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NEWS RELEASE

IRPP Study Proposes New Public Health Legislation to Help Ottawa Better Prepare for the Next Pandemic

*Dr. Kumanan Wilson and Harvey Lazar's proposal stresses the importance of
enabling the federal government to act at the early stages of an outbreak.*

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Montreal – The SARS outbreak highlighted important problems with Canada's ability to respond to public health emergencies in a rapid, coordinated and effective manner. With the looming threat of an avian flu pandemic, the Institute for Research on Public Policy (IRPP.org) today released a study proposing that there be separate public health emergency legislation to clarify the federal government's role and authority in the event of a public health emergency.

Authors Dr. Kumanan Wilson (specialist in general internal medicine at the Toronto General Hospital) and Harvey Lazar (senior research associate at the Centre for Global Studies at the University of Victoria) argue that "some of the emergency response problems that were highlighted in the reports examining the SARS outbreak remain unresolved."

The existing legislative framework to address emergencies has important limitations that prevent the federal government from acting at the early stages of an outbreak. For example, Ottawa is explicitly constrained from declaring a public welfare emergency when an outbreak is initially confined to only one province. The problem with this approach, say Wilson and Lazar, is that "contagious diseases do not respect borders, whether internal or external."

The authors argue that legislative reform to provide the federal government with the freedom to act on an outbreak that is initially confined to only one province, but is potentially of national concern, should be a priority.

Although Ottawa could consider amending the existing *Emergencies Act*, the authors argue that a better option would be to create separate emergency legislation that reflects the fundamental properties of public health emergencies. In addition to authorizing the federal government to intervene earlier, new legislation should provide incremental federal powers that are proportional to the severity of the threat, and it should also ensure that the use of these powers does not create an undue financial burden on other levels of government. Wilson and Lazar believe that appropriately designed legislation will:

- 1) allow the federal government to intervene at an early stage when the ability to control an outbreak is at its greatest;
- 2) ensure that the federal government has full information on the outbreak that it can then communicate to the other provinces so that they can adequately prepare; and
- 3) allow Canada to meet its reporting obligations as outlined in the new International Health Regulations approved by the World Health Assembly in May 2005.

The authors stress that this legislation would act only as a contingency plan, should existing collaborative intergovernmental relationships break down in a time of crisis.

“Planning for the Next Pandemic Threat: Defining the Federal Role in Public Health Emergencies” is the latest *IRPP Policy Matters* study released as part of the Institute’s Health and Public Policy series. It is available on the IRPP Web site, at www.irpp.org.

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Founded in 1972, the Institute for Research in Public Policy (IRPP.org) is an independent, national, nonprofit organization based in Montreal.

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