

# A Tale of Two Cities:

Toronto



&

New Orleans



Gene W. Matthews, J.D.  
CDC Foundation  
Institute for Public Health Law

50 Hurt Plaza, Suite 765  
Atlanta, GA 30303  
(404) 373-1276  
MatthewsPHLaw@aol.com

## Business Continuity: Local Public Health and the Law



### A Tale of Two Cities: Toronto & New Orleans

- Where are we now?
- What just happened?
- Where do we go next?



## A Tale of Two Cities



# Where are we now?



INSTITUTE of PUBLIC HEALTH LAW



## Reasons for Renaissance in PH Law



Relatively “quiet” area of U.S. law from the 1950s→1990s

Growing awareness of BT & EI threats in late 1990s started PH Law Initiative at CDC

Anthrax attacks following 9/11/01 fueled U.S. interest in the field

International SARS epidemic of 2003 spurred international attention to PH Law



INSTITUTE of PUBLIC HEALTH LAW



## Historical Context



### Salk Polio Vaccine (1955)

End of community-wide public health control measures in U.S.—300 years!

### Brown v. Board of Education (1954)

Beginning of modern evolution of procedural protections of individual liberties against government action.



INSTITUTE of PUBLIC HEALTH LAW



## Federal, State and Local “Legal Preparedness”—The Silos



Public Health      Law Enforcement      Emergency Management      Medical Services      Business

INSTITUTE of PUBLIC HEALTH LAW



## The “Guns of August” Analogy



*“Great tragedies occur when technology leaps ahead of strategy and doctrine.”*

— Barbara Tuchman

Our 21<sup>st</sup> century global communication technology has **jumped ahead** of our 20<sup>th</sup> century strategy and doctrine.



INSTITUTE of PUBLIC HEALTH LAW



## Two “Thought Leaders”



*SARS, Governance and the Globalization of Disease*

— David P. Fidler, Professor of Law,  
Indiana University

*The World Is Flat: A Brief History of the Twenty First Century*

— Thomas L. Friedman,  
New York Times

INSTITUTE of PUBLIC HEALTH LAW



## Question



The last time I had a discussion about public health with a business leader in my community was?

- A. This week
- B. A month ago
- C. A year ago
- D. I can't remember

INSTITUTE of PUBLIC HEALTH LAW



## Why should we care?



### Answer:

“In an outbreak situation, the private sector **cannot afford for government to fail!**”

Governments are facing multi-level budget deficits—federal, state, & local.

In an outbreak, government is going to **need** the **help** of the private sector.

INSTITUTE of PUBLIC HEALTH LAW



## A Reminder for the 21<sup>st</sup> Century



### Rediscovery of public health

- 40 years ago U.S. businesses realized they were in the business of **health care**.
- Now, multi-national corporations are learning that they are in the business of **public health**:
  - Supply chains impacted by international public health events
  - Interruptions of global markets & employees travel
  - New business opportunities & risks

## Question



Which of the following legal/policy issues are particularly important to both public health and business for economic recovery after a disaster?

- A. Wage replacement & “grace periods” for paying bills**
- B. Temporary support for displaced populations**
- C. Temporary regulatory waivers**
- D. All of the above**

## Legal & Policy Issues in PH Economic Recovery



- Common sick leave policies
- Wage replacement & “grace periods” for paying bills
- Viability of insurance coverage
- Temporary support for displaced populations
- Liability protection (individual & entities) helping recovery
- Compensation for personal injury & property taken
- Community, national, & international recovery strategies
- Temporary regulatory waivers
- Remediation and clean up protection
  - Radiation, chem., & bio. exposure assessment
  - Long range monitoring & health care tracking
- Revisions to international health regulations

INSTITUTE of PUBLIC HEALTH LAW



## A Tale of Two Cities



Where are we **now**?

**What** just happened?



INSTITUTE of PUBLIC HEALTH LAW

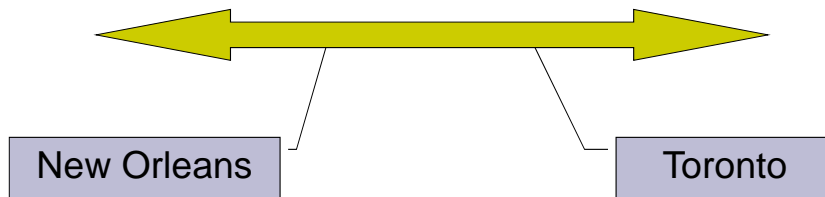


## A Tale of Two Cities: Why?



**Divisiveness  
Panic**

**Social  
Cohesion**



INSTITUTE of PUBLIC HEALTH LAW



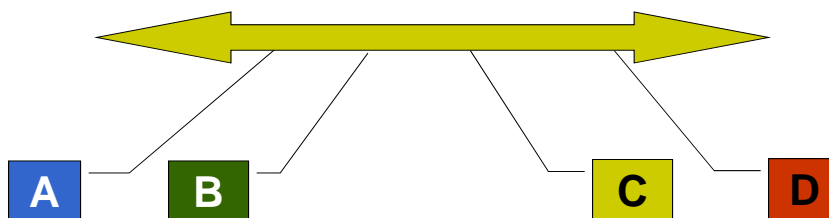
## Question



On this continuum between divisiveness and social cohesion my community is:

**Divisiveness  
Panic**

**Social  
Cohesion**



INSTITUTE of PUBLIC HEALTH LAW





## The Toronto Example of the Red Zone 2003 SARS



- 30,000 “voluntary” quarantines over 3 months
- 27 formal quarantine orders
- 1 appeal (withdrawn)

**Divisiveness &  
panic**



**More social  
cohesion**

- Toronto experienced a temporary shift increasing social cohesion.
- Compliance with quarantine directives was substantial.
- One example of how a culture temporarily changes.

INSTITUTE of PUBLIC HEALTH LAW



CDC FOUNDATION

## A “Tipping Point” for SARS Leadership in Toronto



On the day that the large medical convention cancelled in Toronto, the **center** of leadership **shifted**:

A **health**  
problem for  
**government**  
leaders to solve



An **economic**  
problem for  
**business**  
leaders to solve

INSTITUTE of PUBLIC HEALTH LAW



CDC FOUNDATION

# Roadmap



May 1 to all-clear

Mid-May to July 30

Post all-clear and beyond

## Phase 1:

### Grassroots Engagement and Assurance

- Assurance advertising
- Convention damage control
- Strategic media/trade relations focus groups
- "WHO lifting"
- Corporate outreach
- ALL CLEAR – announce events
- Ongoing research

## Phase 2:

### Rally Toronto Events and Festival Support

- Festival/event support advertising and retail packaging
- Toronto events
- Trade relations/Fam trips/sales missions
- Celebrity/influencer
- "WHO lifting"
- Trade development initiatives
- Corporate outreach
- Ongoing research

## Phase 3:

### Marketplace Outreach

- Recovery advertising
- Convention development
- Strategic media relations
- Media tour
- Joint Marketing Agreements with trade partners
- On-line campaign
- Fam trips
- Celebrity/influencer
- Ongoing research

INSTITUTE of PUBLIC HEALTH LAW



# Air Canada's Marketing Tools



## Creation of a web site

The screenshot shows the Air Canada website interface. At the top left is the 'Canada Loves Toronto' logo. A main banner reads 'Great Deals for your long weekend in Toronto...'. Below this are several promotional tiles: 'Flight Deals' (Fly for less to your Toronto getaway), 'Hotel Deals' (Take advantage of spectacular room rates), 'Car Deals' (Hit the road at amazing low rates), 'Great Entertainment' (Exciting entertainment packages at amazing prices), 'Shopping' (Shop in style with these great deals), 'Restaurant Packages' (Dine out with these irresistible offers), 'Great Attractions' (Experience Toronto's myriad of cultures & attractions), 'Bus Deals' (Hop on the bus for less), and 'Rail Deals' (Take the train and save). A central image shows the Toronto skyline at night. The footer includes 'Copyright © 2003 Air Canada | Notice' and 'Brought to you by Air Canada'.

INSTITUTE of PUBLIC HEALTH LAW



## Air Canada's Marketing Tools



### Bus Deals

Hop on the bus  
for less



### Rail Deals

Take the train  
and save



Brought to you by Air Canada

INSTITUTE of PUBLIC HEALTH LAW



## Initial Lessons of Toronto



### The biggest lessons

The "Balance of Governance" is **significantly**  
(if only temporarily) **altered** during an emergency.

**Business** and **Public Health**  
need to build **bridges** with  
each other **before** a crisis.



Lessons from Toronto are readily  
**understandable** and are **transferable**  
to other settings.

INSTITUTE of PUBLIC HEALTH LAW



## The Full Report on Toronto



### *The Public/Private Response to Sudden Disease Outbreak*

Prepared by CDC Foundation's  
Institute of Public Health Law  
for the Alfred P. Sloan Foundation

[www.cdcfoundation.org](http://www.cdcfoundation.org)

INSTITUTE of PUBLIC HEALTH LAW

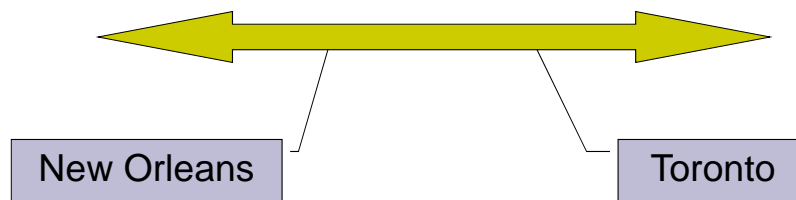


## A Tale of Two Cities: Why?



**Divisiveness  
Panic**

**Social  
Cohesion**

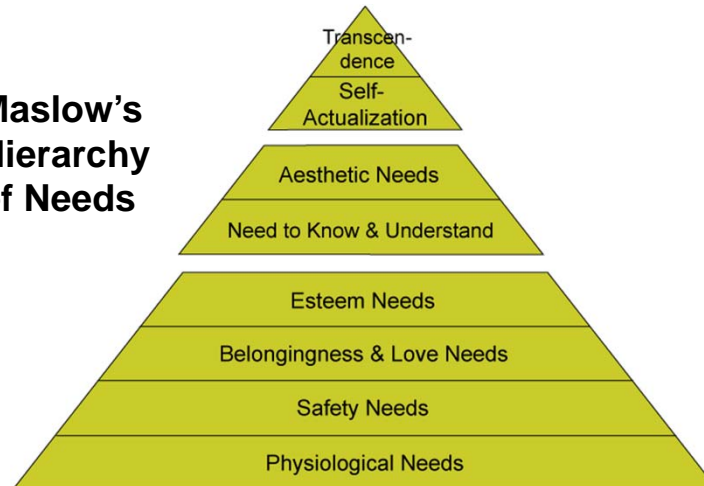


INSTITUTE of PUBLIC HEALTH LAW



## Where Does “Communication” Fit?

### Maslow's Hierarchy of Needs



INSTITUTE of PUBLIC HEALTH LAW



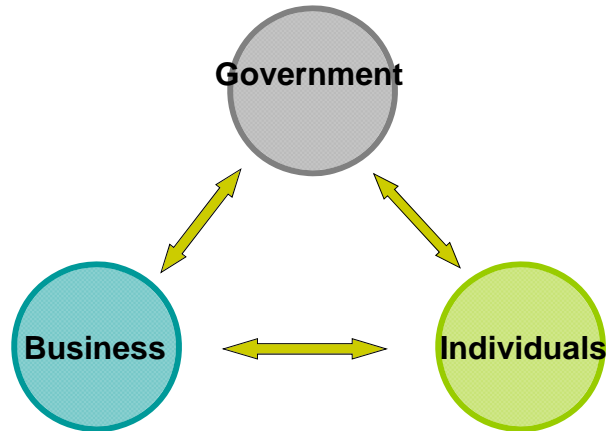
## Some Comparisons: Toronto (T) & New Orleans (N.O.)

- N.O. communication systems knocked out.
- N.O. experienced shortages of food, water, shelter, security, transportation, etc.
- T had unified health care system directly linked to the public health system.
- Both had serious problems with leadership **linkages** at city/state (provincial) /national levels.
- SARS **initially** impacted T's **higher** socio-economic class: int'l travelers + HCW's.
- Hurricane displaced **all** of N.O., but persons w/o resources had limited options to evacuate.
- **Both** business communities reacted quickly.

INSTITUTE of PUBLIC HEALTH LAW



## The Green Zone: Normal Times

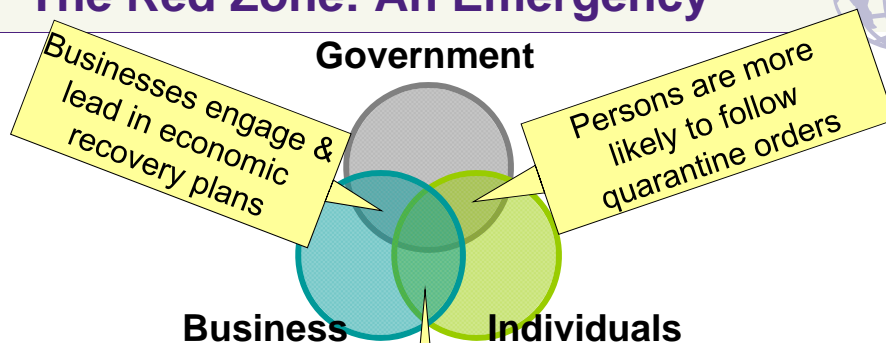


Normally, there is distance between these entities because of different goals, agendas, & strategies

INSTITUTE of PUBLIC HEALTH LAW

CDC FOUNDATION

## The Red Zone: An Emergency

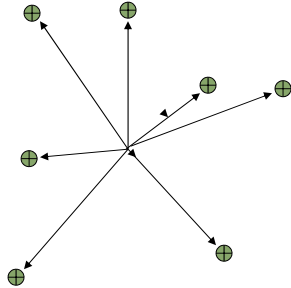


Relationships are altered during an emergency—we need to **plan** for it...**now**.

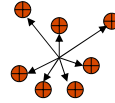
INSTITUTE of PUBLIC HEALTH LAW

CDC FOUNDATION

## Temporary Cohesion During Emergencies



“Normal” distance between entities

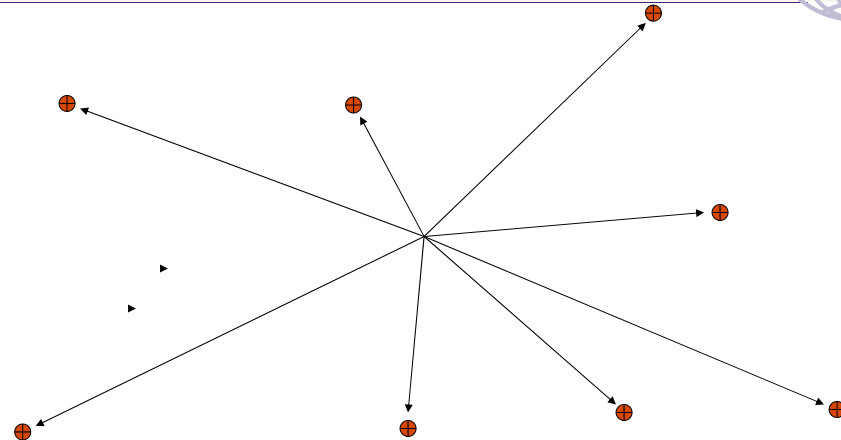


Emergency situation: entities may draw closer

INSTITUTE of PUBLIC HEALTH LAW



## But...A VERY Severe Disaster Can Become Chaotic



In certain **extreme situations** entities may severely separate: **ANARCHY**

INSTITUTE of PUBLIC HEALTH LAW



## Local Public Health and the Law November 21, 2005



Where are we **now**?

**What** just happened?

Where do we go **next**?



INSTITUTE of PUBLIC HEALTH LAW



## New Challenge



Rx: Build new bridges



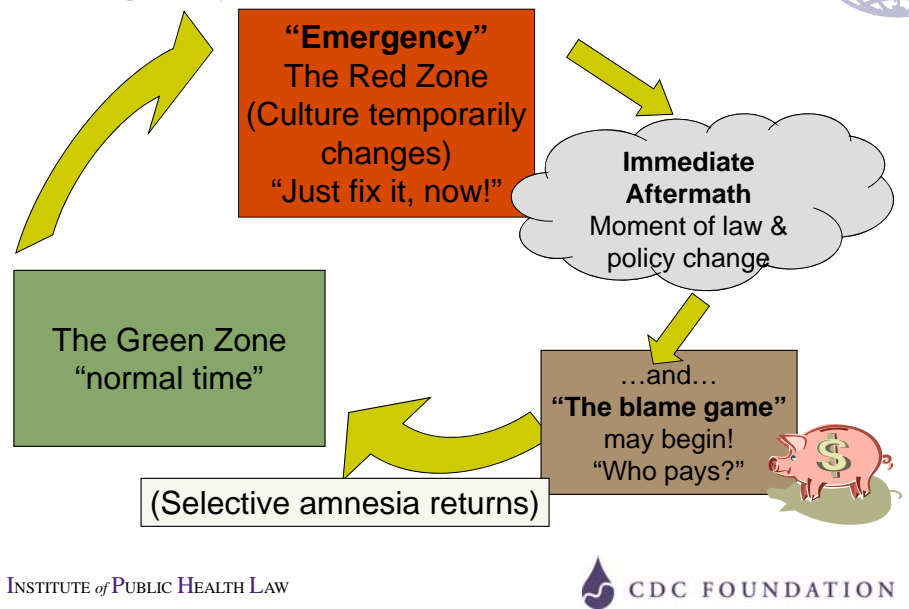
(The **law** can assist in building bridges!)

INSTITUTE of PUBLIC HEALTH LAW





## Law/Policy Change in Public Health Emergency



## What Can Business & Legal Communities Do?

1. Verify that Governments are ready.
  - “Legal & institutional frameworks”
2. Build external preparedness networks.
  - Geographically & industry-wide
3. Prepare for moments of change.
  - Leadership arrangements will shift.
  - Laws & policies will change.
  - Global economies will react.

## Why should public health care?



### Answer

Public health is facing decreasing political traction.

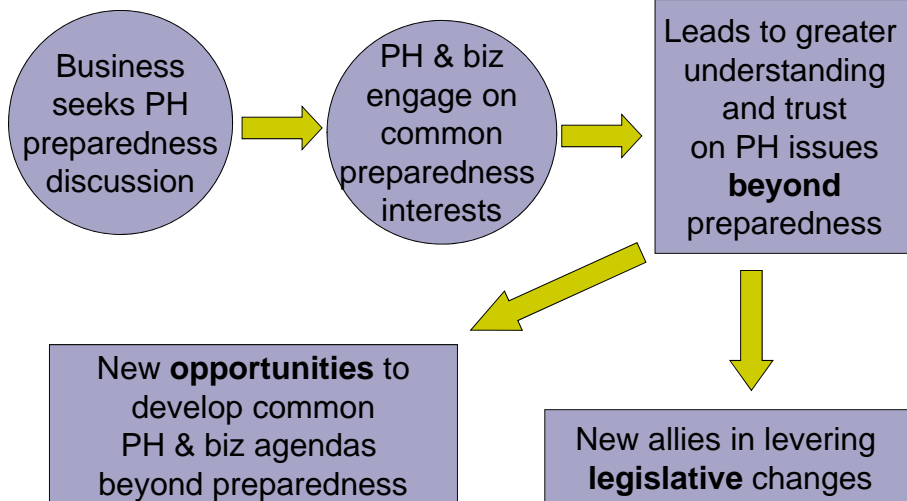
The business community **now** wants to engage public health in a discussion on **preparedness** issues.

This is an **opportunity** to develop **relationships** and **alliances** that can be of great value to public health on **other** issues.

INSTITUTE of PUBLIC HEALTH LAW



## Connecting the Dots



INSTITUTE of PUBLIC HEALTH LAW



## What Can Public Health Do to Maximize This Rare Opportunity to Engage Business?



1. Look to historical precedents: “Business Responds to AIDS,” NORA, etc.
2. Develop PH awareness of this opportunity
3. Train to develop skills to understand and engage the business community
4. Build upon interdisciplinary networks for public health / business exchanges
5. Search for “alignment of interests”

INSTITUTE of PUBLIC HEALTH LAW



## New Challenge




Rx: Build new bridges



(The **law** can assist in building bridges!)

INSTITUTE of PUBLIC HEALTH LAW





**Institute of  
Public Health  
Law**

**Gene W. Matthews, J.D.  
CDC Foundation**

**50 Hurt Plaza, Suite 765  
Atlanta, GA 30303  
(404) 373-1276  
MatthewsPHLaw@aol.com**