

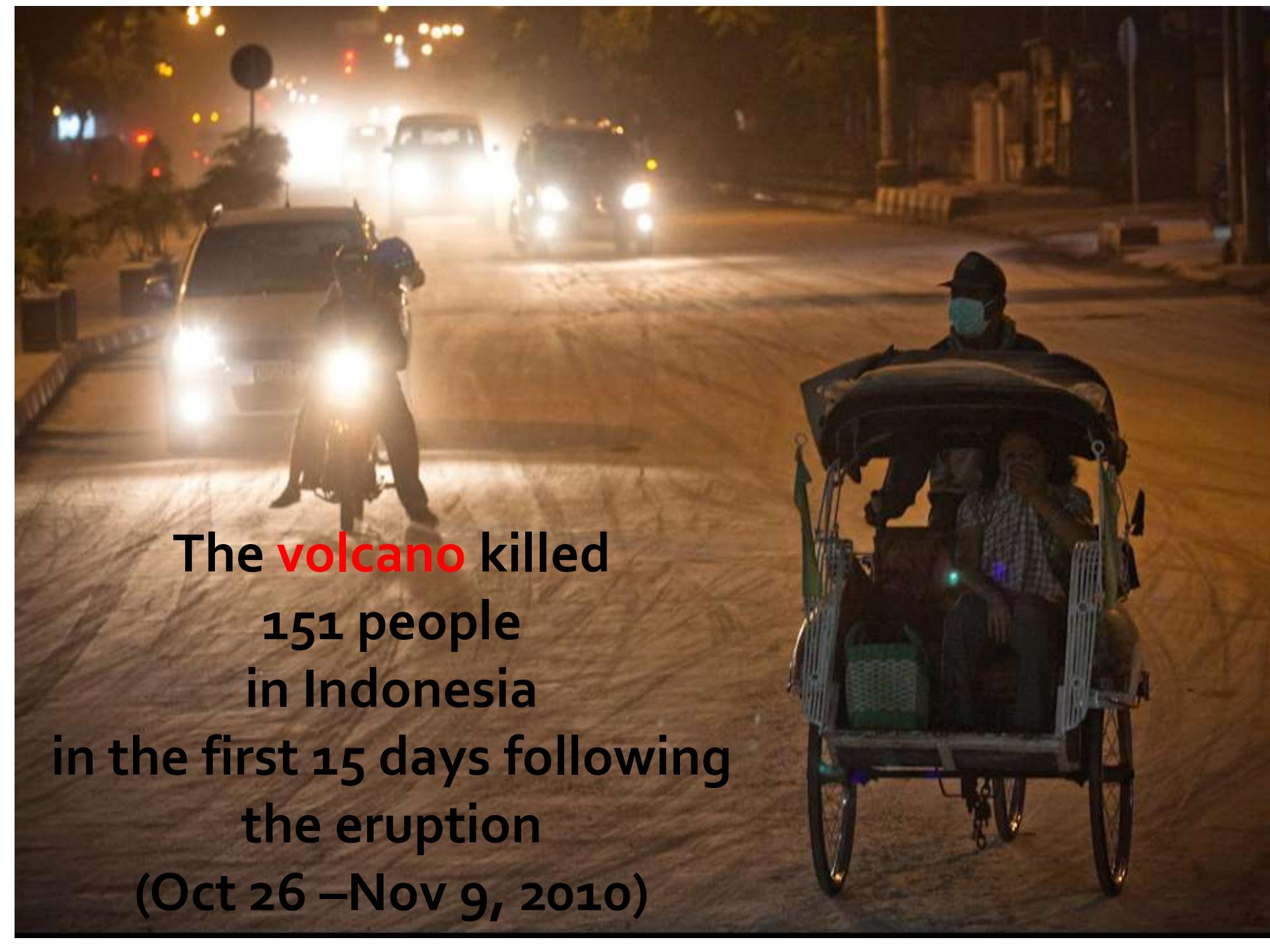
Aaron Schwid, J.D.
International Legal Consortium
Campaign For Tobacco-Free Kids

Tobacco Control Best Practices – Smoke-Free Environments

How can we Protect Ourselves from a Volcano?

A photograph of Mount Merapi, an active volcano in Java, Indonesia. The volcano is shown in profile, its dark, rocky slopes covered in patches of snow or ice. A massive, billowing plume of grey and white smoke and ash rises from the crater at the top of the mountain, filling the upper half of the frame. The base of the mountain is obscured by a dark silhouette of trees and foliage.

Mt. Merapi
Java, Indonesia



The **volcano** killed
151 people
in Indonesia
in the first **15** days following
the eruption
(Oct 26 – Nov 9, 2010)

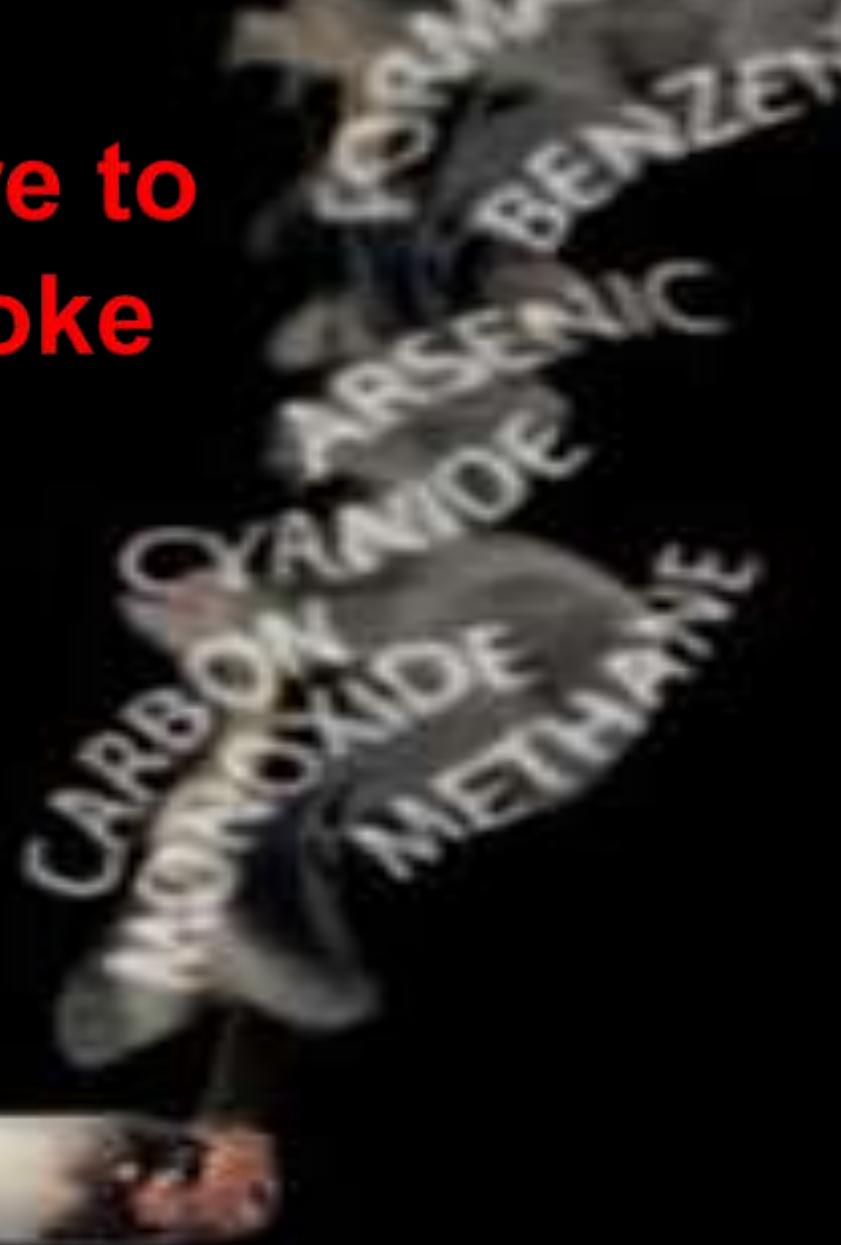
**Tobacco killed
over 8,200 people
in Indonesia
in the first 15 days following
the eruption
(Oct 26 – Nov 9, 2010)**

200,000 people
each year
die
from tobacco-related diseases
in Indonesia

Key tobacco control policies to reduce disease and death caused by tobacco use

- 100% Smoke-Free Indoor Public Places, Workplaces, and Public Transport, at a Minimum
- Comprehensive Ban on all Forms of Tobacco Advertising, Promotion and Sponsorship
- Health Warnings on Tobacco Products – including Eliminating Misleading Descriptors such as “Light,” “Low,” and “Low Tar”

Harms of Exposure to Second-Hand Smoke and Myths about Smoke-Free Legislation



Which emits more particulate matter into the air in 30 minutes, a 2L diesel engine or 3 smoldering cigarettes?



The Cigarettes!

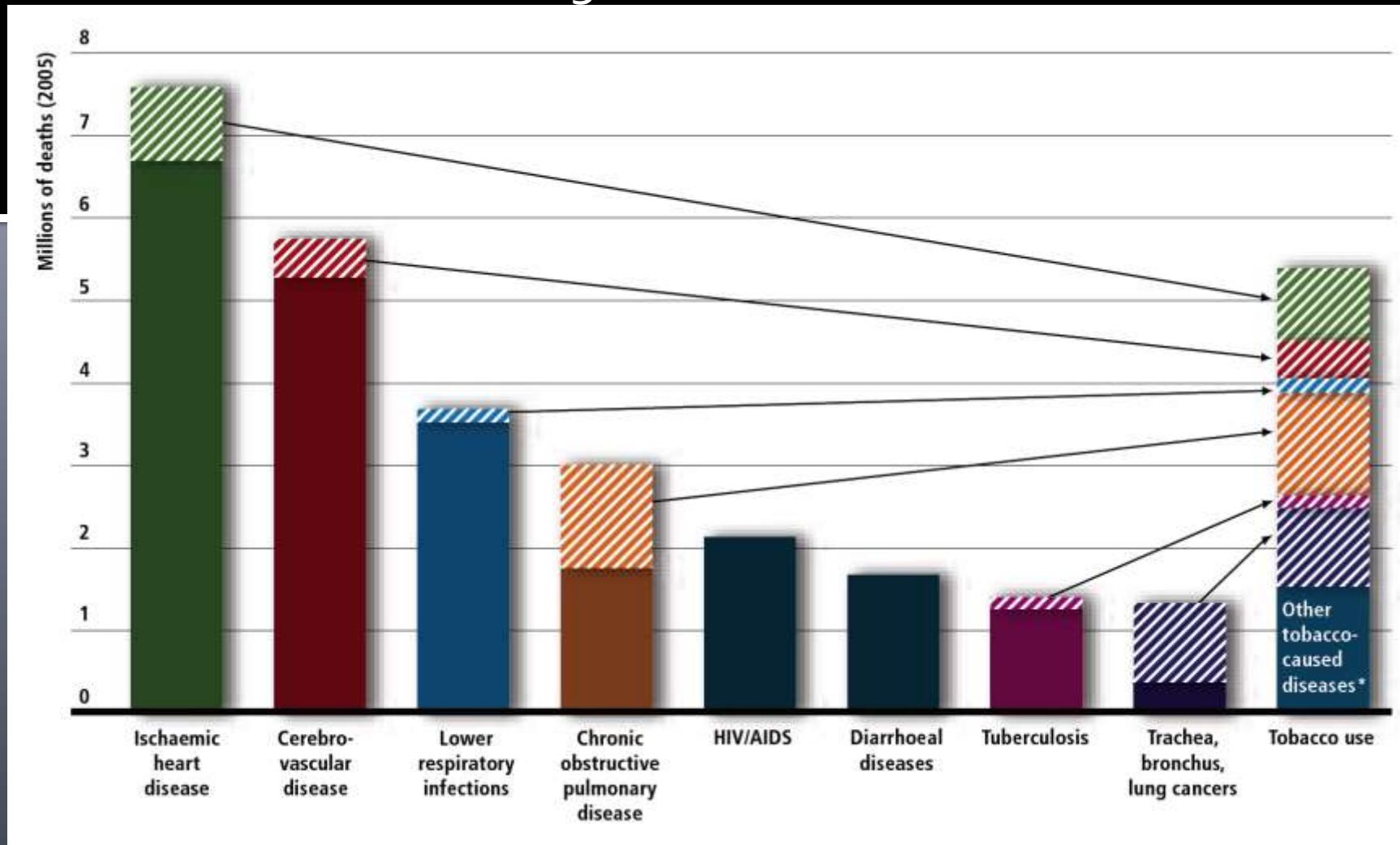
- 3 Cigarettes emit 10-15 times more total particulate matter than is in diesel exhaust
- Particulate matter is linked to aggravated heart and respiratory diseases.

Example	Common Use
Carbon Monoxide	Gas in car exhausts
Copper	Electric wiring
Tar	Road surfaces
Nicotine	Pesticide
Acetone	Paint stripper
Ammonia	Cleaning agent
Arsenic	Rat poison
Benzene	Petrol fumes
Butane	Lighter fuel
Formaldehyde	Embalming fluid
Hydrogen cyanide	Poison in gas chamber
Methanol	Rocket fuel
Methane	Swamp gas
Toluene	Industrial solvent
DDT	Banned insecticide
Radon	Radioactive gas
Poisonous	Radioactive fallout

**Tobacco Smoke
contains
over 4000
chemicals.**

**Nearly 70 are
known
or
suspected
human
carcinogens**

Global Crisis: Tobacco Is a Risk Factor for 6 of the 8 Leading Causes of Death Worldwide



Exposure to Tobacco Smoke

Secondhand smoke causes:

- Cancer
- Heart disease and stroke
- Chronic lung ailments
- Respiratory infections
- Low birth weight
- Sudden Infant Death Syndrome
- Eye and nasal irritations



Exposure to Tobacco Smoke

- Just 30 minutes of exposure activates platelets as much as those of pack-a-day smokers

Activated platelets can:

- Damage the lining of arteries, leading to heart disease
- Can form blood clots, causing a heart attack or stroke.



Tobacco Smoke and the Workplace

Cancer harms in the workplace

- 24% increased lung cancer risk
- 50% increased risk with 30 years of exposure
- 100% increased risk in highly exposed employees



True or False?

If smoking is prohibited inside,

smokers will just go outside

to smoke.

Smoke-free Helps Smokers Quit

Philip Morris Internal Document: Impact of Workplace Restrictions on [Cigarette] Consumption and Incidence

"1. Total prohibition of smoking in the workplace strongly affects industry volume. Smokers facing these restrictions consume 11%-15% less than average and quit at a rate that is 84% higher than average."

"2. Milder workplace restrictions such as smoking only in designated areas, have much less impact on Quitting rates and very little effect on consumption."

PHILIP MORRIS U.S.A.

INTER-OFFICE CORRESPONDENCE

120 PARK AVENUE, NEW YORK, N.Y. 10017

TO: Louis Suwarna

DATE: January 22, 1992

FROM: John Neironimus

SUBJECT: Impact of Workplace Restrictions on Consumption and Incidence

In the attached, information obtained from the POL and Tracking databases was analyzed in order to estimate the impact of workplace restrictions on industry volume. Although Tracking data is probably more representative, it does not provide the historical or longitudinal data available from the POL database.

Summary of Major Findings

1. Total prohibition of smoking in the workplace strongly affects industry volume. Smokers facing these restrictions consume 11%-15% less than average and quit at a rate that is 84% higher than average. Only 6.4%-10.3% of smokers face total workplace prohibition but these restrictions are rapidly becoming more common.
2. Milder workplace restrictions, such as smoking only in designated areas, have much less impact on quitting rates and very little effect on consumption.
3. Smokers not in the labor force (retired, unemployed, housewives, etc.) quit at a rate 21% above average and have also reduced their consumption noticeably over the last few years. These smokers may be much more sensitive to price increases, economic volatility and health concerns.
4. From 1987 to 1991, the industry lost an estimated incremental 1.7% (9.5 billion units) due to increasing workplace restrictions. If these trends continue, the industry will lose an additional 1.3% to 1.9% (8.4 to 11.4 billion units) from 1991 to 1996.
5. If smoking were banned in all workplaces, the industry's average consumption would decline 8.7%-10.1% from 1991 levels and the quitting rate would increase 74% (e.g., from 2.5% to 4.4%).

cc: D. Beran
L. Wexler

JH:cl

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Smoke-free Helps Smokers Quit



- The World Bank has concluded that smoking restrictions can reduce overall tobacco consumption by 4 – 10%



- Scotland – 400% increase in demand for cessation services in the three months before the law was implemented.



- Canada - smokers working in smoke free workplaces twice as likely to quit as smokers in workplaces where smoking allowed.

True or False?

There is a
“right” to smoke.

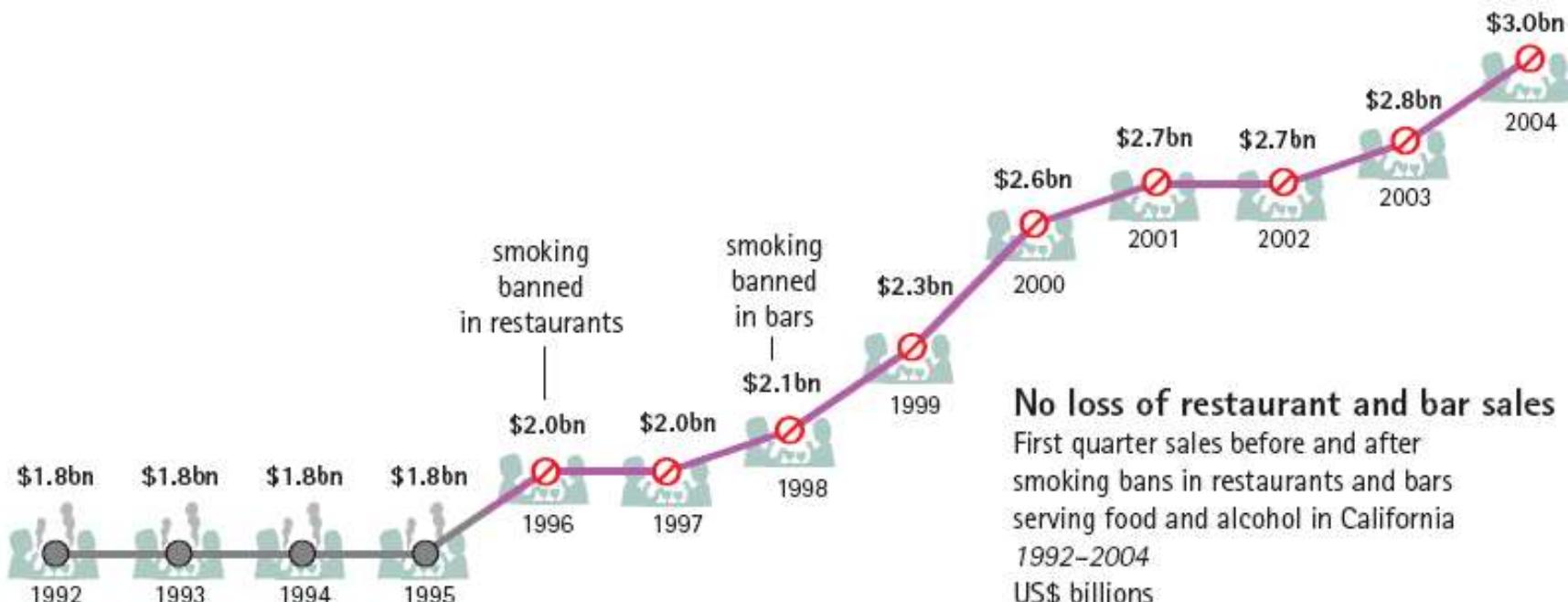
False!

- No court has found a “right” to smoke, much less one that outweighs the right to protection from harm caused by smoke exposure in public/work places
- Governments have **obligations** under the human rights treaties to which they are parties, and often constitutions, to protect health and life, including from harm by 3rd parties. In its preamble, the FCTC also acknowledges fundamental human rights.
- Indoor public place and workplace bans regulate *where* smoking is allowed, not *whether* smoking is allowed
- Threat to health and life from exposure (even brief exposure) is indisputable

True or False?

Businesses,
Especially Restaurants,
Will **NOT** Support Smoke Free Areas,
Because They Will Lose
Customers and Money

False!



No loss of restaurant and bar sales

First quarter sales before and after
smoking bans in restaurants and bars
serving food and alcohol in California
1992–2004
US\$ billions

California 1992-2004

Revenue Effects on Businesses

- Well designed studies across the globe report no impact or a positive impact of smoke-free restaurant and bar laws on sales and employment
- In UK, 20% of non-smokers reported frequenting pubs more often after the ban



Smoke-Free Laws Do Not Harm Businesses



- 2004 Zagat New York City Restaurant Survey:
23% of respondents are eating out more often
because of the city's smoke-free workplace law.
- Zagat's press release concludes, "***The city's recent smoking ban, far from curbing restaurant traffic, has given it a major lift.***"
- Michael O'Neal, former president of
the New York State Restaurant
Association said, "I feel strongly that it
is pro-business and pro-health to
eliminate smoking in all workplaces,
including restaurants. Smoke-free
workplace legislation is good for all
businesses, including the restaurant
business."



True or False?

New Ventilation Technology

Provides Effective Protection from

Secondhand Smoke.

False!

Ineffectiveness of Designated Smoking Areas

- Designated smoking areas do not protect people from secondhand smoke.
- Ventilation and other air filtration technologies cannot eliminate the health risks caused by secondhand smoke exposure.
- Legal interpretation, compliance and enforcement difficulties

NON SEQUITUR



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Spain's Experience

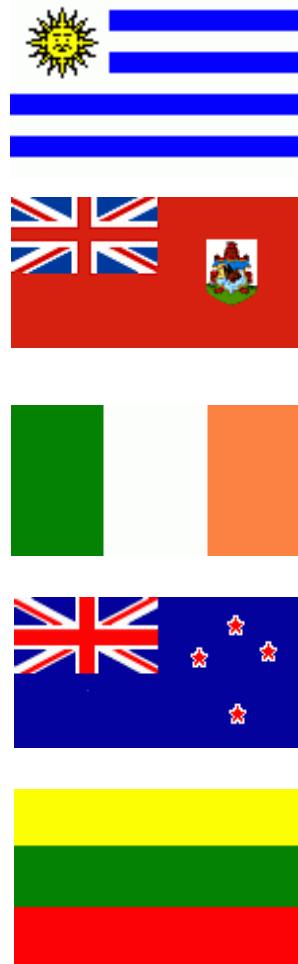
- Law allowed restaurants, bars, and hotels > 120 metres to create separate smoking zones if they didn't allow minors
- MOH reported great number of violations and misinterpretations of the law in restaurant/bar/hotel sector
- January 2011, law requires 100% smoke-free indoor workplaces and public places



Global Smoke-Free Progress

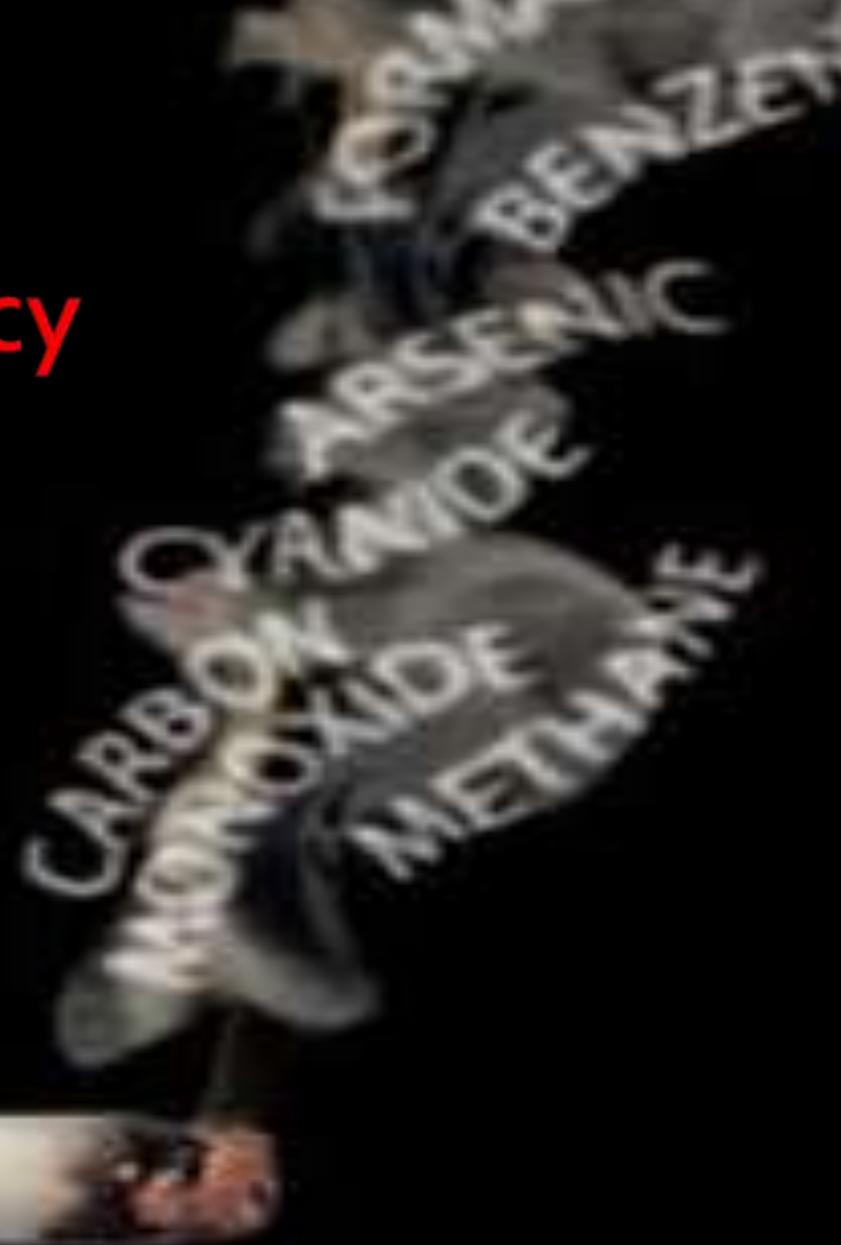
Nations With 100% Smoking Laws

- Argentina
- Barbados
- Bermuda
- Bhutan
- Colombia
- Djibouti
- Guatemala
- Hong Kong
- Honduras
- Iceland
- Ireland
- Lithuania
- Nepal
- New Zealand



- Norway
- Panama
- Peru
- Seychelles
- Spain
- Trinidad & Tobago
- Turkey
- The United Kingdom
- Uruguay
- Other sub-national jurisdictions around the globe

Smoke-Free Environments - Policy Concepts



The Foundation – FCTC Art. 8

“adopt and implement ...
effective... measures
...providing for protection from
exposure to tobacco smoke in
indoor workplaces, public
transport, indoor public places
and, as appropriate, other
public places.”



Key Components of Effective Smoke-Free Policy

- (1) 100% Smoke-free indoor public places, workplaces, and public transport, at a minimum
- (2) Duties of compliance on smokers AND persons responsible for the premises
- (3) Penalties with a deterrent effect and proportionate to the violation, increased for subsequent violation
- (4) Enforcement authorities and duties – to be discussed for all policy areas later today
 - *FCTC Article 8 Guidelines*

(1) 100% Smoke-free indoor public places, workplaces, and public transport

Smoking prohibited in all parts of all:

- indoor workplaces
- indoor public places
- means of public transport
- Appropriate outdoor public places



FCTC Art. 8 Guidelines, para. 23, 24

Effective Protection, Applied Universally and Equally

NO Designated Smoking Areas.

(1) 100% Smoke-free indoor public places, workplaces, and public transport

FCTC Guidelines Definitions: Indoor or Enclosed

- any space with roof OR one or more walls / sides
- temporary or permanent
- any material



(1) 100% Smoke-free indoor public places, workplaces, and public transport

FCTC Guidelines Definitions: Public Transport

- Any vehicle for carriage of members of the public
- Usually for reward or commercial gain



(1) 100% Smoke-free indoor public places, workplaces, and public transport

FCTC Guidelines Definitions: Public Place

- All places open to the general public and places of collective use
- Regardless of ownership or right to access



(1) 100% Smoke-free indoor public places, workplaces, and public transport

FCTC Guidelines Definitions: Work Place

- Any place used by people during their paid or unpaid work
- Including all attached or associated areas used in the course of work or incidentally
- Including work vehicles



(1) 100% Smoke-free indoor public places, workplaces, and public transport

No Exemptions Justified

- Parties obligated to provide universal protection
- If universal protection impossible immediately, Art. 8 creates a continuing obligation to remove exemptions as soon as possible
- Parties should strive to provide universal protection within 5 years of the FCTC's entry into force in the country

FCTC Art. 8 Guidelines, para. 24

Indonesian Law

Smoke-Free Environments

- 2009 Health Law prohibits smoking:
 - on public transport
 - in the following public places:
 - healthcare facilities
 - educational facilities
 - children's playgrounds
 - religious places
 - In other types of public places and in workplaces, designated smoking places may be provided.

Indonesian Law

- Realization of smoke-free environments (with or without designated smoking places) requires local governments to pass laws to create these zones.
 - The 2009 Health Law does not set a deadline by which local governments must act, and some local governments have passed legislation while others have not.
- The 2009 Health Law addresses smoke-free environments, but has not been fully implemented until all local governments take action.

Indonesian Law

- National laws addressing smoke-free environments allow for community participation in smoke-free policies
 - In some laws, corporations or businesses are listed as entities which may provide input
 - These corporations or businesses may include the tobacco industry
 - This may lead to input into public health policy and its implementation, including involvement in the creation of smoking places

(2) Duties of compliance on smokers AND persons responsible for the premises

FCTC Guidelines: Legal Duties Specified

- Smoker
 - No Smoking!
- Person in charge
 - Take reasonable steps to deter smoking
- The Government
 - Implement and Enforce



FCTC Art. 8 Guidelines, para. 24

(2) Duties of compliance on smokers AND persons responsible for the premises

What is a reasonable step?

(2) Duties of compliance on smokers AND persons responsible for the premises

What is a “Reasonable step?”

- Post “No smoking” sign
- Remove ashtrays
- Ask a smoker to stop
- Stop serving a smoker
- Ask a smoker to leave
- Contact authorized officers or police

(3) Penalties with a deterrent effect and proportionate to the violation, increased for subsequent violation

Range of penalties imposed on:

- **Smoker**
- **Person in Charge**
 - Strong enough to be dissuasive/deterrent
 - Proportionate to legal duty, seriousness, number of prior violations
 - Includes fines, licensure sanctions, criminal penalties (if appropriate)

FCTC Art. 8 Guidelines, paras. 32-34

Indonesian Law

Duties and Penalties

- 2009 Health Law: Fine of 50,000,000 rupiah on “any person who knowingly violates the areas without cigarettes.”
 - Law does not impose different levels of fines for smokers who violate smoke free area provisions and for business owners/managers who fail to ensure that no one smokes in a smoke-free area
 - No duties imposed on persons in charge to undertake the reasonable steps listed above:
 - Post “no smoking” sign.
 - Remove ashtrays
 - Ask a smoker to stop
 - Etc

The Evidence is Clear

“The evidence is clear. There is no safe level of exposure to secondhand tobacco smoke. Many countries have already taken action. I urge all countries that have not yet done so to take this immediate and important step to protect the health of all by passing laws requiring all indoor workplaces and public places to be 100% smoke-free.”



—Dr. Margaret Chan, Director-General, WHO, May 29, 2007



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