

BY EMAIL

Clerk
Hamilton City Council
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Dear Sir/Madam,

Re: Face Coverings in Enclosed Public Spaces (BOH20014)

I wish to object to the proposed bylaw requiring the mandatory wear of masks in public buildings.

Any bylaw associated with public health should be rooted in clear science given the potential infringement on constitutional rights and civil liberties. This bylaw fails to meet this standard as it does not properly address the risk—a function of the likelihood of an event and the impact of the event—of COVID-19 in the Hamilton area. The probability of becoming infected is now very low as indicated by the number of active cases continuing to trend downwards (24 or 0.005% of the population at the time of this letter). While there are undoubtedly more cases given those individuals that are either asymptomatic or have symptoms but choose not to get tested, this reservoir cannot be significant as a potential source of infection of the general population (for example, if the reported cases represent only 10 percent of actual cases, then only 0.05% of the population is currently infected). This low incidence means that the air of public buildings can hardly be expected to contain significant numbers of viral particles even if one does accept the possibility that COVID-19 can exist in an aerosol. As for the impact of infection, COVID-19 has clearly been shown to be non-life threatening to the vast majority of the population thus further decreasing the ultimate risk. It should be noted that the past four months has demonstrated that vulnerable populations can be protected without mandatory masking of the general population.

The effectiveness of masks must also be considered. The science here is not clear as even the Medical Officer of Health admitted. Not only is there considerable debate in the scientific literature about the effectiveness of N95 masks, the limited effectiveness of non-medical masks is recognized by the Government of Canada's website which states "[homemade masks] may not be effective in blocking virus particles that may be transmitted by coughing, sneezing or certain medical procedures. They do not provide complete protection from virus particles because of a potential loose fit and the materials used. Some commercially available masks have exhalation valves that make the mask more breathable for the person wearing it, but these valves also allow infectious respiratory droplets to spread outside the mask." Furthermore, the statement of "growing evidence" contained in Dr. Richardson's report is often based on theoretical considerations such as the modelling articles or epidemiological reports that may show correlation but do not prove causation (based on the references contained in the report) as opposed to actual research studies. It should also be noted that the report ignores all the peer-reviewed scientific literature showing that masks are not effective. This lack of objectivity on the part of Dr. Richardson and her team is highly inappropriate as the report is serves only to politicize the issue given

its lack of proper scientific analysis. Given these limitations, the bylaw simply provides a false sense of security and is a form of virtue signalling.

With respect to the potential infringement on civil liberties, the comparisons of the bylaw to airport security and/or the wearing of seatbelts are specious arguments. First, the risk associated with a lack of security screening has been clearly demonstrated by the events of 9/11 and other terrorist activities, and a person has the choice as to whether to submit to a screening knowing that the failure to do so will prevent them from flying despite this being technically a breach of one's Charter rights. Second, the risk of not wearing a seatbelt is also very real and demonstrable to the degree that it is a reasonable limit that can be justified in a free and democratic society. However, whereas an individual has the choice to enter or not enter a private business that requires the wearing of a mask as there are other options to obtain goods and services at locations that do not require the wearing of masks (e.g., Longo's vs. Fortinos for groceries), a government-imposed restriction removes this choice. The subsequent barring from *all* buildings accessible to the public is a clear infringement on both a person's Section 2(b) right to freedom of thought, belief, opinion and expression, and Section 7 right to liberty contained with the Canadian Charter of Rights and Freedoms. This breach of Charter rights cannot be justified given the analyses of the risk of COVID-19 and the efficacy of masks presented above.

Requiring mandatory masks at the current time is nothing more than pandering to ungrounded fears during these days of COVID-induced mass hysteria, something that individuals not wishing to wear masks have no social responsibility to do. The peak of the pandemic in Hamilton has been passed without mandatory masking leaving the question why are they needed now. Furthermore, the past four months suggest that there will not be a need for mandatory masking in the future. Notwithstanding, Council has clearly demonstrated that mandatory masking can be implemented very quickly if that need did arise. *That need does not currently exist.*

Yours sincerely,

Bruce Walker
Ancaster, ON