

## Draft Kahnawà:ke Tobacco Law Community Feedback

The following are general statements, concerns and / or issues raised by various entities and individuals. The comments do not refer to a specific section of the law but are broader in nature.

**Comment #4:** Law is needed to ensure the economic base is protected.

**Response:** The economic base will be created once the Law is passed and implemented.

**Comment #7:** KTA has no right to be working with illegal band council MCK. KTA/MCK has no right to consult with the people.

**Response:** KTA entered into a MOU with the MCK, to ensure this Law is passed and will benefit the entire Community of Kahnawà:ke. The KTA/MCK made the agreement to work together to protect this Industry and to ensure we as Kahnawà:ke'ro:non benefit.

**Comment #8:** No draft, watermark, appears to be a done deal.

**Response:** Law is to be formatted by legal services.

**Comment #32:** Community member agrees Laws have to be done and that the Tobacco Industry has to be accountable to the Community of Kahnawà:ke.

**Comment #33:** Law is good, but needs tweaking and commends the industry for the work that has been put into this Law.

**Comment #37:** Purpose of law: How does the KTA/MCK anticipate this being done? We cannot just pass a law and state what we want and hope it works. For a Law that will truly protect the industry, there must be agreements with outside governments. If not done, the purpose of the law is DEFEATED. It will remain an internal document and for the most part the STATUS QUO WILL REMAIN.

**Response:** The Law must be passed by the people, implemented, enforced and ensuring that our economy is safe. The MCK politicians – it is their job to hold discussions with the outside Governments to show that we have a law and we are taking care of it. I.e. MIT operates under the sole jurisdiction of Kahnawà:ke and so does the ABC Law. Doing nothing like present status quo will definitely ensure the Industry will fail.

**Comment #38:** The community member is in full support of establishing a Law which will assist our community to be able to continue to deal with business relating to tobacco. Concern is that jurisdiction is only for the Territory of Kahnawà:ke. What about companies who transport to other reserves? They are not able to be protected by this Law. The Law should include the above mentioned.

**Response:** The Law has to be passed by the people. Within the Law there are provisions that will deal with businesses who want to apply for a permit. MCK politicians will also have to work with outside Governments, to ensure that we have a Law in place, and we should be able to do business with our Brothers and Sisters across Turtle Island. Iroquois Caucus is also working on a Free Trade Agreement amongst our Brothers and Sisters in the business.

**Comment #39:** Any and all Laws that are sent out for review by the Community for comments, suggestions, etc. should be clearly marked with "DRAFT" to indicate that it is not the final version.

**Response:** Agreed.

**Comment #119:** Schedule B was not attached to the Draft received, however, the word "unalienable" under "purpose", should read "inalienable". As well the words "to make a living" under "purpose", can be removed since "have our own economy", means the same thing. However, if "to make a living" must stay, then replace the word "make" with "earn".

**Comment #120:** The margins and numbering do not align in the community members draft and would have to be fixed.

#### **Meeting held August 7, 2014. Feedback received October 16, 2014**

##### **Onkawta, karitahtshera**

Body responsible for global health and social services issues, The Kahnawà:ke Community Health Plan has identified cancer and cardiovascular disease amongst the top health priorities in the Community. Health unit knows that both of these serious health problems are linked to the use of or exposure to tobacco use. They would be hard pressed to support a Law that will further facilitate the manufacturer, sale, and use of tobacco, even without the support for the law; one will be enacted given the vast presence and positive economic impact this industry has on the community. We should know what impacts this Law will have on the community with regards to health and social services.

- What will be the impacts to the Fire and Ambulance services in Kahnawà:ke?
- How will additional inspections be subsidized?
- How will structural building inspections in the industry for occupational health and safety hazards and fire safety be managed? How will health and safety infractions be managed?

The Law should include regulations for identifying and enforcing certain zones for factories, wholesale storage and retail outlets in the community. There should be careful consideration given to protect the health and well-being of community members in residential areas when such commercial zones are determined. Particular attention should be paid to the health and safety of the employees in the

tobacco industry; example employees should be afforded benefits such as MSI, health, dental insurance, safety programs, pension plans and labor laws should be ensured in the regulations. Social policy planning should be conducted for youth in the industry in the future (education, career, workforce development etc.) (Dividends) as a result of profit generation should be directed to improving health and social services, which may be directly impacted by the tobacco industry.

**Onkwata, karitahtshera** does not support this Law. It is in complete contrast to our mandate given that research specifically states that the use of tobacco in any form is detrimental to health, other than that used for ceremonial use.

**Response:** KTA accepts the position taken by Onkawta, karitahtshera, KTA, MCK, and others have worked over a 20 year period to develop a Law that would be fair and equitable to all Kahnawake,ro:non. KTA's position has always been to provide a clean and safe environment for all employees, and to address the issues of tobacco use among the young people and to provide an economic base within the community that can be used to develop all programs for health, safety and the environment. Policies will be drafted to address all issues and most exist amongst the services, organizations and departments within the Community of Kahnawà:ke. KTA's mandate is to make a living for all and all to benefit from this Industry and the most important issue that everyone can agree with is we all believe in respecting MOTHER EARTH and ensuring that all Kahnawake,ro:non have a safe and environmentally clean community. There will be Community Contribution Fund established.

#### **Meeting was held on September 10, 2014**

##### **Social Development Unit composed of Mohawk Self Insurance and Membership**

The MSI concerns were regarding the lack of benefits for all employees within the Tobacco Industry. MSI should be offered to all employees who work within and employees should all be protected with benefits for injuries relating to the job performed and to the issue of illness over a long term process.

The Membership Departments concerns were regarding the definition of membership, and to ensure that our definition and Law conforms to the KKR which is the Membership Law of Kahnawà:ke.

**Response:** The KTA acknowledges and understands the issues and concerns. Main reason for creation of a Law is to protect the employees working within the industry. Regulations will be created to ensure that all of the issues will be covered, and MSI will become a priority and a bonus should you work in the industry. The mandate of the KTA has always and will continue to be, that all employees should be able to work in a clean and safe environment. The KTA has said and has declared that the definition of Kahnawake'ro:non means all persons in Kahnawà:ke, which addresses the concerns.

### **Meeting was held on September 22, 2014 with Community Protection Unit.**

The KTA met with the Fire Safety, and Work and Safety Inspectors. Main issue was, (What does the KTA expect from the Inspectors?). There will be cost to CPU and who is going to pay? Who is going to cover the costs? Will the KTA ensure that their employees are covered through MSI? Will insurance be mandatory for the Industry, i.e.: Manufacturers? Do the KTA have an Emergency Plan in place, for first responders, hazardous material, Peacekeepers? Does the KTA have a plan for evacuation in the industry? Will the KTA Inspectors be qualified or educated in all areas of health and safety within the work force?

**Response:** The KTA acknowledged the concerns, issues and recommendations made by CPU during the stakeholder meeting. Regulations have already been developed into a separate document. Once the Law is officially passed the KTA will ensure that the Community Fund will be established to deal with the issues of concerns and cost sharing to training programs will be developed specifically for the Tobacco Industry. The Tobacco regulations has provisions to ensure all buildings in the industry are covered by insurance, MSI and will work with CPU to develop the areas that need to be addressed such as an Emergency Contingent Plan which will cover all first responders in the situation of an emergency, for evacuation plans, how to rescue anyone in any situation in the Tobacco Industry. The KTA will work with CPU to develop a training package for the Inspectors to ensure that they are qualified to deal with any situation. The Tobacco Law has complied with the CDMP to get feedback from the CPU as a major stakeholder. The Mandate of the KTA has always been and will continue to be, to provide a safe and clean environment for all employees who are in the industry. Will follow basic building codes to ensure safe exits, fire extinguishers and sprinklers are part of the future buildings. KTA will ensure Public Safety and Occupational safety.

### ***Meeting held September 22, 2014. Feedback received October 9, 2014***

#### **Kahnawà:ke Combined Schools Committee**

KTA-MCK met on September 22, 2014, meeting was thoughtful and informative. However, as a governing committee, the KCSC does not hold a position on the tobacco legislation; this is not within our educational mandate. At end of meeting KCSC extends its best wishes to the KTA in its future endeavors. Concerns were raised regarding the lack of benefits mentioned in the Tobacco Law, i.e.: EI, MSI and long term pension packages offered to employees.

- Heard complaints about students dropping out of High School, CEGEP and University to work in the Tobacco Industry.
- Employee standards.
- Gaps for post-secondary students, lack of scholarships in place to assist students. How will the community funds be set up, will there be transparency?
- How will the funds generated affect the \$'s that the local Governments receive?
- How would the KTA formulate the criteria for setting up a scholarship fund?

**Response:** The KTA has acknowledged the comments made by the Kahnawà:ke Combined Schools Committee, and discussions took place during the stakeholder meeting. All the questions were answered by the fact that the KTA already has the regulations in a separate document and will include most of the concerns, comments and recommendations that the stakeholders are making. The KTA fully accepts the statement of the KCSC.

### **Meeting held September 23, 2014 with the Board of Directors of Tawatoni'stahktha**

The CEO mentioned the Tobacco Industry has asked Tawatoni'stahktha 3 times over the past 15 years to invest in the industry or to take over, each time it was refused based on the fact, that the Tobacco Industry was unregulated and no Law in place to support it or defend it. On the operational level, the impact has been good and bad, the Tobacco industry generated 1000 and up people to work in the industry. The Kahnawà:ke Economy is very reliant on the industry. Outside Laws and the cut back on funds are affecting all programs and services offered to Community Members wishing to go to Training Programs or School. To work in the industry, no skills are required so therefore the young people would rather work in the Industry than to go to school. They want the fast way, make lots of money first.

- Community Funds, set standards for employee benefits, long term and short term illnesses.
- Set funding goals for employees to save for the future.

**Response:** The KTA has acknowledged all concerns, comments and recommendations that were made by the Board of Directors of Tawatoni'stahktha. The KTA is aware of the past years of trying to work together. KTA's mandate has always been and will continue to be by getting this Law passed so that the Industry will be protected and defended, to provide a safe and clean environment with all the benefits to its employees within the Industry. KTA feels it must give back to the Community when Law is passed and the Community Fund is established and operating within 100% transparency. Tawatoni'stahktha has offered to the KTA to assist in developing programs and training programs to educate and employ more people with the Industry. Tawatoni'stahktha applauds the Industry to moving ahead with the Law through the CDMP and also acknowledges the financial impact that the Tobacco Industry has had on the Community of Kahnawake over the past 25 years. Tawatoni'stahktha fully supports the KTA, also within the Lands possibly being used for growing of Tobacco for the long term. Meeting was very productive and informative.

### **Meeting held September 29, 2014.**

#### **Kahnawà:ke Peacekeeper Department**

Chief Peacekeeper mentioned the concerns, comments and recommendations from his department.

- Lack of a Law that could stand up in a Court of Law.
- Lack of regulations.

- The need for a Law to be transparent, fair and equitable for all.

States that the Kahnawà:ke Tobacco Industry cannot regulate itself, has to be completely transparent enough, so the outside forces can see that this Industry knows what they are doing. Concerns were raised whether the Commission Members, should be paid and also the lack of terms of references. Chief Peacekeeper supports the process of the CDMP and the fact that the Tobacco Law is now in. Law is passed it will be enforced and will be the responsibility of the KTA to ensure that the Law is strengthened and recognized as a legal Law. The MCK has to be involved in getting the Law recognized internally and externally through future agreements.

Additional comment 12/16/2015: Having provided written clarification on comments made previously, let it be known that the Chief Peacekeeper is in full support of the development of a Kahnawà:ke Law which will address the community's needs.

**Response:** The KTA accepts the comments, questions and recommendations made by the Kahnawà:ke Peacekeepers during the stakeholder meeting. KTA inquired about the arrests of people in the Industry. PK's accept the fact that the Tobacco Industry is legal according to the MCK. KTA raised concern regarding the threats within the proposed Bill C-10, and how will this Law affect the Industry. Chief Peacekeeper informed us that the Tobacco Industry is legal with Kahnawà:ke, but if warrants come in regarding other offences such as drugs then that is another matter. Chief Peacekeeper assured KTA that protocols are in place, but without a Law in place to defend it, it is very difficult to work with, and also assured the KTA that once Law is passed through the CDMP, the Law will be enforced. Meeting was very productive and informative. KTA fully accepts concerns, comments and recommendations made by the Kahnawà:ke Peacekeeper Department.

#### **Meeting held October 21, 2014**

##### **Mohawk Trail Longhouse**

Law is needed to ensure the economy stays to employ people within the industry. There needs to be more diversification on creating more small business with the Community funds. Growing foods to sustain our community. Laws that are made by the outside governments are made to bring us down to our knees. Concerns about undesirables in the industry. Use existing land to grow Tobacco. Concerns regarding illegal activity. Concerns about the environment. Main point is Tobacco; let's support it and work together to develop a strategic plan for the future. The Law is long overdue and must be prioritized now. Create joint ventures. Traditional people must step up to the plate and take responsibility to ensure the Tobacco industry continues to move forward with a Law in Place. Everyone to put aside their differences and bury the hatchet once and for all.

**Response:** The KTA fully accepts the concerns, comments and recommendations made during the stakeholder meeting with the Mohawk Trail Longhouse. KTA assured them that some and most of the discussion would be covered in the regulations which are a separate document. KTA assures them that

the purpose of the Law is also to prevent undesirables to work in the Industry. In order to get a permit, one has to make disclosure of all issues of partnership. Etc. KTA also concerned about the environment and will ensure regulations are followed once Law is in place. KTA willing to work with any traditional group and has always been open. KTA accepts all the issues mentioned in the meeting. KTA feels meeting was very productive and informative.

### **Meeting November 10, 2014**

#### **Kahnawà:ke Fire Brigade and its Board of Directors.**

- Lack of Law.
- Lack of regulations.

When Law is passed will they follow Fire and Safety Codes, and Lifesaving Codes as outlined in the Fire Safety Codes and the National Safety Codes? Main concerns are that all employees within the Industry must be able to work in a safe environment.

- Fire extinguishers and a sprinkler system in place.
- Safe and clean exists at all times.
- Provide two exits at all times.
- Every building within the Industry must have a key outside for emergency entrance.
- Fire alarms.
- Fire doors in place

The Fire Department supports the KTA in the process of getting the Law passed through the CDMP.

**Response:** The KTA fully accepts the concerns, comments and recommendations made by the Kahnawà:ke Fire Department during the stakeholder meeting. KTA also appreciates the fact that the department is willing to assist us in all safety aspects and for the inspections as well. Most of all the issues discussed during the meeting have already been discussed with the previous other stakeholder meetings and will be in the regulations that already exist in a separate document. KTA feels meeting was very productive and informative and looks forward to a solid working relationship with each other. KTA's mandate is to provide a clean and safe environment for all who work within the Industry.

### **November 13, 2014.**

#### **207 Longhouse.**

#### **The meeting was unofficial, and it was informal.**

The two members who met with the KTA made it very clear that this was an informal meeting, and had it been formal it would have been at the 207 Longhouse Cookhouse. They stated clearly that they are

not involved with the development of the Law and the Regulations; they do not feel they are bound by the Law, but are not against the Law. Longhouse is an entity that is not bound by this Law.

**Response:** KTA fully accepts the concerns, comments and recommendations made during the meeting. KTA also accepts the position of the 207 Longhouse, and also accepting the fact that this meeting was unofficial. It was a general discussion.

#### **Meeting held November 18, 2014. Comments received November 24, 2014**

##### **Kahnawà:ke Shakotiia, takehnhas.**

Meeting held on November 18, 2014 Community Services-Environmental Health Services. Comments in writing:

- Lack of regulations supporting the Law.
- Lack of enforcement procedures for the regulations.
- Lack of on staff occupational therapist.
- Lack of health and safety standards specific to the tobacco industry.
- Uncertainty of the certification process.
- How will health and safety infractions be managed?
- What are the minimum building requirements?

It is recommended to set out the certification process and criteria for certification. All the regulations should be created prior to the approval of the law. It is recommended that the Commission hire an occupational hygienist. Infraction codes should be developed and highlighted in the law prior to approval. Given the Environmental Health Services mandate, we are unable to support the Law at this time.

**Response:** The Kahnawà:ke Tobacco Association acknowledged the comments, concerns and recommendations made. KSCS Environmental Health also volunteered to assist with the regulations once it gets to the issues of the concerns. For example lack of regulations supporting the Law and the lack of enforcement, safety and environmental protection. Also when the Community Fund is developed, perhaps the Occupational Hygienist position could be developed and cost shared to ensure all health issues are covered in the regulations that will be developed in the next phase. The KTA already has the regulations in a separate document. The issues will be discussed during that time.

#### **December 15, 2014**

**Kahnawà:ke Environment Protection Office.** Meeting held on December 15, 2015. KEPO commends KTA on the work that the tobacco association have invested in this initiative and support the goal of



better regulations of the industry within Kahnawà:ke. KEPO has reviewed the document and provide comments with a focus on environment aspects. The Commission will establish-follow agreed upon standards for health, safety, security and environmental protection in relation to the Kahnawà:ke Tobacco Industry and persons employed in the Industry. KEPO points out that the body of the Law contains no further comment with respect to health, safety, security and the environment. KEPO recommends that a section be added to the Law reiterating the contents of this section Further it is recommended that specific existing Laws and regulations (Kahnawà:ke or otherwise) be referenced where applicable so that the expected standards with respect to health, safety, security and the environment are known by all parties. For example, applicable environmental policy, law and guidelines that apply in Kahnawà:ke include:

- The Interim Landfill Policy for Clean Soil.
- The Interim Landfill Procedures for Clean Soil.
- The Sanitary Conditions Law.
- The Best Management Practices Guide for Working in and around Water.

Standards should be adhered to concerning the manufacturing industry (similar to regulations that are being developed for construction, demolition and recycling facilities).

**Response:** The KTA fully accepts the concerns, comments and recommendations made by the Kahnawà:ke Environment Protection Office during the Stakeholder meeting. KTA mentioned most of the issues discussed have already been discussed with Fire Brigade, Environmental Health and Safety, and Community Protection. All the issues will be discussed during the process of the regulations which are already in a separate document. KTA will not have to reinvent the wheel. KTA has taken all concerns seriously and will be incorporated within the next phase. Meeting was very productive and informative.