban we have to do another.

**Mr. Bird:** — No, bars in this city and in most places typically are not in the food business, per se. Their percentage of food handle is a miniscule percentage — 2 to 3 per cent of their handle. So again it's just not an accurate argument.

**Mr. Wartman:** — So it's a red herring.

**Mr. Ledohowski:** — Can I just add something here? That's the advantage of this system we've got so that you can put it in restaurants and/or bars so that the same rules would apply. I agree that you have a bit of a dilemma but if the goal is to eliminate smoking, then the strategy of just a ban right now . . . I mean if this is a back-door way to cut down smoking which is what I thought I heard . . .

**Mr. Wartman:** — It's part of the comprehensive plan to cut it down in every way, not just a back-door way. It's comprehensive.

**Mr. Ledohowski:** — Well see, my sense then would be you've got a two-prong problem here. You have to accommodate the people that are addicted now. And if you remember, I said I hate smoking. My father died from smoking. I'm not a fan of smoking. However I have to respect the 30 or 33 or 35 per cent of Saskatchewan — I think it's probably in the higher end — of smoking.

You see I could have a two-prong problem. Number one is a filtration system such as this to ameliorate and to respect the rights of non-smokers. And number two, I think you have a long-term solution which is education, etc., so that in 10 or 20 years or whatever the time frame is we can add eliminate.

I think that the strategies that's been used is just another movie, but the strategies they've been using are wrong because the young people, smoking has gone up this past while. The more you demonize it the more you push it. But I think . . .

**Mr. Wartman:** — I don't think that at all. I think that's way off.

**Mr. Bird:** — The proper sort of ads . . . certainly there's some very good ones that will stop the young people.

**Mr. Wartman:** — There's been many . . . I mean we've got statistical evidence, not anecdotal evidence that makes very clear that there are good programs that will keep the numbers down, as evidence out of the US (United States), some of their programs.

So will it work a hundred per cent? I don't know, but we're going to give it the best shot that we can because we don't want the kids smoking. We'd love to see a future generation that looked at it and said that's an old habit of past decades, of past years. So we hope we can arrive there.

**The Chair:** — I just want to intervene with a couple of very specific questions here.

Do you have a baseline figure for the number of jobs lost in the

restaurant industry annually due to natural turnover; and do you have any figures on the number of jobs or restaurant closures annually, say in BC, to compare with the figures that we've been given?

**Mr. Bird:** — I don't have anything at hand. There's been an expanding industry for quite a few years and to have an abrupt decline — I mean there was no question it was the tobacco control.

**The Chair:** — So you don't have those numbers?

**Mr. Bird:** — No I don't. To be fair, there are some places that did quite well.

**The Chair:** — Now the evidence that we've been given, when you take the research evidence, inevitably whether we look at California, Massachusetts, or the research that's been done by researchers, usually states that the overall impact of any regulations has been none.

The evidence that you give us, I have no reason to doubt that. You know these are people who are usually independent researchers. The figures that you've given us and what the hotel industry says is, yes there is an impact and you've given us some numbers.

Would it be fair to say that probably what happens is that there is an impact on certain institutions and hotels around the piece probably in every one of these places, but the overall economic impact is really not felt because somebody else picks up the business or something like that. Because how else would you reconcile these two points of view?

**Mr. Bird:** — Well you don't. I guess when you're talking about some of the warmer air places I suppose that, you know California being one, where the use of decks . . . and in fact an awful lot of places either flouted the law . . . Like the small operations that did not have employees did not have to comply with the law at all in California. So they're operating with . . . like four people are in a partnership operating a very busy little bistro that you can smoke any place you want.

There was a tremendous number of decks added so that people could smoke outdoors and those decks in fact had a very liberal interpretation of what was outdoors coming to the inside. But there was, in BC, unquestionably a major drop-off in business. That is the most comparable one to ourselves.

The US, as you say, depending on who did what study, there's all kinds of conflicting testimony.

**The Chair:** — One question to Leo with respect to the ventilation systems and the enforcement and the regulation of them. Have you in the industry in Manitoba considered assisting with the cost of that or has that been dealt with at all? And do you have any opinions on that?

**Mr. Ledohowski:** — On assisting with the cost?

**The Chair:** — The cost of enforcement of ventilation standards.

**Mr. Ledohowski:** — What we would do is we would do it the same as in our recommendations to incorporate it in the building code. For example, a few years ago there was a new fire code bylaw that was put in, and the premises had a certain number of years to do all the installations they had to. And we would suggest that this would be the same. It would be just part of an inspection process of your health department, etc.

If it's in your code, then you get it in and all you have to do is check that the equipment is working right. So all they'd have to do is a spot check the same as they come and they do bacteria counts in our fridges, in our salads and things. It'd be just another one of the checks. It's not a great cost factor.

**The Chair:** — And what about if there's no compliance? Do they have a fine system, or would you recommend a fine system or a licence restriction?

**Mr. Ledohowski:** — Well our recommendation in Manitoba is that you either have the bylaw or you're exempt if the equipment's in place. And I would assume that if your equipment's not working then you become a non-smoking establishment. But we didn't get to that stage of the specific . . .

If I could address . . . you made some comments about some of these studies — California, a very good example. Some of those studies are not objective and unbiased. We had Beverly Swanson from the Cabaret Association of California. She was down; she and her husband own a bar. She teaches at the University of Santa Cruz.

The losses there were quite massive. You have massive civil disobedience, massive civil disobedience in a lot of places that turn out to be exempt because they're not employees. Oftentimes there's studies quoted from New York and they say New York was smoke free. That's not even true.

New York bars are exempt. And I'm sure if you look at the studies — I'm sure you have them — and if they're not telling the truth there . . . New York bars are exempt. And if you have a restaurant, you can have an attached smoking room.

But all those studies say, look at this, New York has no smoking and there's no impact. That's not what the case is. And that's almost the case in all those circumstances.

You have to look at some of these studies. Interestingly, the EPA (Environmental Protection Agency) study that suggested there was a lot of deaths due to second-hand smoke was thrown out in the courts as being a biased, inaccurate study.

**Mr. Bird:** — We accept that there is some dangers to be had. That's why we want to cut down on the danger present.

**Mr. Addley:** — Thank you, Myron. How many members do you have in your association, the hoteliers association?

**Mr. Bird:** — You're talking about the Hotels Association of Saskatchewan?

**Mr. Addley:** — Yes.

**Mr. Bird:** — Bill?

**Mr. Nelson:** — We have 400 hotels and 72 motels that belong.

**Mr. Addley:** — How many motels?

**Mr. Nelson:** — Seventy-two.

**Mr. Addley:** — Seventy-two. Okay.

**Mr. Bird:** — That's around 80-some per cent.

**Mr. Nelson:** — Eighty-three per cent of the total number in the province are members of our association.

**Mr. Addley:** — So that's 83 per cent of all of the hotels belong?

**Mr. Nelson:** — Yes.

**Mr. Addley:** — Okay. So there's a little more than that. So about 500, 700 hotels . . .

**Mr. Nelson:** — Yes, just 476 or 480.

**Mr. Addley:** — Okay. My figuring on the cost of the filters versus the number of people you're talking about, if there were a thousand hotels or a thousand establishments, that's approximately \$5 million a year. Well \$5 million to install and then to maintain from that.

So what you're talking about is a two and a half million dollar touch the first year and then the maintenance for the filters and that sort of thing? So that's what you're recommending to your members?

**Mr. Bird:** — Correct.

**Mr. Addley:** — Okay. I also look . . . the \$11 million cost to the economy in BC which I think is . . . There's also economic downturn at that time. But even accepting those numbers, that appears to be a one-time adjustment time, if there is one.

It seems almost to be a wash for the cost — if you're putting in the filtration versus the economic impact, whether I lose a million dollars in business or I have to pay a million dollars in costs. Am I . . . Is my math wrong?

**Mr. Dionne:** — I can say on that, that there would be no wash in my bar. When you're talking the Raymore Hotel or any small-town bar, you're talking about me putting \$4,000 in; probably saving a thousand dollars a year in heating costs and air-conditioning costs, so at a loss of 3,000 for one year. Otherwise I'd be closing my bar.

So you'd be costing the town \$5,000 a year in taxes. You'd be costing six employees, my wife and I a living, and our investment.

**Mr. Addley:** — Not to interrupt. I mean in BC they're talking about \$11 million costs in three months.

**Mr. Bird:** — That was in the 80 days that this smoking ban was in effect, before it was overturned by injunction.

**Mr. Addley:** — Okay. Myron touched a little bit on it. How many people would you recommend that the government hire to ensure that the equipment is maintained and switched on and doing the job that it's supposed to do? What would you think would be needed? You know, you obviously have to have people to ensure that that's being accomplished.

**Mr. Bird:** — Well there is in both provincial and in the cities of course there is health inspectors. There's also Saskatchewan Liquor and Gaming has inspectors, either or any of which could of course become the testers of the air quality in establishments, and have that testing equipment with them whenever they travel.

**Mr. Addley:** — Because talking to those groups with other matters, we've been advised that we can't just add on a responsibility like that. That you have to actually add resources to that as well. I mean, as well as the policing, with enforcing for different things, so you're just assuming that it will be absorbed in another department or . . .

**Mr. Bird:** — You're probably right that there would be a need to add . . .

**Mr. Addley:** — Because 10 employees is approximately a half a million dollars a year, and that's an ongoing cost.

**Mr. Choponis:** — But a hotel . . . technically you go through three inspections, okay. You have your fire inspection; you've got your liquor inspectors; you've got your health inspectors. I mean, any of those people could do the monitoring on the . . . (inaudible) . . . also.

**Mr. Addley:** — Okay. Well, I don't agree with that because I mean, they're working pretty hard as it is. If they spend an hour extra at each place . . .

**Mr. Bird:** — There is probably . . . it's probably correct there like Graham says, that there would be a need for some added inspectors, but perhaps the way to pay for that is to raise the price of tobacco even higher. And I guess . . . I'm sure the committee has at least considered that as a method of cutting down on tobacco use. It's certainly an alternative, I guess.

**Mr. Choponis:** — What's the worst of the two scenarios . . . (inaudible interjection) . . . Wayne Choponis. I'm with the Confederation Inn, Saskatoon.

I've already mentioned that you have three inspectors go around. I just went through a health inspection yesterday, actually, and I think the guy spent two hours there. One hour was with just straight discussion between him and I on different things, nothing to do with the other stuff. They have time to do it.

The other thing is, what would it cost you to put inspectors on, just to go around and make sure that we're complying? You know, how many dollars are we looking at there? And in a bar . . . and I've got to mention what Brian just mentioned. In some bars I think it's just about impossible to police. Like it's the crowd you're dealing with, and I can tell you, I don't have to worry about giving up my seat. I'm not going to get scalped in my bar. I guarantee it. I know I'm not.

But in our restaurant we have complied because in Saskatoon, as you know, there was a bylaw in place and then it was scrapped, okay. I built a smoking area and I have a non-smoking area. In my smoking area, I do 75 per cent of my business. If I took that out where am I going to get that back? I'm not going to replace it.

Now that doesn't hold true for some of the higher end properties because they have, as you were mentioning, they've got the restaurants; they've got their lounges adjoining. And that's what they wanted to do, use the lounges. And even that was turned down.

I really think you've got to look at this because the different areas . . . And in our place we have 30 employees, and I just did a check on this because I was coming — 20 of our employees smoke, 20 of them. Only 10 of us don't smoke. And I'm sure that if you go through all the hotels you'll find that the majority of the employees in the hotels do smoke too.

**Mr. Addley:** — Just a couple of questions, and you touched a little bit on it. What type of fines would you recommend for those that are not in compliance. Are you talking \$100, \$1,000; first, second, third offences; that you now have to become non-smoking, or . . . I mean, does that . . . I guess my personal preference is not to have huge government interference.

And if you have a ventilation system in there and the inspector keeps coming back and you don't have it in running order and maintained and you're not changing the filters, there's got to be consequences for that. I mean, this is a recommended option. So what are the consequences for not complying with your recommendation?

**Mr. Bird:** — I'll speak to that if I could, Graham. I think, rather than seeing monetary fines in place, we'd go to something very similar to what the health department has now.

I guess if you are consistently not keeping your glass washers in a state of cleanliness, or your countertops, or your fridge is not to temperature, you get a warning or two and then you will actually get placarded, where you will not be able to open until you've met the standards.

I think I would rather see something serious like that than fines. And say, like, there are standards you have to comply with, and please reach those standards and here's the consequences if you don't.

**Mr. Addley:** — So one or two chances and then . . .

Now this is my last question unless there's further discussion. How much of an economic impact would your organization be willing to absorb if it actually does save lives?

I mean most of the people we've talked to, I mean . . . I don't want to lose my livelihood, I don't want to go out of business and not be able to . . . But how much of your . . . how much of an economic impact would your association, would recommend?

If you could save a million . . . you could lose a million dollars but save a thousand lives, would you do that? And what is that

number? How far would you go?

**Mr. Bird:** — I would say, put it this way, I'm not in favour of smoking but I am in favour of eating.

So how many lives — I mean that's not a fair way of putting it because, in fact, the ambient smoke that we would get in a bar with filtration, I can't imagine that that would have any effect on lives in this province whatsoever.

The payrolls — this is straight from WCB (Workers' Compensation Board) data — the payroll of hotels in Saskatchewan is \$102 million. I have to believe that we would lose at least 10 per cent of our employees.

And in the case of the Plains Hotel, and I know that very specifically, when our restaurant goes to 100 per cent, it's going to be nip and tuck whether we're going to be able to stay open, you know.

And that's, I think, we would find to be a fairly accurate guess, that we would be at least \$10 million worth of payroll which is a considerable number of employees. Huge economic hardship for them versus . . . I can't imagine that filtered air in bars that somebody's into for three hours twice a week, it's going to save their lives. I don't accept that.

**Mr. Addley:** — Well I'll clarify my question because I think you're going back to outlining what the impact would be if we went to a total ban, and that wasn't my question.

What you're . . . I'll ask it in another way. What you're willing to spend is between 4 and \$5,000 upfront cost and \$500 a year right now to implement the filtration system.

So if we could limit the cost to your business, the decline in your business by that amount and save lives, you'd be obviously willing to accept that because you're already willing to pay this amount of money to ensure that there can be smokers in your establishment.

Am I making myself clear?

**Mr. Bird:** — Oh, sure. I mean, if that was the case.

**Mr. Addley:** — Well why wouldn't it be the case?

**Mr. Bird:** — But I mean . . . that's a huge if.

**Mr. Dionne:** — What did you think of the people that . . . Prohibition didn't work with alcohol when they had . . . (inaudible interjection) . . . Brian. Sorry. Brian Dionne, Raymore.

Prohibition didn't work with alcohol back in the '30s. I don't see where it would work with smoking now. What you're doing is taking the people out of the bar and sending them home and they're going to sit in their house and smoke.

**Mr. Addley:** — You're not understanding my question. What you're saying is that you're willing to spend, in your case, \$3,500 to ensure that you have a safe place. If I could say to you that your business will only be hurt a total of \$3,500 this

year by going non-smoking, plus lives will be saved, I mean it's a wash either way. You're not economically hurt . . .

**Mr. Dionne:** — Yes, I understand that. If you could say that . . .

**Mr. Addley:** — Yes. It would be fine with that . . .

**Mr. Dionne:** — Yes, I could live with that, but I don't know how you can say that . . .

**Mr. Addley:** — I hear other people sitting here that basically can guarantee you that that will be the case.

**The Chair:** — Now we're getting very close to our closing time and there may be a couple of questions and I was hoping that members were going to, you know, stay pithy, make it a question/answer so we can get this done.

**Ms. Eagles:** — Could I just ask for clarification on what Graham has been saying?

**The Chair:** — Well I think maybe what we should do is we're going to have all kinds of time to debate this after. I want to make sure that we are able to access the information that's given by these folks here. But, Ms. Bakken, you were next.

**Ms. Bakken:** — Well, mine is just a statement, Myron. I think it should be made that somehow we've come full circle and come to the point where hotels are being blamed for deaths in Saskatchewan. And I think that this is just an absolute misstatement to insinuate . . . (inaudible interjection) . . . No, I think it needs to be said, Myron, that to insinuate that by hotels not having smoking in bars, that somehow we're going to save lives in Saskatchewan. That is not what this focus of this committee was for in any way, shape, or form, to pit an industry and blame them for deaths in Saskatchewan. I think it should be clarified that that is not our goal.

And that if they're willing — which I'm hearing today — to find a way to make the air quality safer in their environment, I think they should be applauded for that and we should try and work with them to make that happen.

**The Chair:** — Thank you for your opinion. Thank you for opinion, folks. I do have a question yet. Did the Saskatchewan hoteliers association receive any of the \$800,000 from the Canadian Tobacco Manufacturers' Council to the Canadian hotel association?

**Mr. Bird:** — We never got a penny of that. I don't even know . . . I've never heard of that before.

**The Chair:** — I think it was for the courtesy of choice program.

**Mr. Nelson:** — No, there's no money flowed to us.

**The Chair:** — Okay, thank you. Does anybody else have a question or two because it's time. Yes.

**Mr. Wartman:** — Being that you're in a competitive business, the one question I would have, as an association, is there any way that through your association you could enable or would

even consider enabling those bars that are bars or hotels that are not as strong economically, to put in systems? Like would you have any kind of a support system within your association?

So for example, Raymore might not have the cash flow turnover that you've got in Seven Oaks. Has the hotel association got any kind of vehicle by which you could support them — loan, support, or advance support? Anything that might help out if you were going to this system so that those people . . .

Because one of the things . . . one of the arguments that comes up is that we set a standard for hotels or bars that those who have less turnover — and particularly here we're talking of the smaller communities — would have a much more difficult time? Is there anything within the association that would be supportive of those who are in those kind of circumstances?

**Mr. Nelson:** — Bill Nelson speaking. We are a non-profit organization as such. What our goal would be, would be to talk to all levels of government and certainly explore the energy efficiency program with the federal government to see if we could access some sort of a grant structure for them. And I think if the committee here feels that our proposal has merit, and which we strongly feel it does, that we would proceed in that way.

**Mr. Bird:** — I think through the association we would also try to help set up leasing programs. There is leasing companies, whether it be Honeywell itself or just a lease company, that would certainly . . . we would endorse and back that from the association standpoint. As well we've had preliminary discussions already with SaskPower about, I guess, mitigating the costs by the energy savings on a bill per bill basis. So we are ready to move on it if it becomes the answer. And certainly . . .

**Mr. Nelson:** — It behooves us as an organization on behalf of our members. They'll demand that we do something like that for them as a member service.

**The Chair:** — Well I'd like to take a moment just to thank you, Larry, and all of your representatives here, your colleagues, for coming, especially that you took the time to send us a report ahead of time, gave us time to digest it; the fact that you brought Leo and other people from the hotel industry here. Leo, thanks for making this special trip out here.

Believe it or not, I think that after all this happens there will be some clarity out of all this. So thank you once again from all the committee members. And thanks, Bill, for helping arrange this.

**Mr. Ledohowski:** — I was serious about that offer. I'll leave my cards. If anybody's interested in coming to Winnipeg to have a look, just give me a call.

**The Chair:** — There may be other hotels that might want to do the same.

Yes, let's take about a two- or three-minute break.

**The committee recessed for a period of time.**

**The Chair:** — I'll have the committee come to order once again, please. We're a little bit behind time, but we will give

you the time that you need to put your position. I want to welcome Don Richardson and the representatives of the restaurant and food association.

Our task is to finish up the remaining portion of our mandate, and that is to come up with some recommendations to government as to what to do about smoking and smoke ETS in restaurants, bars, bingo halls, other public places that we haven't yet dealt with, and a little bit about the issue of jurisdiction. So I certainly do appreciate the fact that you responded to come back one more time to the committee.

The reason that we preferred that we did this again, partly it gives us an opportunity to review some of the things that we had heard earlier. Secondly, there have been some new positions taken across the country. And I think that you're aware of some of them and we wanted to get your reaction to them, so we certainly do appreciate this opportunity to hear what you have to say.

Committee members, I think you've been given a little brief just now. You have this before you. So what we'll do is, Don, I'll ask you to start. Perhaps introduce your committee members. Any time any one of you speaks or makes a response, please identify yourself by name again for *Hansard* purposes. And then again we'll have questions from the members till their questions are exhausted.

So good morning to you. Welcome. And, Don, the chair . . . the table is yours.

**Mr. Richardson:** — Good morning. Well I would like to allay any fears that we're going to take you overtime because we all have restaurants to run and at 12 o'clock we're gone.

Good morning, ladies and gentlemen. My name is Don Richardson, and for the committee members, that will come as no surprise. This is the fourth time I've appeared in front of you. Thank you very much for that privilege.

Having appeared in front of you four times, I don't want to sound boring or repetitive so what I've done is convinced three of my peers in our industry to be part of our presentation.

I'd like to take the opportunity to introduce them now. We have Les Brown, area supervisor for the A & W; Brent Petersen, managing partner for Earls; and Bob Crowe, owner of Danbry's.

With the four of us sitting here present, you actually have four segments of our industry — fast food, licensed casual dining, licensed fine dining, and licensed rural restaurants.

I have the privilege today of appearing in front of you in a dual capacity. First as an operator of a rural licensed restaurant, and there will be more about that later. But presently I'm privileged to be a director of the Canadian Restaurant and Foodservices Association and would like to begin this presentation in that capacity. And to do that requires glasses.

Industry introduction. Saskatchewan's \$1 billion food industry represents 4.2 per cent of the province's GDP (gross domestic product) and is one of the largest private sector employers in the

province, employing over 32,200 people in a wide range of full- and part-time jobs in communities throughout the province. A further 14,000 people in Saskatchewan are directly employed by our industry.

The food service industry is also one of the largest employers of youth and entry level workers in the province, employing 16,000 youths between the age of 15 and 24, representing 19.3 per cent of total youth employment in Saskatchewan. Our industry plays a key role in providing young people with their first job experience and training.

The industry is comprised of a variety of sectors including liquor licensed restaurants, quick-service restaurants, takeout, institutional feeders, clubs, and caterers. It is dominated by independent, locally owned companies with a high portion operated by families. In fact, independent restaurants represent 67 per cent of the 1,868 food service outlets in Saskatchewan.

As in most small businesses, the competition is fierce and the failure rate is high. In fact, the average profitability of the Canadian restaurant and food service industry for 1998 was 6.4 per cent before tax.

Food service operations are very labour intense, with labour accounting for the largest portion of operating costs after food. Employers must have consistent sales and reasonable costs in order to set competitive prices and maintain a viable business. Food services customers are also extremely price sensitive and profit margins are not large enough to absorb continued increases in government-related costs.

The Canadian Restaurant and Foodservices Association is the largest hospitality association in the country, representing 15,000 members who control more than 45,000 food service outlets nationwide.

In 1998, the Saskatchewan Restaurant and Foodservices Association amalgamated with the Canadian Restaurant and Foodservices Association, to form the largest hospitality association in the province, representing over 1,800 food service outlets.

CRFA's (Canadian Restaurant and Foodservices Association) position on smoking. CRFA supports a market driven position on smoking that accommodates operators, employees, and customers. And it allows for establishing air quality standards as an option to smoking bans or designated smoking enclosures.

When faced with legislation or bylaws restricting smoking legislation, CRFA will seek a level playing field between all sectors of the hospitality industry. Any proposed restriction on smoking that does not treat all hospitality industry establishments equally would create a great deal of acrimony in the industry, and hostility towards those who would artificially create an unlevel playing field. The result of such an unlevel playing field would cost operators and their employees to lose their livelihoods. A legal challenge would also be probable, should a discriminatory ban be imposed on one sector of our industry.

Most restaurant operators believe that because they are operating legal, private, licensed businesses on private property,



government should not have the right to force them to discriminate on who they are allowed to serve as customers.

As long as smoking is a legal activity, and smoking material is legally sold, they feel that they should have the right to serve smokers in their establishments if they so choose.

I'd like to now ask Bob to take over, if possible.

**Mr. Crowe:** — Good morning. Bob Crowe from Danbry's Restaurant.

The present environment. The restaurant and food services industry, in order to be successful, must cater to ever changing needs of a diverse customer base that consists of both smokers and non-smokers. As the percentage of non-smoking patrons has increased over the past decade, the restaurant industry has taken proactive steps to accommodate non-smoking customers.

In fact, as was demonstrated in Regina less than a year ago, most restaurants voluntarily designated much larger non-smoking areas than required with respect to the city's smoking bylaw. Furthermore, there has been a significant increase in the number of smoke-free restaurants in Regina over the years to cater to a growing non-smoking population.

According to the Regina Health District, the number of non-smoking restaurants in Regina went from five in 1991 to 122 in 1999. Now roughly a third of all Regina restaurants are voluntarily 100 per cent non-smoking. As the demand for less smoking in restaurants and for non-smoking restaurants increases, the market will change to accommodate them, as has happened over the past decade.

The market to accommodate smokers and non-smokers regulates itself. Therefore there is absolutely no need to upset the market by imposing artificial regulatory smoking limitations on hospitality businesses.

For those restaurants that have decided to go non-smoking, there was a good business case for doing so. The combination of having a customer mix in, that was overwhelmingly non-smoking, and the possibility of reduced maintenance costs enabled these operators to go non-smoking.

The point is that those customers who prefer to patronize only 100 per cent non-smoking restaurants already have that option.

Level playing field. However, despite the above, there are also still a large number of hospitality and food service establishments that need to cater to smoking patrons as well. Those establishments cannot be categorized into types of hospitality establishments.

For example, for a number of different reasons including size, theme, and location, some restaurants will attract more smokers than others. In Saskatchewan you can enter some restaurants that have a lot more smokers in them than in some hotel lounges and bars.

Also in some cases it is difficult for a patron to tell if an establishment is a bar or a restaurant or a combination of both. Therefore, it is extremely unfair to allow some establishments

who serve liquor and food to cater to smokers but not others. Similarly it is impossible to recommend exemptions from smoking regulations from businesses in unique situations, as doing so automatically creates an unlevel playing field.

While we understand the political rationale for wanting to protect children from second-hand smoke, children should not be used as a determining factor to determine smoking versus non-smoking hospitality businesses. Once again, many restaurants that cater to children have already decided to go non-smoking or have installed good ventilation systems to ensure air quality that children and their parents will be happy with.

If the government is truly interested in stopping children from being exposed to second-hand smoke, it should start with smoking parents and caregivers. The possible exposure to second-hand smoke for an hour or two at a restaurant is negligible compared to the exposure the child could be subjected to in an enclosed vehicle or at home.

Any proposed smoking policy should reward, rather than punish, restaurants for voluntarily doing more to cater to non-smokers and having cleaner air than other hospitality establishments. It would be very inconsistent and unfair to expect restaurants to comply with onerous smoking policies . . . more onerous smoking policies than other hospitality establishments.

The Government of Saskatchewan should not be picking winners and losers in the hospitality industry. All businesses that serve liquor and food must be treated equally.

And I'd just like to give some, you know, my own personal perspectives on how smoking regulations have affected my own personal business.

I operate a 250-seat restaurant right in downtown Regina. We spent — I've been in operation for three years now — we spent a million dollars purchasing the building and renovating it. It is a heritage property and as such, we are regulated by what we can do and what we can't do in the building.

My mission to my customers is to give my customers what they want. I work in the restaurant business 60, 70 hours a week and spend the majority of my time dealing with my staff, talking to my customers.

It's in my best interest and my business interest to give my customers what they want. I offer private dining rooms. I offer a smoke-free main dining room. I have a smoking section that is totally separate that I offer to my customers. I have a lounge. I have a bar. I have a cigar lounge. All in separate rooms.

So when my customers come in they have the option of going where they would like to go — dining, drinking — whatever they would like to have. And that's what I've invested a million dollars into my business to be able to do, is to offer my customers exactly what they want.

Obviously a smoking ban is going to, I feel, adversely affect my business because it's going to put me on an unlevel playing field against pubs across the street or someone down the street,

or a bar or whoever. And my customers would have the . . . not have the option to come to my restaurant and smoke if they like or eat or do whatever they want.

I know the hotel association was just in here before we were and I know that they would be very happy to have a smoking ban — not in bars, and put one on restaurants, because what that will do for them is give them lots of my customers.

I could see 30 per cent of my customer base that is currently going into my smoking rooms being diverted directly across the street. Park in the same place and walk in across the street and not into my building. Or I shouldn't maybe assume what they said.

I think I've covered off all my points.

I'd like to introduce next Les Brown, who's area supervisor from the A & W, who will continue with the report.

**Mr. Brown:** — Good morning. The economic impact of this proposed smoking bylaw. There are a number of misleading economic impact studies commissioned by anti-tobacco advocacy groups that attempt to demonstrate that there is no negative effect on the hospitality industry as a result of the smoking bans. The facts, however, are quite different.

If our members did not lose business as a result of the smoking bans, we would not be presenting before you today. We have already provided considerable evidence to demonstrate that fact. For example, a CCG Consulting Group study found that a smoking ban in Metro Toronto would reduce industry revenue by between 234 million and \$325 million, decreasing sales by between 9 to 12 per cent.

There was an actual consensus of 150 operators in BC who had the courage to come forward and admit that they had to lay off 700 employees as a result of the short-lived smoking ban in that province. These are real people whose lives have been negatively affected.

According to the liquor distribution branch in British Columbia, bars and restaurants bought 2.7 million or 11 per cent less liquor in January 2000 than it did in 1999. Draught beer sales were also down 13 per cent over the same time period.

The history of what transpired in British Columbia provides ample evidence of just how badly a smoking ban hurt the hospitality industry. The economic impact of a smoking ban experiment in BC forced the hospitality industry to unite and take successful legal action against the Workers' Compensation Board.

As a result of the successful legal challenge, the ban has been lifted and no new WCB regulation will be approved until next spring after the WCB does a comprehensive economic impact study on the effects of smoking bans on the hospitality industry. No new policy is likely to be implemented until after the provincial election in that province.

An unfortunate reality in the political debate on the economic impact of smoking bans is that any evidence provided by the hospitality industry that contradicts what anti-smoking lobbyists

say is dismissed as tobacco industry propaganda. The political correctness bias is so acute that one runs the risk of being accused of being pro-tobacco lobbyist or being funded by a tobacco industry if one disagrees with anti-tobacco advocates' arguments.

Our industry is a victim caught in the middle of a battle between the anti-smoking and tobacco lobbyists. We are simply trying to protect our businesses and our livelihoods of our staff.

Clearly the approach taken by the BC Workers' Compensation Board failed. Rather than accept the fact that there is no significant economic impact on the hospitality industry, the WCB in British Columbia bought into the rhetoric and misleading economic impact information provided by the powerful anti-smoking lobby groups. Our industry was forced to take legal action against the WCB to force them into consulting with the industry.

We appreciate that Saskatchewan's Special Committee on Tobacco Control has taken a more balanced consultative approach. Acknowledging that smoking regulations would have an impact, an economic impact, on the food service and hospitality industry will allow our industry to work with the committee on a real, responsible solution that would reduce the levels of second-hand smoke in our industry without destroying the viability of nearly 1,900 hospitality and food service businesses in the province.

Now as I was introduced as an area supervisor for A & W, I actually work for JORIDO Food Services Ltd., which is the franchise operator of all the A & W's in Saskatoon and Regina. We believe our customers have a choice. We currently operate 18 locations. Ten of them are in shopping centres, eight are stand-alone restaurants, and one of those stand-alone restaurants offers a smoke-free environment here in Regina.

In early 1999, the city of Saskatoon implemented a non-smoking bylaw that affected the shopping centres in Saskatoon. Our food sales and customer counts dropped in these centres by 10 to 15 per cent overnight when this bylaw went into place. Three of our locations in Saskatoon have their own dining area. In those dining areas that were currently non-smoking, we were forced to go in and implement a smoking section for the consumers in the shopping centre. Immediately those sales returned to our restaurants.

The bylaw was overturned in the spring of 1999 and one of the shopping centres, Confederation Mall, chose to allow smoking to return into the shopping centre. Overnight in that location our sales increased 15 to 20 per cent to bring us back to the previous sales levels and customer count levels we had before. The other locations that continued to hold course and not offer smoking in the shopping centres, the sales have never returned — the customer counts have never returned.

In April of this year Confederation Mall chose to change their direction again and return to no smoking. Since April our sales in that location have dropped off 20 per cent and have remained there.

In January, when the city of Regina continues to implement their bylaw and force the shopping centres to go smoke-free,

we're expecting to see the same results here in Regina.

To comply with the current Regina smoking bylaw, our restaurants were required to reduce the smoking sections to no more than 35 per cent of available seating. One restaurant in particular, our Avonhurst and Albert Street location, which is our busiest restaurant in Regina, has seen a drop in volume and continues to be off versus previous years' sales since that has been implemented. The consumers have moved on to other restaurants that can meet their seating needs with a smoking section.

In July next year we anticipate another drop in sales at the Avonhurst location when we are further required to reduce our smoking section at 20 per cent. This is a restaurant that had seen positive volume growth in the past two consecutive years. Smokers have and will leave to go where their needs will be met. We must have a level playing field with respect to all service and entertainment facilities in Regina and across the province.

With that, I'd like to introduce you to Brent Petersen with Earls, and he will take you through the next section.

**Mr. Petersen:** — Good morning. I'll take up where we left off with our proposal. I'm going to skip the surveys part. You can read that at your leisure. I'm going to forward out to you the section starting with "Solutions — Where do we go from here?"

There are a number of initiatives we can undertake as an industry that can both reduce . . . can reduce both public and employee exposure to second-hand smoke.

One incentive that can help hospitality, business owners, and managers make the business decision to go to 100 per cent non-smoking would be the creation of a web site that promotes smoke-free hospitality establishments.

This was done in British Columbia following the BC Supreme Court's decision to overturn the smoking ban. Within a couple of days, over 100 hospitality businesses who decided to stay non-smoking expressed an interest in being listed on the [cleanairbc.com](http://cleanairbc.com) web site.

The significant media interest in the web site helped promote it to the point where many people bookmarked the site to help them decide where to go for their next meal or drink. Despite a long list of establishments that have wanted to be added to the site since, a lack of financial resources have prevented the site from being updated and reaching its full potential.

Another initiative that could be implemented is an industry code of practice with respect to minimizing exposure to second-hand smoke. Included in the industry code of practice could be the guidelines of signage, staff education, maintenance of ventilation systems, and even determining the appropriate size of a non-smoking section in each establishment based on customer profile, etc.

It is likely that many establishments may choose to exceed the size of regulatory required non-smoking sections to better accommodate non-smokers while still having the ability to serve smokers. Air quality standards could make up the most

significant part of the industry code of conduct.

Air quality standards and various ventilation options are initiatives that can do the most to reduce the amount of second-hand smoke in the restaurants and bars to acceptable measurable levels. There are a number of ventilation and air cleaning technologies that operators could choose from to achieve air quality standards. These technologies vary from spatial separations or air walls to pressurized and directional airflow ventilation systems. These technologies are already being used in industry that get rid of smoke but not the smoker.

Another advantage to utilizing air quality standards and ventilation technology is that it also removes the ETS-related pollutants from the air that could cause other illnesses, therefore contributing to the overall health of employees and patrons.

Another solution that has been implemented in various jurisdictions is simply reserving smoking and non-smoking sections. However we believe that these designated smoking and non-smoking sections must be applied equally to all hospitality businesses.

While we do not think they are necessary for most restaurants, an achievable non-smoking section level that works for the whole industry could be implemented and reviewed on a regular basis, and increased should the trend continue to . . . of non-smokers becoming an ever increasing majority of the population; the appropriate level that should be negotiated with all hospitality industry sectors, including hotels, bars, fine dining, casual, and quick-service restaurants.

The timetable for implementation of any regulations that would determine the non-smoking section size of the hospitality establishments would require a minimum of six months advance notice prior to implementation depending on the non-smoking section requirement.

With respect to any non-smoking regulation, the onus on compliance should be with the smokers themselves, not hospitality industry owners, managers, and staff. Unfortunately the way the vast majority of the various smoking bylaws or regulations work, is that the hospitality industry owners, managers, and staff, are solely responsible for the conduct of smoking patrons. Smokers should be held accountable for their actions instead of hospitality industry staff, who do not control the actions of their smoking patrons.

I represent Earls restaurant in Regina here, and like Bob, in the last couple of years we've invested a lot into the business community. We've spent around \$2 million relocating across the street and you know, it's been a good move for us.

But when we get into a situation like this, something that scares me is that my business is about looking after customers. There's a lot of restaurants out there and the customers have a choice where they want to go. There's a lot of things that make people want to come to a restaurant or not and there's . . . I'm more concerned with the long list of things that make people not want to return to my restaurant.

One of these things that concerns me is a law that would affect me that wouldn't necessarily affect the competition based on a

different set of rules. Across the street, we have a competition that probably would be, by the base of what I've heard about this law, that would probably alleviate them because they don't have minors or they have no children that have access to their establishment. Whereas my restaurant, part of my restaurant children are allowed, and part of them aren't.

Well the children that aren't allowed into the lounge in restaurants don't represent the money or the decision to come to Earls; that's their parents. And so what happens is the majority of my customers, non-minors or adults, if they want to smoke, are going to have other options. It doesn't leave me on a level playing field with that at all. I can't really compete with that. I guess my only option would really be to not allow minors in my establishment, all right. So it does unfairly put me . . . it puts me in a situation that it's not really . . . not equal by any means.

And the last point of what I read, there is a part that . . . a source of frustration for us in the industry is that we end up regulating these bylaws. And if I have a customer or a family say that, you know, the parent and one of the parents or both the parents are smokers and they bring a couple of their children in or . . . and they would like to sit in a smoking section. And is it my place all of a sudden I have to explain it to them why that their children who are subjected to smoke . . . second-hand smoke all their lives, in their cars, all of a sudden can't sit in my restaurant because, well, because it's for the betterment of their children.

Well I think that's a little . . . you know not . . . I don't think it really makes sense to me. And it makes me . . . it puts me as the operator . . . Their anger is expressed towards me, not this committee, the government, or anybody who made the decision, right? And that's really my concern with this. I appreciate the health concerns of it, but on the business level we definitely need a level playing field.

So with that I'm going to turn it over to Don who's going to probably conclude.

**Mr. Richardson:** — And I'll put on the Don's Place hat now if I can. Don Richardson, owner, operator of Don's Place at Stoughton. It's an 86-seat licensed restaurant, a 39-seat lounge with six VLTs (video lottery terminal) and a 64-seat occasions room which, for the record, is non-smoking.

Because of the location of our business, which is approximately three-quarters of mile out of town, we rarely if ever get a child in there by their own direction. They're usually transported by a parent, a grandparent, a guardian, or a least someone that can drive a car that distance.

Now that parent, guardian, or driving person has made the decision to bring that child into my environment and expose him to the alcohol that is prevalent and the smokers that are prevalent.

What I'm getting from the hearsay that moves about in this industry, is that soon your committee is going to make a recommendation which may well prevent the parent from making that decision for their child. And I am going to be the one that's going to have to enforce that. That's a concern.

But my stay-awake-night concern, the one that really bothers

me most, can best be exemplified by a very short, to-the-point story only 12 pages long. I'm being facetious.

Two weeks ago Sunday, a lady who has come into our restaurant now for 16 years, and I've watched her take her family through from five years of age to now university, and gone. She's a smoker, she's a regular customer, and we've catered to her, as we have to all our customers, to keep them coming back.

Two Sundays ago she walked in with three of her peers. I sat them at a table. Before I got too far away, she yelled out, hey, Don, where's my ashtray? We hadn't bused the table properly; there was no ashtray in front of her. I got her one. I handed it to her and I said, I'm sorry.

And she said, hey, Don, you trying to give me a message? And I said, what do you mean? She said, well I know you're dealing with the tobacco people in the province, so is this telling me you're losing?

And I said, well I think it's safe to say, enjoy your privilege now; we don't know how long it will last.

And I turned and started again to walk away. And she stopped me cold and she said, Don, no problem. If we can't smoke in your place, we'll go down to the bar downtown and eat.

That is a customer of mine that's been there for 16 years, and with the stroke of the pen, someone, either this committee or the politicians you report to other than committee, can change that and send her to the bar. And believe me, she will go. And I can't let you have that be. I can't let you let that happen.

I've got 20 people that rely on me as employees for a living. And if you're going to take 30 per cent of my business from me and give it to the bar downtown, which is my competition, I am going to fight.

That's Don's Place hat off. I'm going to cool down now and give you the Canadian restaurant perspective as a conclusion.

**The Chair:** — Don, just for the record, the mandate of the committee is to make recommendations to the government. So we do not have, in our authority whatsoever, to legislate, set down some regulations. We're assuming, by virtue that we're here that we will have some influence on the decision, but in terms of legislative authority, that rests solely with the government.

**Mr. Wartman:** — . . . to Don. We will make decisions that will have significant effect and we will be accountable for those decisions one way or the other. And I don't intend to dodge that. Whatever decisions we make we hope have wisdom in them, and we hope will be for the good of all of the province and will not be aimed particularly at any group. I just think it's important that we acknowledge the . . .

**The Chair:** — Mark, I just wanted to clarify the facts for the summary. I'm not trying to get argumentative. I just want to make sure they understood the mandate of the committee.

**Mr. Richardson:** — Can I assume that you will be in some

way, shape, or form, responsible for the information given to the government on which they will use to make the decision?

**The Chair:** — Oh, they will get information from us for sure, and that information will be public just as the first portion of the report was.

**Mr. Richardson:** — So based on that then, I am asking the committee to be responsible and fair . . .

**The Chair:** — Oh, that's a . . . (inaudible) . . . request.

**Mr. Richardson:** — . . . to the food service industry and develop a level playing field. And Mark, thank you for the comment. I hope you are aware that at least 30 per cent of your constituents are smoking and they like to smoke in restaurants.

**The Chair:** — I do not have anything important to your comments . . . (inaudible) . . . I believe before I was interrupted.

**Mr. Richardson:** — I would like to close if I may for the CRFA.

CRFA supports a market-driven position on smoking that accommodates operators, employees, and customers, and it allows for establishing air quality standards as an option to smoking bans or designated smoking enclosures. Attempts to impose smoking bylaws that discriminate between hospitality industry sectors has proven to be politically, financially, and legally costly.

We would like once again to make our position absolutely clear. CRFA will support the committee's effort to reduce the levels of environmental tobacco smoke in public places; however our industry support depends on the committee and government's agreement with us on the following points, and they are:

First, that legislation is established making possession of tobacco products by minors an offence that is enforced;

Second, that all businesses that serve alcohol and food as a part of their business be required to comply with the same smoking restrictions, at the same levels, and at the same time;

And third, that the committee and government acknowledge that smoking bans are not a viable option due to the economic hardship such a measure would have on the hospitality industry.

We hope that we do not have to resort to the same tactics we employed in British Columbia to defeat the unfair smoking restrictions in the hospitality industry. The CRFA delegation is here today on behalf of nearly 1,900 food service industry businesses in the province. We cannot allow any branch of government or Crown agency to direct roughly 30 per cent of our customers to the competition.

We look forward to continuing to work with the committee and the government to reduce the level of environmental smoke in the way that it achieves their objective without negatively impacting on the economic well-being of the hospitality and food service industry. Thank you very much.

**The Chair:** — Thank you very much, Don. Okay, I'll start with

Graham. Graham Addley.

**Mr. Addley:** — Thank you for your presentation. We appreciate the work that's gone into it. Just taking . . . on page nine of your report, you have approximately 2,000 businesses in the province, in the 1,900s, is what you say?

**Mr. Richardson:** — The food services industry business, yes.

**Mr. Addley:** — Okay. The previous group was talking that the costs to put in filtration and maintain them is anywhere between 3,500 to 5,000 depending on the size. And if it's larger, of course, you need . . . it costs more.

From my rough figuring that would be an upfront cost for all 2,000 places to be about \$10 million. If it's \$5,000 per, times 1,000, it 5 million times 2, it's \$10 million. And then it's about \$500 or \$1,000 a year for each establishment to maintain that. And then, of course, there's replacement after a number of years.

Are you recommending that . . . I mean who's going to pay for that cost? Would that be the businesses?

**Mr. Richardson:** — Well, I'll answer your first question first. If any of these three gentlemen would care to divulge their yearly grosses, and you take 30 per cent of that and put a figure to that times 1,900, you'll see where the math is. I would rather spend \$5,000 in my small operation and keep my . . . (inaudible) . . . there.

**Mr. Addley:** — And I don't want to debate because, I mean, you say it's 30 per cent; we have others say that it's negligible, so I don't even want to go into that argument. I'm just talking about the facts that we can agree upon. And we agree upon that it would be \$10 million for the upfront cost and then, 500 to 1,000 for maintenance. So you're . . . the businesses themselves would be willing to pay for that?

**Mr. Richardson:** — We can go across this table and I will be the first one. My business would be anxious to enter into that if that was our only option.

**Mr. Addley:** — Now, would you be . . . sorry. Would you be able to depreciate that over a period of time, three to five years, that sort of thing?

**Mr. Richardson:** — It would be a depreciable asset.

**Mr. Addley:** — So would that . . . that would then lower the amount of tax that you'd have to pay so in a way that would be the taxpayer co-purchasing it with you, wouldn't it?

**Mr. Richardson:** — No. I'd be paying for it.

**Mr. Addley:** — Pardon me?

**Mr. Richardson:** — Our business would be paying for it.

**Mr. Addley:** — But if you put \$5,000 on and then it deducts the cost, I mean, there's a . . .

**Mr. Richardson:** — She likely, or he likely in that same

reference, sir, has a share of my stove, which I'm not sure she's interested in.

**Mr. Addley:** — Well, I mean we're all paying for it. The other question is . . . and I wasn't going to go down that road, but you talk about the parents deciding to bring their children into a smoking establishment. What about the under age of 19 workers that are choosing to work there for 40 hours a week, that's a decision that's being made. Would you . . . how would you square that circle.

**Mr. Richardson:** — With the same square. That communication obviously has been held with family members before they even come to work at my place.

**Mr. Addley:** — So basically they choose to pick the restaurant that they work in. If it's smoking and they choose not to work there, that's their decision.

**Mr. Richardson:** — That's correct.

**Mr. Addley:** — Okay.

**The Chair:** — I thank you for asking questions.

**Ms. Eagles:** — Don, I consider myself responsible, fair, and open-minded. That's how I come into this committee. I was just wondering, in your business . . . and I've been there quite a few times and you serve very good food. Proper signage. What do you think of something like that? If there's proper signage outside, like how far do you think that the government is allowed to go on this?

I mean you're paying the taxes; it's your business. Do you think they can say, all right, absolutely no smoking? Or do you think that if you're willing to post signs outside that say, this is a smoking establishment, that's the way it is; if I lose business because of it, I'll take responsibility?

**Mr. Richardson:** — Our industry, as an industry, does not agree with a full 100 per cent ban on smoking as is stated here because of the economic impact on us. That's in answer to the first question. I'm sorry, the second question.

The first question was signage? In other words you're talking about a sign that says, this is a smoke . . . this contains a smoking environment?

**Ms. Eagles:** — Yes.

**Mr. Richardson:** — Again I can only speak for my own restaurant, but I would have no problem putting that sign in the front window. I don't know about the gentlemen sitting with me. But I can't speak for the industry; I can only speak for myself.

If part of my continuing business is to require to advise my customers, who are basically repeat customers with the odd highway-go-by, that this is indeed a smoking location, I personally would not have a problem with that. Much like I would personally not have a problem spending the \$5,000 on the filtration system. But that's personal.

**Ms. Eagles:** — So am I right in assuming that you pretty much want control over the smoking, the non-smoking status of your establishment? You don't think that should be legislated on you at all? You will cater to the needs as you see them to suit your customers?

**Mr. Richardson:** — I couldn't have put it better.

**Ms. Eagles:** — Okay. Thank you.

**The Chair:** — To follow up on the signage question, to what extent, from your experience, do people respect signage?

**Mr. Richardson:** — I'm sorry. I missed that, sir.

**The Chair:** — To what extent do people, your customers, respect signage? That is if you have a no-smoking sign in a restaurant or in a portion of a restaurant, is there, are you able to tell me that there's sort of a 50 per cent compliance, 95 per cent compliance, 100 per cent compliance? Do you get much argument with that?

**Mr. Richardson:** — My occasion's room is non-smoking. I have two signs that will measure 8 by 8 as they go into both entries: non-smoking. And I have continual challenges, but no one has seen fit to try to smoke in them yet.

**The Chair:** — They just argue. They argue about it?

**Mr. Richardson:** — Certainly. Let's not use the word argument. The way we're set up, we get a booking for 50 people; the first question we ask, would you like smoking or non-smoking?

The answer inevitably is, we'd like your occasions room, Don. And I say, well that is non-smoking. Oh really? They know this full well, but oh really? And my response is yes. Well we have several of our people that smoke, so maybe you'd better put us behind the partitions in the dining room where we can smoke.

That's the reality of Don's Place. I have a place that's non-smoking; I enforce it. I'm not happy with enforcing it, but that's my choice. So signage works.

**The Chair:** — Okay. And could you comment on signage in one, in a single-room restaurant where you might have 30 or 40 per cent of your seats designated?

**Mr. Richardson:** — There is an area in there where I'm uncomfortable with because we're asking you to be the enforcement on that one. We're wanting you to be the policemen. We don't want to be smoking police.

But in response to the effectiveness of the signs, most of those tables are governed with a slash through a cigarette and no ashtray right on the table. And the rooms are generally, and I speak generally, divided.

What we don't want to be involved in is picking up a customer and moving him from table A to table G because he's decided to light up, no ashtray and there's a sign. We don't want to be the smoking police, based on the standards you're setting for us.

**The Chair:** — Yes. No, I understand that. I'm just wondering how effective signage itself is.

**Mr. Richardson:** — It is a deterrent. And that which we impose in our own places for our own standards we, as operators, support. Now am I speaking out of turn here, guys?

Bob's got a non-smoking room. It's a non-smoking room, Bob?

**Mr. Crowe:** — Yes. In response to your question, I think that signage is very effective. But I think that the customer is confused whose signage is it. Is it my signage or is this a bylaw signage or health department signage or whose signage is it? So whose signage is it? Who enforces it? It's not my signage. It's in my restaurant.

**The Chair:** — Do we have any comments on that?

**Mr. Brown:** — Well, the signage currently in use for Regina has the Regina bylaw number right on it. And there's both signage for smoking sections and non-smoking sections and it is very clear when you put one at each table.

There are people that still try to challenge that because there may be no room in the smoking section. And as Don said, we then become the police to try to enforce that which makes it very difficult, but that happens every day.

**The Chair:** — Okay. I have a couple of people have questions. I want to just finish up a couple of my own here first.

I noticed . . . I've been trying to get some figures so that we can establish a baseline as to what's happening in the industry and to monitor any effects.

I notice that *Sask Trends Monitor* has published, for example, what restaurant receipts have been over the last few years and their trend is generally upwards.

I'm wondering if you have any baselines in terms of how many restaurants there are and were in the last few years? How many are open in the province and how many new open every year? How many close every year?

**Mr. Richardson:** — That information can be obtained for you. I am not carrying it as part of this presentation. But if you would note it for us, we will get it to you — specific numbers.

**The Chair:** — I'd appreciate it if you could commit to sending us that information.

**Mr. Richardson:** — Certainly. And if you would give reference to noting it and faxing me, we'll see that you get it within a day or two.

**The Chair:** — Thank you.

And then I want to ask you the question about your paper, which I see . . . which was submitted to the Regina . . . it's called a Supplement to the CRFA Submission to Regina City Council regarding Bylaw No. 9423.

**Mr. Richardson:** — What day is that, sir?

**The Chair:** — Well, unfortunately, it doesn't have a date on it. And I was actually going to ask you what the date was on it, but I . . .

**Mr. Richardson:** — Okay. If it's the submission I believe it to be, that will be the one given by Mark von Schellwitz from the Canadian Restaurant Association.

**The Chair:** — It's on your logo. It's on your logo. It probably is by Mark.

**Mr. Richardson:** — Yes.

**The Chair:** — Now in those conclusions here's what he said. It's on page 5 if you want to refer to it on a later date, but I'll just read it out. I'll read a little pre-emphasis too:

We understand, however, the council is under some pressure to (and he refers to the Regina Council) some pressure to increase the size of non-smoking sections in restaurants and bars. Therefore, we believe the only fair way to move forward that restaurant operators would find acceptable is that after implementing the 20 per cent and 65 per cent non-smoking sections for bars and restaurants respectively, that council reconsider larger non-smoking sections for both bars and restaurants together at a later date.

And my question is would you still advocate an addition to the ventilation option? Would you still advocate sort of a percentage of seat system which would be looked at periodically over time, you know, over two or three or five years to increase the non-smoking sections for both bars and restaurants?

**Mr. Richardson:** — I'm speaking on behalf of Mark von Schellwitz now which is difficult, so I'll try to do it my own way. Provided we do not reach the 100 per cent ban based on that document, is the way that was going, because that's the way it was potentially going.

The comments were made to indicate that if you take us all together — legions, elks, bars, caterers, pool halls, bowling alleys, anywhere that you serve food and or alcohol — if you take us all together, the restaurant association will go with you, but you've got to take us all together.

In fact in our meeting away from this board not that long ago, sir, we suggested to you the restaurant association would support a 50 per cent across the board non-smoking situation, provided it was in all establishments that serve food and/or alcohol. That would be a start position that we would support.

**The Chair:** — Do you think it would be advisable for the provincial government to set a baseline over which municipal governments or health boards would have the authority to go something in addition to that?

I'm talking about that . . . I'm asking you that question because you made several comments about level playing field. And the difficulty with the municipalities doing it of course is that there is that unlevel playing field. On the other hand, the municipalities have a sensitivity to the local situation much

more than you can from a provincial level.

So I don't see anything in opposition to sort of a provincial baseline with perhaps a municipal override to it. Maybe you might have a comment on that.

**Mr. Richardson:** — I will get a comment for you, sir. The first instance would indicate that what has been recommended there was a baseline for the city. We were of the opinion from the first and second presentations that we were listening to from other people to this board, that a 100 per cent ban was being looked at, that being the baseline for just where there was children. That is not an acceptable baseline.

**The Chair:** — Now, Mark, do you . . . I'm sorry; Graham Addley had an additional question. Does anybody else have comments or questions?

**Mr. Addley:** — Most of it, just to clarify in page 9 or your presentation, you had the first recommendation. The second is the level playing field that whatever we come up with for restaurants applies to hotels, but then you indicate not a ban totally.

If it started off with, you know, 20 per cent and over three years to 50 per cent and over another three years to 100 per cent ban, as long as lockstep with information and time for adjustment. Would that fit in with what you're talking about? I know you indicated 50 per cent. So it's 50 per cent but not a total ban. Is that the range?

**Mr. Richardson:** — We would be successful in supporting a 50 per cent ban as a start. And we as an industry will go and support the committee on that reference. Where we do have difficulty is dealing with the eventuality of a no-smoking environment in all foodservice industries. However, if everyone is going there and that's where you're taking us, we'll have much less problem accepting it providing it's for everyone.

**Mr. Addley:** — I appreciate that. One last question, and I should have asked it earlier. You indicated you'll lose 30 per cent of your business. Is that assuming you'll lose every smoker's business? Or is that what you're assuming? At least 30 per cent are smokers, 70 per cent are non . . .

**Mr. Richardson:** — No. I will lose 30 per cent of my business based on not everyone in every family smokes. So if pop smokes and he takes mom to the bar, I'm losing two people.

**Mr. Addley:** — Okay.

**Mr. Richardson:** — It's 30 per cent of our people that smoke based on our industry numbers. But time and time again, you'll get a couple where one does, one doesn't. One's quit, the other one's hiding it. I don't know what the circumstances are. I'll lose them both though.

**Mr. Addley:** — I just wasn't sure because, I mean, I just wanted some clarification on that. So I appreciate that.

**The Chair:** — Thank you for your presentation.

**Ms. Bakken:** — If you had an option of either a level-playing

field but with a certain restriction of percentage of the seating or go to an air purifier system, which is what the hotel association presented to us this morning, that they have a system that would make the air quality acceptable, you wouldn't have to have a separation, which would the industry . . .

**Mr. Richardson:** — Can we page the industry, based on the city, based on the rural, based on the different classifications, indeed.

**Mr. Petersen:** — If it comes out that air purification, as an option and the costs or whatever, as a business operator I'd like to make the choice of if my options are that or non-smoking, then if I feel if that's going to increase my revenue then I should be able to make that decision and not . . . But right now what we're facing is maybe not getting an option, we're just getting one or the other.

**Ms. Bakken:** — Yes, but what I'm saying . . . Okay, we're looking . . . I mean the decision hasn't been made. This is what we're asking. I mean I'm asking you, if you had a choice, which would you as an industry chose: to have a certain percentage totally smoke free; or, would you chose to have regulations where you had a system that purified the air and if you did not comply with that then your establishment would have to become non-smoking?

**Mr. Petersen:** — I'm not speaking on behalf of the industry but I'll speak on behalf of Earls. I would say that we'd much prefer to have the option of air purification system or all out ban, but not just the all out ban.

**Mr. Brown:** — Speaking on behalf of the A & W, we've had this conversation actually just a few weeks ago. And it had nothing to do on the potential bans on smoking and it has everything to do with the quality of air of our customers. And we've had discussions that that's what we want to do in the future. There is a large price tag that is associated with it but we're going to get there. So it's not something that would need to be enforced for us to look at because we're already looking at it right now.

**Mr. Crowe:** — From my view it's a little more complicated than that. I can see where the hotels would recommend that option because typically in a hotel, they've got a large property with one bar room, or one beverage room that means buying one filtration unit for that one room.

We looked at . . . when we renovated the building initially, we put a make-up air system into one of our rooms that we use as a cigar lounge now that exchanges the air, totally exchanges the air every three minutes in the one room. And that system cost us about \$10,000. I'd love to put it all through my building but I could see it being very cost prohibitive.

Right now the thing that works for me is the percentages, because I have separate rooms for everything, that I'm able to give my customers . . .

**Ms. Bakken:** — You're able to accommodate that.

**Mr. Crowe:** — I'm able to accommodate that.



**Mr. Richardson:** — From my perspective as an operator of a restaurant, when I hear my customers wanting something, it behooves me to get it for them. If they are a bit — I'm sorry — if they are complaining about the quality of air in my restaurant, then it behooves me to do something. And if that is a filtration system, that is where I will go.

**Ms. Bakken:** — Well just then the follow-up question is: do you have complaints about . . . from your customers about having to come to a smoking environment?

**Mr. Richardson:** — The only complaints I've had to deal with, as those that are mentioned, is the room that is non-smoking.

**Ms. Bakken:** — That it's non-smoking and they'd like to be able to smoke in there?

**Mr. Richardson:** — That's right. The questions are asked: do you have a non-smoking section? I have yet, in the 16 years in business, to have a person turned away . . . or turn away based on a negative response.

**Ms. Bakken:** — And does that hold true — just a yes or no?

**Mr. Petersen:** — To answer your question. You said that people had to come to my establishment. Well no one has to come to my establishment. So if they speak . . . if they're unhappy with the air conditioning in Earls, they probably don't return, and then my business suffers because of that.

**Ms. Bakken:** — So your answer is in your repeat business, right?

**Mr. Petersen:** — Yes. And just for the record, we are like well beyond that. Like we are very respondent to our customers.

Whether you think the air quality is acceptable or not in Earls I can't answer that for people. But, you know, we've always been well ahead of it. And our smoking section is 20 per cent, and we've been that long before the city bylaws changed because that's what our customers asked for.

**Ms. Bakken:** — So the industry's responding to the clientele.

**Mr. Brown:** — I'd like to answer that if I could too. We've heard that question given to us. That's why we built a smoke-free restaurant for our consumers in the east of Regina.

When the bylaw in Regina has changed recently, we've heard more negative about a smaller smoking section than anything else in our business. Whether it be people trying to sit where they could before and smoke or having to make adjustments, the biggest negative feedback we've ever been given is the fact that the smoking sections are now down to 35 per cent.

**Ms. Bakken:** — I just have one more question, Myron.

Your first point was that legislation is established making possession of tobacco products by minors an offence that is enforced. Am I reading this correct, that it's not enforced now so it's a problem for you as an industry, that kids come in there and smoke and you have to police it? Or what does this mean?

**Mr. Richardson:** — This goes back to the previous presentation made by myself in which I suggested that in order for the population to realize the government's serious about any smoking ban, they should be treating the child . . .

**Ms. Bakken:** — Right. Okay.

**Mr. Richardson:** — . . . with a package of cigarettes in his sleeve, in his hand, in his pocket, on main street, just like they would treat him if he was carrying a six pack of beer.

**Ms. Bakken:** — Okay. That's good. I just wanted to clarify that. Thank you.

**The Chair:** — Thank you very much.

**Mr. Addley:** — A specific question to Mr. Crowe. You mentioned you spent \$10,000 on a filtration system for the one room. What's the square footage of your room that you're filtering?

**Mr. Crowe:** — Approximately 400 square feet.

**Mr. Addley:** — Is that the cost — 10,000 for 400? Or could you have made it 800 square feet with the same system?

**Mr. Crowe:** — I believe that when we had the mechanical people out to do the . . . they came up with a system that was specifically designed for that room. But it's more than a filtration system; it's a separate air system. So it's separate heating, separate air conditioning, so it's its own entity.

**Mr. Addley:** — Because I've been in different places where they say there's filtration and you can barely tell, and then there's others where people are smoking around you, and you can't even tell their smoking.

**Mr. Crowe:** — Well come, come and see this one, because it does a very good job.

**Mr. Addley:** — Well thank you very much.

**The Chair:** — In your presentation you mentioned smoking policy should reward rather than punish. One of the specifics that I noticed was this concept of a web page. Do you have any information about how this is paid for?

**Mr. Richardson:** — It was paid for by the participants in British Columbia, I believe. But again, information that I will get to you, sir.

**The Chair:** — So you envisage it as sort of . . . something that either a private industry would set up and you would subscribe to it, that is you would say, hey, we qualify and we want to advertise on this web site, or a government agency would sponsor and . . .

**Mr. Richardson:** — I would suggest the sponsor . . . being that the signs are going to be a government agency sign, if they come into the restaurants, a government agency web site that promotes non-smoking restaurants because that is their venue, would seem reasonable.

In other words, if I decide at Stoughton to go non-smoking, I'm going to really need a whole pile of advertising.

**The Chair:** — And this would help. A web site of such . . .

**Mr. Richardson:** — To let the people . . . right now we use the number of a hundred and what? 122 restaurants in the city. How many people here know of 18 of them, you know. So if the government is pushing this cleaner air program, and successful in the process, one way of advertising this concern is a web site. Because computers are everywhere today.

**The Chair:** — Okay. Thank you very much. I have one final question and that is, with the current Regina bylaw, which does discriminate between bars and lounges, do you have any specific data on business and how it was affected?

**Mr. Richardson:** — Not at this time.

**The Chair:** — Does anybody else have any comments or questions?

Well I've personally found this very helpful that you've come forward to the committee again. And so I want to once again repeat on behalf of the committee, thank you for doing this. This is a process, which is agonizing all of Canada and North America, as you know, so I suppose we can't be immune from it. And I thank you for showing the willingness that you want to move in that direction, but at the same time, you expect that we should consider where, you know, what the impact is on your livelihoods.

**Mr. Richardson:** — The situation is that we're prepared to support you, because we know that this is not only provincially politically driven, but it is politically driven nationally, perhaps even North America-wise. California is now smoke-free. We want to support you in that effort. We do not want to be singled out in the process. If you're taking us, you take the hotels.

**The Chair:** — And I should mention that I think we are cognizant of the fact that you're sort of in the middle ground here because of the virtue of your industry. You have on the one side the tobacco industry; you have on the other side the health aspects and this is where the two sort of meet — in your establishments. It's not something you asked for but that's where we're at.

So thank you very much once again for presenting.

Committee members, we do have just another couple of items here specifically to deal with and that is with respect to our next meetings.

We have scheduled for Thursday, November 30, 9 a.m. to 12 noon. At 9 a.m. the Saskatchewan Coalition for Tobacco Reduction will be present. That will probably take about an hour, an hour and a half; and then after that we'll be able to go into deliberations. We had scheduled for that to happen on an in-camera basis from 1:30 to 5 p.m.

And then I think we would, I'd like to keep it as a tentative date; once again, December 7, Thursday, room 10; an in camera session to finish off those things that we cannot do on the 30th.

**Ms. Bakken:** — . . . that's caucus for us so we will not be able to attend on December 7.

**The Chair:** — That's out for you . . . (inaudible interjection) . . . Well, can we look at it, can you give me a suggested date close to the 7th? Is the 8th feasible?

**Ms. Bakken:** — The 6th, we could . . . Doreen and I would be available the morning of the 6th until probably around 2 or so. We have to be in Saskatoon.

**Mr. Addley:** — Same with me at 1:30, until 1:30.

**The Chair:** — The morning of the 6th is a possibility. Let's pencil that in then. The morning of the 6th then. We still have the next meeting to make the final decision.

Are there any other matters that committee members would like to raise? And I ask the Clerks, is there something that we forgot?

Now, I mentioned that there was a change in the agenda as it was proposed last or to you in the mail out. That is on Thursday we will only be meeting with the Saskatchewan Coalition for Tobacco Reduction as opposed to them and representatives from Sask Health, unless somebody objects.

**Ms. Eagles:** — So that's shortening the morning then right?

**The Chair:** — Well, as short as we can make it.

**Ms. Eagles:** — Yes, but I mean it's not scheduled right through until dinner or anything. It doesn't have a termination time on here.

**The Chair:** — I think what we should probably try to do is allot them the full hour like we did here, and if we go over 15 minutes or so it won't hurt.

**Mr. Addley:** — But then we'll begin our deliberations right after that? Because I think Doreen's assuming that we'll go from 9 to 10:30 and then break until 1:30.

**Ms. Eagles:** — Well I just didn't know how long he was allowing for this coalition.

**The Chair:** — Well it might be better for us to take a break and then come back in the afternoon because Tanya might need to put some stuff together for us on that. So let's just take a break after 10:30.

Motion to adjourn?

Thank you very much.

The committee adjourned at 11:38 a.m.