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# *Environmental Nuisances and Political Contestation in Canadian Cities: Research on the Regulation of Urban Growth's Unwanted Outcomes*

*Owen Temby*

Nuisances (e.g., noise, smoke, odours, blight, unwelcome flora and fauna) have historically represented substantial challenges to the liveability and overall prosperity of economically diversified urban areas. Their intractability relates to their paradoxicality: they are both a result of and hindrance to local economic activity. We can intuitively think of many ways in which this paradox finds expression in the political theatre of the urban growth machine. Nuisances pit locally oriented businesses against those using the city's amenities (e.g., skilled labour and access to distribution channels) to generate products for broader markets, short-term profiteers against stewards for the region's long-term development, and, of course, homeowners and recreational property owners against airports and heavy industry. As their conflicts are channelled through the political system, elected officials and city planners become implicated in formulating and implementing a collectively binding outcome. Whatever shape it takes—be it a comprehensive planning program, a nuisance bylaw with a bureaucratic office undertaking enforcement, or no action at all—it represents an attempt by government officials to balance competing articulations of the imperatives for economic prosperity and, ultimately, to arrive at an acceptable (albeit, fleeting) resolution to the nuisance-growth paradox inherent in modern urban life.

The historical study of urban nuisance contestation in North America (including Canada) has blossomed in the past decade and a half, accompanying the firm establishment of environmental history as an interdisciplinary issue area within the formal discipline of history and the increasingly formal discipline of environmental studies. This proliferation of research has built upon contemporaneous and historical studies in other disciplines aimed at explicating theoretical points specific to debates in those fields.<sup>1</sup> Collectively they are necessary to enrich the historical record, but they also serve as historical context for theory building and knowledge development relevant for making sense of contemporary efforts to manage the contradictions inherent in the process of urbanization. Yet considerable gaps in knowledge persist, limiting our capacity to track temporal change and

continuity in North America and Canada. It is time to examine this interdisciplinary urban-political-historical-environmental domain again.

This special issue of *Urban History Review/Revue d'histoire urbaine* explores political contestation over urban nuisances with a specific focus on Canadian cities. We ask, How have Canadian governments responded to urban nuisances and, in doing so, balanced the imperatives of growth and liveability? Who have been the leaders in formulating policy and encouraging action (e.g., government officials, business elites, property owners, engineers) and how have their interests been represented? Recent studies have spelled out a special role for technology in facilitating “ecological modernization” solutions to nuisances, bringing about relief in an economical way while concurrently enabling businesses to pursue economic activity with minimal disruption.<sup>2</sup> Thus, we further ask, to what extent has the availability of abatement technology enabled mutually acceptable outcomes among concerned political actors?

For the historical accounts herein, we adopt a broad understanding of what constitutes an urban nuisance. They are socially constructed *as nuisances* and, as such, have mutable identities as they are discursively represented by interested individuals and organizations and as these actors' imperfect understanding of the environmental problem's social costs shifts (often seamlessly) with the introduction of new ostensibly reliable knowledge. One person's or one era's nuisance is another's public health threat, to the extent that such a distinction is made. We thus consider as a nuisance any contemporaneously acknowledged environmental pathology resulting from economic activity and impinging upon the urban milieu. This includes, but is not limited to, noise, smoke and smog, odours, weeds, animals, and unattractive buildings.

The objective of this introduction to the special issue is to provide an overview of the authors' contributions and suggest a conceptual framework for understanding the process and outcomes of political contestation over urban nuisances. Below

I argue for an approach based on the mobilization of locally oriented economic elites politicizing the issue and the results of their advocacy (i.e., whether it resulted in an identifiable abatement program). In doing so, I review scholarly accounts of this process and attempt to situate the special issue's contributions within this literature.

### ***Nuisances and Political Contestation***

Numerous historical studies have described political contestation and policymaking over the problem of urban nuisances in an either Canadian or American context.<sup>3</sup> Recent scholarship focuses on weeds and unattractive trees, noise, river pollution and surface water, and air pollution (including odours and smog).<sup>4</sup> These studies exhibit a diversity of normative concerns and empirical lines of inquiry, including the evolution of views about what constitutes a nuisance, the respective roles played by different actors in developing an abatement program, and the class-based inequality of access to environmental values and exposure to nuisances.<sup>5</sup> Yet underpinning this diversity remain important commonalities, in particular, the association of urban economic elites with the formulation of substantive policy outcomes to address the malady of modern city life. The specific stripe of economic elite differs, depending on the study's focus and issue area, but among the those frequently identified are upper-class women's clubs, local chambers of commerce, urban newspapers, and horticultural societies (a popular form of elite social club during the final decades of the 1800s and the early 1900s). Taken together, such studies suggest a primacy of place for wealthy urban dwellers in providing the political incentive to address nuisances.

While it is not obvious that things should unfold this way (since the policy process could conceivably have been led instead by local civil servants, politicians, or aggrieved middle-class residents), it should not come as a surprise. After all, the findings are consistent with urban regime theory, a well-established approach to understanding urban-planning outcomes based on the behaviour and composition of elite governing coalitions.<sup>6</sup> According to this theoretical lens, cities are best understood as "growth machines" that undertake costly measures (such as developing infrastructure and funding public schools) to cultivate a favourable business climate.<sup>7</sup> Harvey Molotch contends, "The desire for growth provides the key operative motivation toward consensus for members of politically mobilized local elites."<sup>8</sup> In a study of urban economic elites and air pollution politics, George Gonzalez argues that addressing this nuisance through public policy is "functional to the operation of the market and to the realization of profit," in response to the deleterious effects it has on local growth and property values. Similarly, other studies have found that urban economic elites with fortunes tied to the locale do not behave on air pollution, for example, in the same way as heavy industrial interests located within or near the city but are more concerned with the condition of the broader economy and market for their manufactured goods.<sup>9</sup> According to this view, local economic elites are not unusually virtuous citizens with altruistic intentions; rather, abating the nuisances that make cities

less liveable is a way of resolving the nuisance-growth paradox and facilitating the further accumulation of wealth.

That said, not all urban nuisances are addressed successfully (or at all) in response to the efforts of well-heeled local activists. Sometimes they try, yet are unable to secure a vigorous policy program addressing the problem. In other instances, nuisance abatement policy (especially clean air policy) has been marketed deceptively to the public, promising to achieve much but actually doing little. One form occurs when heavy industrial interests and local governments claim that aggressive actions are already underway, in order to neutralize potential opposition, effectively "heading it off at the pass." Research on the conditions that have contributed to this and other variations in policy processes and outcomes could substantially refine our understanding of how cities and their leaders have historically dealt with nuisances. When local activists are mobilized, what influences their success? What features of the urban economy matter—e.g., its level of diversification, its relative domination by one or several nuisance offenders?

As an organizing framework for analyzing the process of political contestation over urban nuisances and distinguishing between scenarios, I suggest a bipartite distinction between (1) the politicization of the nuisance issue (i.e., the extent to which local activists are mobilized in seeking to mitigate or eliminate it), and (2) whether or not a policy outcome (e.g., a bylaw, statute, program, a specific action) resulted that purportedly or ostensibly dealt with the problem. The resulting four scenarios are shown in table 1. The most obvious is a series of events in which a mobilized group of local (usually elite) activists advocates for relief from a nuisance and receives an outcome roughly consistent with what they sought. Even in cases of successful activism, the resolution of the problem often takes the form of a compromise with the producers of the nuisance, but this still represents a success because the issue has been addressed in a way that brought about a substantive improvement. A case study on this scenario can be fairly straightforward to conduct, since the actors and the policy change are readily identifiable.

Another possibility is that these mobilized activists appeal to public officials and try to negotiate with offenders, yet cannot obtain a resolution to the nuisance problem. Especially when the firms contributing to the nuisance are important for the vibrancy of the local economy, it is possible that no mutually acceptable solution could be found, and the result is a failed compromise. This can have sizeable implications for the trajectory of growth in a region. As Don Munton and I show in our contribution to this special issue, the farmers of Sudbury, Ontario, never received the smoke relief they sought during the First World War from the region's smelting industry. After the resulting persistent crop damage, farming thereafter diminished in the Sudbury district.

As stated above, research suggests a special role for technology in determining whether such a compromise can be reached and the growth-nuisance paradox adequately resolved. In *The Politics of Air Pollution*, Gonzalez shows that in Chicago during

*Table 1: Political Contestation and Policy Outcomes*

Politicization	Nuisance abatement program?	
	Yes	No
High (vigorous local activism)	Substantive policy	Failed compromise
Low (absent or minimal local activism)	Symbolic policy	"Un-politics"

the late nineteenth century and early twentieth century, local elite pollution-abatement activists were unable to secure reductions because the technology to do so in a way that would not ostensibly harm the local economy was unavailable.<sup>10</sup> Using the comparison case of Los Angeles's moderately successful clean air programs of the 1940s and 1950s, he contends that solutions to air and water pollution are mutually acceptable to local elites and heavy industry only if they can occur in a way that does not negatively affect urban economic activity. Thus, a decisive factor in whether or not mobilized activists are successful is the availability of an economical "ecological modernization" solution to the problem, enabling compromise involving the utilization of technology. Ryan O'Connor and I made similar observations in a Canadian context with our study of acid rain politics in Ontario during the late 1970s and 1980s.<sup>11</sup> We found that after an initial push by the province's landed interests failed to secure substantial reductions from the major polluters (who were able to credibly claim that such reductions were not economically feasible), a breakthrough occurred only when the availability of reliable and inexpensive technology enabling acid rain precursor abatement became clear. At that point, government negotiators and activists could participate in formulating policy that would help Ontario's tourism industry without harming the heavy industrial firms.

Instances of low nuisance politicization are noteworthy, too, although they are trickier to detect and analyze. Sometimes a nuisance program comes about for which there was little or no activism by the actors who would seem to benefit from the relief. This is especially true at times when there is vague (yet potentially intense) public anxiety about a problem the public knows little about. "They" want some sort of assurance that the problem is being addressed. Government officials, observing the salience of the issue, respond with what Murray Edelman famously called "words that succeed and policies that fail."<sup>12</sup> This scenario is represented in the lower left quadrant of table 1. As Matthew Cahn describes the context for symbolic policy, "It is the need for reassurance that predisposes mass society to be vulnerable to symbolic representations of reality. Symbolic policy, then, is an effort of policy elites, who, through their social position or ability to marshal [sic] the requisite political resources, are able to manipulate public opinion and engineer consensus."<sup>13</sup>

To provide one example of symbolic nuisance law, in my research on the 1967 Ontario Air Pollution Control Act (SO 1967, c 2, s 7), I found that the statute was passed in the absence of

interest group pressure for a law improving urban air quality or transferring clean air policy into provincial jurisdiction (as the law did).<sup>14</sup> Rather, the political context encouraging the creation of the statute consisted of (1) nebulous yet intense public anxiety over the problem of air pollution, and (2) concern of Ontario's heavy industrial interests that this political mood would translate to individual air pollution bylaws in different cities. The result was a provincial statute promising to address the problem by expanding the province's role, yet that actually dismantled Toronto's more intensive clean air program and was not aggressively implemented province-wide.

The term *un-politics* (the lower right quadrant of table 1) is taken from Matthew Crenson's *The Un-Politics of Air Pollution*, which provides an account of how a problem addressed elsewhere during the 1960s and earlier (urban air pollution) was avoided politically in the steel industry town of Gary, Indiana, during the same period. In this scenario, an urban political culture—potentially facilitated by the presence of an economically dominant heavy industrial firm or sector—suppresses activism that would appear to undermine the basis for the city's wealth. This does not necessarily have to consist of overt threats, since the mutually held understandings among local professionals, business people, and elected leaders about the interests of the firms underpinning the local economy may be enough to create a climate unfavourable to political contestation. These important people accept that the status quo should not be challenged and make limited gestures toward abating a particular nuisance. For example, Crenson argues that the air pollution abatement program that the Gary, Indiana, government *did* eventually implement was mild, not because the large steel firm requested this, but because the elected official writing it knew that nothing severe or aggressive would be acceptable. Such stories are particularly challenging to examine because they are non-events in governance. There is no conflict, bylaw, statute, or other typical focal point for research. A promising possibility for the researcher is to develop an account of the repressive system in place and locate snapshots in the historical record of when a challenge to the system emerged and see how the system dealt with it. "Un-politics" stories can then be told partly in terms of what is revealed on the occasion that political struggles bubble from below the surface.

Although table 1 places the four scenarios in different boxes, in reality the distinctions among them are not clear cut. Abatement programs are never entirely successful or effective, and they serve some sort of symbolic function even if they are. Industry-dominated cities will typically make symbolic gestures to nuisance abatement even if they concurrently sideline dissent. We can thus think of each of these four scenarios as ideal typical locations along two continuums, with a particular case study somewhere on the two-dimensional plane. Given these categories of political contestation over urban nuisances, how do the historical studies contained in this special issue compare? This topic is discussed in the next section.

### **Overview of the Special Issue**

This special issue consists of three research articles on efforts to regulate urban environmental nuisances in Canadian cities. In the first research article, "National and Local Definitions of an Environmental Nuisance," Stéphane Castonguay and Vincent Bernard examine political contestation between local growth interests and heavy industry over the regulation of water pollution in postwar Quebec. Their account consists of case studies organized around three river basins, describing the policies of six urban areas addressing water quality and the activists participating in the process. Consistent with the many studies on urban nuisance policy noted above, Castonguay and Bernard observe that the political incentive to address water quality derived from local businesses and growth coalitions seeking abatement of the industrial pollutants harming tourism and recreational uses. However, and perhaps predictably, rather than regulate these economically important firms, the Quebec government sought instead to develop water-quality programs and policies requiring that municipalities improve their wastewater treatment capacity and processes. As the authors allude to in the title of their article, the national response involved a subtle redefinition of the water-quality problem. While the local definition, promulgated by the local growth coalitions, depicted water pollution as an ecological and aesthetic issue, with a proposed response centred on limiting industrial effluents and agricultural runoff, the national definition used by the province described a public health issue related to untreated human waste. The outcome in the following decades was a small improvement in the water quality of the three river basins, at considerable public expense. In terms of the framework represented in table 1, the policy response represented a substantive nuisance abatement program due to its scale and the fact that it was responding to a salient problem. Yet, consistent with the findings of other studies of urban nuisances mentioned above, the outcome represented a compromise enabling industry to maintain operations unimpeded.

The second article presents a decidedly less successful example of local activism aimed at addressing a nuisance. In "Smelter Fumes, Local Interests, and Political Contestation in Sudbury, Ontario during the 1910s," Don Munton and I provide an account of the attempts by local elites in Sudbury and the Ontario provincial government to formulate a response to the problem of agricultural damage from smelter smoke. As we explain, the expansion of the region's nickel mining and processing industry during the First World War brought about air pollution that harmed other important parts of the local economy, particularly farming and the businesses reliant on it. Sudbury's local growth coalition, the Sudbury Board of Trade, responded with policy initiatives that were sufficiently weak to aptly reflect its conflicted views on how to enable two important sectors of the economy to coexist, and also its lack of jurisdiction over polluters outside city limits. Litigation by farmers and local business-oriented elites followed. Eventually, the cases became so numerous, and the threat of an injunction against the largest nickel smelting firm

so ominous, that the province passed a law in 1921 resolving the issue. The Damage by Fumes Arbitration Act (SO 1921, c 85) transferred all smelter fumes court cases to a dedicated arbitrator, thus ending the possibility of an injunction against the polluting firm and granting it more predictability in monetary settlements. In terms of table 1, this was a failed compromise between heavy industry and local business in that it brought about no nuisance relief. Given the findings of other studies of urban air pollution politics emphasizing the importance of technology in policymaking (noted above), perhaps the technological conditions did not exist for a mutually acceptable solution. As we explain, a lack of available and economical technology was not decisive in this case, since the technology to substantially limit emissions from the industrial operations was known. Ambivalence and lack of jurisdiction by the local interests, and the smelting industry's influence at the provincial level, appear to have been more important in bringing about this outcome.

In the third article, "Urban Environments and the Animal Nuisance," Sean Kheraj provides an account of regulation addressing another unwanted outcome of urban growth. Focusing on three urban areas (Montreal, Toronto, and Winnipeg) during the nineteenth century, he shows that the transformation of the urban environment during this period was similar across cities, and so was their regulatory response. The relevant heterogeneity was, rather, the wide-ranging challenges the economically important urban fixtures presented to city leaders. Domestic animals represented several different kinds of nuisances (e.g., pollution, physical hazards, property damage from trespass). Accordingly, the actors advocating for measures to manage domestic animals to abate these nuisances represented a similar diversity. Property owners, domestic animal owners, urban sanitary reformers, newspapers, and animal welfare organizations all, at various times, applied pressure for measures for better public management of these animals. As a result, municipal pound systems were created, and bylaws restricted the movement of animals, specified the appropriate means for waste disposal, determined compensation for damage, and eventually eliminated free-roaming animals from downtowns. Kheraj notes that the observation and enforcement of these bylaws was far from perfect. Yet by the end of the nineteenth century, and partly as a result of the regulations, the presence of domestic animals in Canadian cities had declined precipitously (and in the case of cattle and pigs, ceased). The policy measures taken to manage domestic animals, at a time when they were economically important yet led to considerable nuisances, should be viewed as substantive efforts to address the contradictions associated with urbanization and economic growth.

Although these studies cover events extending back well more than a century, the nuisance-growth paradox remains a contemporarily salient, albeit evolving challenge for Canadian cities. Canada's population is urbanizing while, concurrently, its cities are de-industrializing. As our growing urban areas transition from sites of production to sites of consumption, the imperative to manage nuisances becomes ever greater, even as the

sources transform and attenuate. Scholars and urban planners recognize that tomorrow's prosperous cities will be highly livable places that are uniquely interesting and safe for visitors and residents.<sup>15</sup> Efforts to make our urban areas more sustainable have much to gain from historical research identifying the political constraints that programs are likely to face, and the avenues likely to yield greater success. The contributions of this special issue of *Urban History Review/Revue d'histoire urbaine* represent an incremental yet important contribution to this burgeoning scholarly endeavour.

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### **Notes**

- 1 Important contemporaneous political science studies of urban air pollution policy include Matthew Crenson's classic text, *The Un-Politics of Air Pollution: A Study of Non-Decisionmaking in the Cities* (Baltimore: Johns Hopkins University Press, 1971); and James E. Krier and Edmund Ursin's *Pollution and Policy: A Case Essay on California and Federal Experience with Motor Vehicle Air Pollution 1940–1975* (Berkeley: University of California Press, 1977). Historical studies of nuisances in Canada by legal scholars include Donald N. Dewees and Michael Halewood, "The Efficiency of the Common Law: Sulphur Dioxide Emissions in Sudbury," *University of Toronto Law Journal* 42, no. 1 (1992): 1–21; and Jennifer Nedelsky, "Judicial Conservatism in an Age of Innovation: Comparative Perspectives on Canadian Nuisance Law 1880–1930," in *Essays in Canadian Legal History*, ed. David Flaherty, 281–322 (Toronto: University of Toronto Press, 1981).
- 2 In particular, George Gonzalez's *Politics of Air Pollution: Urban Growth, Ecological Modernization, and Symbolic Inclusion* (Albany, NY: SUNY Press, 2006); and Gonzalez, "The US Politics of Water Pollution Policy: Urban Growth, Ecological Modernization, and the Vending of Technology," *Capitalism Nature Socialism* 24, no. 4 (2013): 105–121; and Owen Temby and Ryan O'Connor, "Property, Technology, and Environmental Policy: The Politics of Acid Rain in Ontario, 1978–1985," *Journal of Policy History* 27, no. 4 (2015): 636–669.
- 3 Two less recent yet still relevant historical studies include Matthew Bray, "The Province of Ontario and the Problem of Sulphur Fumes Emissions in the Sudbury District: An Historical Perspective," *Laurentian University Review* 16, no. 2 (1984): 81–90; and Raymond W. Smilor, "Cacophony at 34th and 6th: The Noise Problem in America, 1900–1930," *American Studies* 18, no. 1 (1977): 23–38.
- 4 On weeds and trees, Zachary J. S. Falck, "Controlling the Weed Nuisance in Turn-of-the-Century American Cities," *Environmental History* 7, no. 4 (2002): 611–631; and Joanna Dean, "'Said Tree Is a Veritable Nuisance': Ottawa's Street Trees 1869–1939," *Urban History Review/Revue d'histoire urbaine* 34, no. 1 (2005): 46–57; on noise, Derek Vaillant, "Peddling Noise: Contesting the Civic Soundscape of Chicago, 1890–1913," *Journal of the Illinois State Historical Society* 96, no. 3 (2003): 257–287; and Peter A. Coates, "The

Strange Stillness of the Past: Toward an Environmental History of Sound and Noise," *Environmental History* 10, no. 4 (2005): 636–665; on urban river pollution and surface water, see Dany Fougères, "Surface Water in the Early Nineteenth Century," in *Metropolitan Natures: Environmental Histories of Montreal*, ed. Stéphane Castonguay and Michèle Dagenais, 85–100 (Pittsburgh: University of Pittsburgh Press, 2011); Wallace Scot McFarlane, "Defining a Nuisance: Pollution, Science, and Environmental Politics on Maine's Androscoggin River," *Environmental History* 17, no. 2 (2012): 307–335; on air pollution, David Stradling, *Smokestacks and Progressives: Environmentalists, Engineers, and Air Quality in America, 1881–1951* (Baltimore: Johns Hopkins University Press, 1999); Tom McCarthy, "The Coming Wonder: Foresight and Early Concerns about the Automobile," *Environmental History* 6, no. 1 (2001): 46–74; and Ted Moore, "Democratizing the Air: The Salt Lake Women's Chamber of Commerce and Air Pollution, 1936–1945," *Environmental History* 12, no. 1 (2007): 80–106.

- 5 See also Michèle Dagenais, *Montréal et l'eau: Une histoire environnementale* (Montreal: Boréal, 2011); and Ken Cruikshank and Nancy B. Bouchier, "Blighted Areas and Obnoxious Industries: Constructing Environmental Inequality on an Industrial Waterfront, Hamilton and Ontario, 1890–1960," *Environmental History* 9, no. 3 (2004): 464–496.
- 6 The classic article identifying and circumscribing the urban regime approach is Clarence N. Stone's "Urban Regimes and the Capacity to Govern: A Political Economy Approach," *Journal of Urban Affairs* 15, no. 1 (1993): 1–28. For other notable examples, see Stephen L. Elkin, *City and Regime in the American Republic* (Chicago: University of Chicago Press, 1987); and Roger Friedland, *Power and Crisis in the City: Corporations, Unions and Urban Policy* (New York: Schocken Books, 1983).
- 7 Clyde W. Barrow, "State Theory and the Dependency Principle: An Institutional Critique of the Business Climate Concept," *Journal of Economic Issues* 32, no. 1 (1998): 107–144; Paul E. Peterson, *City Limits* (Chicago: University of Chicago Press, 1981).
- 8 Harvey Molotch, "The City as a Growth Machine: Toward a Political Economy of Place," *American Journal of Sociology* 82, no. 2 (1976): 310.
- 9 Owen Temby, "Trouble in Smogville: The Politics of Toronto's Air Pollution during the 1950s," *Journal of Urban History* 39, no. 4 (2013): 669–689; Temby and O'Connor, "Property, Technology, and Environmental Policy."
- 10 Gonzalez, *Politics of Air Pollution*.
- 11 Temby and O'Connor, "Property, Technology, and Environmental Policy."
- 12 Murray Edelman, *Political Language: Words That Succeed and Policies That Fail* (New York: Academic Press of Harcourt Brace Jovanovich, 1977).
- 13 Matthew A. Cahn, *Environmental Deceptions: The Tension between Liberalism and Environmental Policymaking in the United States* (Albany, NY: State University of New York Press, 1995), 19.
- 14 Owen Temby, "Policy Symbolism and Air Pollution in Toronto and Ontario, 1963–1967," *Planning Perspectives* 30, no. 2 (2015): 271–284.
- 15 Notable examples of this expansive literature include Timothy Beatley, *Green Urbanism: Learning from European Cities* (Washington, DC: Island, 2000); Ann Dale, William Terrance Dushenko, and Pamela J. Robinson, eds., *Urban Sustainability: Reconnecting Space and Place* (Toronto: University of Toronto Press, 2012); and William Solecki, Karen C. Seto, and Peter J. Marcotullio, "It's Time for an Urbanization Science," *Environment: Science and Policy for Sustainable Development* 55, no. 1 (2013): 12–17.