

Primary Prevention Action Group

Environmental Scan of Policy and Legislation as it relates to Skin Cancer Prevention

Executive Summary

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ACKNOWLEDGEMENTS

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EXECUTIVE SUMMARY

This environmental scan provides an overview of current skin cancer prevention policy and legislation across Canada at the federal, provincial, and municipal levels. It focuses on legislation and policies in five settings: artificial tanning; workplaces; daycares and schools; environmental design; and sports and recreation facilities. The goal of this scan is to assist the Canadian Partnership Against Cancer in developing current and future strategies around skin cancer prevention policy and legislation.

Scope of the environmental scan

For each of the five settings, the scan reviewed federal, provincial, and municipal legislative instruments (such as legislation, regulations, licensing standards, bylaws, and ordinances), proposed legislation, and policies. Only legislation and policies currently in effect were included. The scan considered two main causes of skin cancer: ultraviolet (UV) radiation from the sun and UV radiation from artificial sources, such as tanning beds and lamps, welding arcs, and other specialized lamps or lasers. The scan also included ionizing radiation (primarily X-rays) because the literature identifies a possible link between ionizing radiation and skin cancer, and many statutes refer to both ionizing and non-ionizing radiation. The scan did not include legislation or policies related to chemical agents, such as arsenic, that are linked with skin cancer.

The scan was national in scope and included the federal government, the 13 provinces and territories, and 10 municipalities selected by size and region. The municipalities included five of the largest cities (with one city per province) and five mid-sized cities with a metropolitan area of 100,000 to 200,000, which were chosen to achieve some regional distribution. The resulting 10 municipalities were Toronto, Montreal, Vancouver, Calgary, Winnipeg, Regina, St. John's, Moncton, Cape Breton Regional Municipality, and Thunder Bay.

Methods

The scan included two activities: an Internet scan of legislation and policies; and interviews with key government officials at the federal, provincial or territorial, and municipal levels.

Findings

Overall, Canadian government efforts in promoting skin cancer prevention behaviour through policy and legislation are thin in coverage and not proactive

Environmental Scan of Policy and Legislation as it relates to Skin Cancer Prevention

in monitoring for compliance. The Canadian approach remains largely decentralized, where individual workplaces or schools must take the initiative in adopting policies that promote skin cancer prevention.

Artificial tanning. Federal law applies to tanning equipment but not its use, which is a provincial, territorial, and municipal matter. The scan identified some areas where federal oversight could be strengthened. These areas are the focus of current Health Canada efforts to improve its regulatory framework—namely, requiring notification of devices on the market; allowing for proactive, rather than complaint-based, inspections of equipment; and instituting mandatory reporting of faults or incidents with the equipment.

At the provincial level, few provinces regulate the tanning industry. Most rely on the Health Canada *Guidelines for Tanning Salon Owners, Operators, and Users*, which means that the tanning industry is largely self-regulated. Studies show low rates of compliance with these forms of voluntary codes. Only two provinces currently regulate the tanning industry: Saskatchewan regulates the equipment rather than how tanning services are delivered; and New Brunswick has prohibited youth under the age of 18 to use tanning facilities, although this regulation will be repealed once the *Act to Amend the Public Health Act* is proclaimed. Ontario has a private member's bill to prohibit tanning for those under the age of 19, so the status quo of one province with an age restriction may be maintained.

Inspections of tanning facilities at the provincial or municipal level are largely driven by complaints and, therefore, typically focus on malfunctioning equipment or sanitary matters.

Canada's current regulatory landscape is not unique, as few countries have age restrictions on the use of tanning facilities; however, Canada is lagging compared to the United States, which has a growing number of states that are requiring guardian accompaniment and/or consent, and France, which not only prohibits youth access but also takes a more proactive approach to inspections.

Workplaces. Occupational health and safety falls primarily under provincial jurisdiction, and no provincial legislation provides explicitly for protection from natural UV radiation. Although some laws and regulations have language that broadly refers to non-ionizing radiation, the more detailed provisions refer to sources such as arc welding. Legislation typically protects workers from ultraviolet, infrared, microwave, and X-ray radiation. The legislation takes many forms, but most set exposure limits and require use of protective clothing, a cream or barrier lotion, and/or screens or shields. Because health and safety legislation is based on self-regulation through workplace health and safety committees, compliance with the laws is not monitored centrally and inspections would occur only when the workplace committee cannot resolve the issue.

Environmental Scan of Policy and Legislation as it relates to Skin Cancer Prevention

Canada is again not unique in its approach, as few countries have government regulation for sun safety and sun exposure of outdoor workers. Individual businesses may have policies around protective clothing or provide sunscreen to workers. This was certainly what the scan found at the municipal level—city governments do not regulate businesses about sun safety procedures for workers, but municipal departments certainly have their own best practices and policies around providing sunscreen and sun safety messaging for outdoor employees.

Schools and daycares. For schools and daycares, skin cancer prevention occurs through the practices at individual facilities rather than through provincial or municipal policies. However, some jurisdictions, such as Manitoba and British Columbia, have cited child care regulations in their best practice publications that suggest certain precautions to prevent overexposure to the sun (e.g., sunscreen, clothing, timing of outdoor play, shade). In addition, Manitoba will soon have a *Child Care Safety Charter* that will require every licensed child care program to have a safety plan. Given the link already made between existing child care regulations and sun safety best practices in Manitoba, the *Child Care Safety Charter* might be used to require sun protection policies as part of the mandated safety plan. Licensing requirements are certainly a potential mechanism for regulating sun safety in daycares, but the scan did not find evidence of this being done. For sun protection in schools, provinces and municipalities have remained uninvolved, leaving policy-making to local districts, school boards, or individual schools.

Environmental design. The scan found little use of environmental design to promote skin cancer prevention. Provincial legislative activity in this area is almost non-existent. Cities primarily consider shade for recreational or other civic facilities to be part of unwritten best practices. However, the scan found some municipal bylaws on planting ratios which would promote tree and shrub coverage in urban areas. While these bylaws would increase shade, thereby protecting people from the sun's rays, their purpose is more for creating wind breaks and improving the aesthetics of the city. Skin cancer prevention is included more overtly in Toronto's shade policy and ongoing shade audits as a result of the involvement of the Shade Policy Committee of the Ultraviolet Radiation Working Group of the Toronto Cancer Prevention Coalition. The feasibility of Toronto's policy and its results will be worth monitoring and sharing with other municipalities.

Recreation and sports facilities. The scan found no government legislation or policy in this area other than some guidelines—covered under environmental design and best practices among municipal departments—to have sunscreen available for youth involved in recreational programming.