

DEPUTATION IN WRITING

REGIONAL COUNCIL

JULY 9, 2020

Subject: No Mask Wearing Order for York Region

Spokesperson: Tony La Rosa

Name of Group or person(s) being represented (if applicable):

Brief summary of issue or purpose of deputation:

Dear York Region Council Members and the Medical Officer of Health,

I am a resident of Vaughan. I am writing to all of you because the decision you will be debating on July 9, 2020, regarding whether to mandate the wearing of masks in York Region will affect me and over one million people.

In 2020, the World Health Organization (WHO) published a report dated April 6 (see the relevant attached pdf file) regarding advice on the use of masks in the context of COVID-19. In this report, the following was stated:

“.....the wide use of masks by healthy people in the community setting is not supported by current evidence and carries uncertainties and critical risks.”

In a subsequent report dated June 5, 2020 (see the relevant attached pdf file), the WHO stated the following:

“At present, there is no direct evidence (from studies on COVID-19 and in healthy people in the community) on the effectiveness of universal masking of healthy people in the community to prevent infection with respiratory viruses, including COVID-19.”

Nevertheless, the WHO proceeded in the same report with advising decision makers as such:

“.....taking into account the available studies evaluating pre- and asymptomatic transmission, a growing compendium of observational evidence on the use of masks by the general public in several countries, individual values and preferences, as well as the difficulty of physical distancing in many contexts, WHO has updated its guidance to advise that to prevent COVID-19 transmission effectively in areas of community transmission, governments should encourage the general public to wear masks in specific situations and settings as part of a comprehensive approach to suppress SARS-CoV-2 transmission.”

This flip-flop on the WHO's part was sharply criticized by Dr. Joseph Hickey and Dr. Denis Rancourt of the Ontario Civil Liberties Association in a letter dated June 21, 2020 (see the relevant attached pdf file) in which a retraction was requested:

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“We believe that the WHO recommendation is harmful to public health, and harmful to the very fabric of society. The recommendation is used by governments as a ready-made justification to impose mask use in the general population. The resulting legislative dictates and policies of coercion broadly violate civil, political and human rights. We ask that your ill-conceived recommendation be retracted immediately.”

Drs. Hickey and Rancourt’s letter demonstrates the poor quality of the scientific evidence (which the WHO itself stated as “non-direct” evidence) that the WHO used to flip-flop on its decision. Therefore, the change in the WHO’s decision amounts to an arbitrary one. Nevertheless, even in the WHO’s June 5, 2020, report, it advised decision makers to simply “encourage” the general public to wear masks. The WHO did not recommend decision makers to “mandate” the wearing of masks by the general public.

In a paper dated April 2020 and titled “Masks Don’t Work: A Review of Science Relevant to COVID-19 Social Policy” (see the relevant attached pdf file), Dr. Denis Rancourt reviewed several scientific studies. He states the following:

“Masks and respirators do not work.

“There have been extensive randomized controlled trial (RCT) studies, and meta-analysis reviews of RCT studies, which all show that masks and respirators do not work to prevent respiratory influenza-like illnesses, or respiratory illnesses believed to be transmitted by droplets and aerosol particles.

“Furthermore, the relevant known physics and biology, which I review, are such that masks and respirators should not work. It would be a paradox if masks and respirators worked, given what we know about viral respiratory diseases: The main transmission path is long-residence-time aerosol particles ($< 2.5 \mu\text{m}$), which are too fine to be blocked, and the minimum-infective-dose is smaller than one aerosol particle.”

In a letter dated June 27, 2020 (see the relevant attached pdf file), to the Mayor of Markham (with a CC to all York Region Council Members), the same Dr. Joseph Hickey states the following:

“We urge you and the members of York Regional Council not to adopt any policy that imposes face masks on the general public and to retract any such recommendation or advisory, because:

- There is no reliable scientific evidence that face masks have any effect in preventing transmission of viral respiratory illnesses.**
- The use of face masks in the general population entails many potential health risks.**
- Arbitrarily applying state power by imposing such unjust and baseless laws violates civil rights and personal dignity and harms the very fabric of society.”**

I wholeheartedly agree with Drs. Hickey and Rancourt. Their work (and the WHO’s own admission) would show that without reliable and direct scientific evidence demonstrating the effectiveness of preventing the spread of disease by the wearing of face masks, a future decision by the York Region Council to mandate mask wearing upon the general public or a future order to do so by the Medical Officer of Health would be an arbitrary one. As such, the York Region Council or the Medical Officer of Health would not be demonstrably justifying the restrictions placed on the residents of York Region and consequently would be violating the Canadian Charter of Rights and Freedoms. Furthermore, it can be argued that the decision or order would violate the Ontario Human Rights Code by discriminating against those who refuse to wear masks. Lastly, the decision or order would go even beyond the advice recommended by the WHO, which is simply to “encourage” the general public to wear masks.

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Before I close, I would like to draw your attention to cases (visit <https://www.ona.org/news-posts/ona-wins-vaccinate-or-mask-flu-policy/> and see the relevant attached pdf file) of interest on the subject of compulsory mask wearing policy where the Ontario Nurses' Association won decisions in two separate arbitrations against forcing nurses to wear masks if they chose not to get vaccinated for the flu. The arbitrator of the second decision, William Kaplan, concluded in his September 6, 2018, report:

"It was noted at the outset that this case was, in large measure, a repeat of the one put before Arbitrator Hayes. It is not, therefore, surprising that there is an identical outcome. Ultimately, I agree with Arbitrator Hayes: 'There is scant scientific evidence concerning asymptomatic transmission, and, also, scant scientific evidence of the use of masks in reducing the transmission of the virus to patients'."

I conclude by asking all York Region Council Members to please do the right thing on July 9, 2020; do not mandate the wearing of masks on the general public in any circumstance.

I thank you for your attention concerning this important matter.

Sincerely,
Tony La Rosa

Dear York Region Council Members and the Medical Officer of Health,

In a follow-up to my e-mail of June 27, 2020, I learned today that Mr. Rocco Galati, constitutional lawyer, has filed a lawsuit against various governmental entities regarding the compulsion to wear masks and other matters associated with COVID-19. A press conference will be held tomorrow (July 9) by Mr. Rocco Galati and stakeholders. Below is a screenshot of a Facebook page to this effect. I ask that you please consider this lawsuit during your meeting tomorrow.

Please include this e-mail as part of my deputation.



The screenshot shows a Facebook post from the 'Ontario Civil Liberties Association' public group. The post is by Denis Rancourt, a moderator, and is titled 'UPDATE : A large constitutional claim against government actors for their actions in COVID-19, has just been filed at the Superior Court, in Toronto, Canada.' The post text states: 'A press conference will be held tomorrow morning (Thursday, July 9th) giving the details. An urgent injunction motion will likely follow to stop the mandatory masking laws and by-laws in Ontario. [I am only one small player. This is a large effort by many people and associations. Details will come out tomorrow.]'

Regards,
Tony La Rosa

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