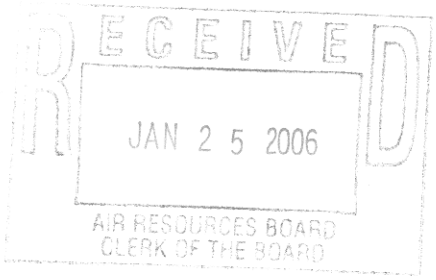
XC: Board Members 06-1-4
Chairman CEW 1/26/05
TJ MHS
KT Legal (AM/KO) SSD

Technical Assistance Legal Center

Legal Team
Stephen P. Berzon/Linda Lye
Altshuler, Berzon, Nussbaum, Rubin & Demain
Stephen McG. Bundy
Boalt Hall School of Law UC Berkeley
Michael G. Colantuono
Colantuono & Levin, P.C
Liam Garland
Housing Rights Center
Marjorie Gelb
Consultant
Robert Post
Yale Law School
Stephen D. Sugarman
Boalt Hall School of Law UC Berkeley

Advisory Board
Serena Chen
American Lung Association of the East Bay
Narinder Dhaliwal
California's Clean Air Program
Dennis Eckhart
Office of the Attorney General of California
Joy Garcia
Shasta County Public Health
Nancy Guenther
DHS Tobacco Control Section
Dian Kiser/Theresa Boschert
RESPECT--California's Low Socio-Economic Partnership
Nora Manzanilla
Office of the City Attorney City of Los Angeles Tobacco Enforcement Project
Carol McGruder
San Francisco African American Tobacco-Free Project
Joan N. McNamara
Deputy City Attorney San Diego City Attorney's Office
Cecilia Portugal
Hispanic/Latino Tobacco Education Network
Rick Sheinfield
Office of the City Attorney of San Francisco
Stephen D. Sugarman
Boalt Hall School of Law UC Berkeley
Kimberley Welch Reusché
The Center for Tobacco Policy & Organizing

January 24, 2006



The Honorable Robert F. Sawyer
Chair, California Air Resources Board
1001 I Street,
P.O. Box 2815
Sacramento, CA 95812

Re: Support for Declaration of ETS as a Toxic Air Contaminant

Dear Chairman Sawyer:

On behalf of the Technical Assistance Legal Center (TALC), I am writing to strongly encourage the California Air Resources Board (CARB) to adopt the proposed regulation identifying Environmental Tobacco Smoke (ETS) as a toxic air contaminant.

As part of the nonprofit Public Health Institute, TALC is funded by California tobacco tax monies (Proposition 99) to provide legal technical assistance to tobacco control advocates statewide. We support local jurisdictions in their efforts to develop ordinances to limit exposure to secondhand smoke in areas not currently regulated by state law, including parks and beaches, outdoor dining facilities, and multi-unit housing.

Secondhand smoke is responsible for an estimated 38,000 deaths among non-smokers each year in the United States, which includes 3,000 lung cancer deaths and 35,000 deaths due to heart disease. In addition, secondhand smoke exposure causes as many as 300,000 children in the United States under the age of 18 months to suffer lower respiratory tract infections, such as pneumonia and bronchitis; exacerbates childhood asthma; and increases the risk of acute, chronic, middle-ear infections in children.

Californians are aware of the adverse health impacts of secondhand smoke and a majority of them favors limitations on smoking. For example, 89.6 percent of Californians surveyed approve of the state's smoke-free workplace law, and 73 percent of Californians agreed that smoking should be prohibited in outdoor dining areas at restaurants. And remarkably, 70 percent of Californians agreed that apartment complexes should require half their rental units to be smoke free.

1330 Broadway, Suite 750, Oakland, CA 94612 • (510) 444-8252 • (510) 444-8253 (Fax) • talc@phi.org • http://talc.phi.org

Although California has extensive protections from exposure to secondhand smoke in the workplace, in restaurants and bars, and in many recreational and entertainment venues, there are still places, especially outdoors, where there are no protections from drifting tobacco smoke. Together, the report prepared by the CARB staff, including the adverse health impacts of exposure to secondhand smoke identified by the Office of Environmental Health Hazard Assessment, and the declaration by CARB of ETS as a toxic air contaminant, will combine to give tobacco control advocates an even stronger position from which to encourage policy makers at the local and state level in California to consider actions to further protect the public from exposure to secondhand smoke.

As we work towards creating more smokefree places, TALC applauds the work CARB and its staff has done to address this critical public health threat. By declaring ETS as a toxic air contaminant, the Board will provide a powerful incentive for further action throughout the state.

Sincerely,

Robin Salsburg

Robin Salsburg, JD
Staff Attorney
Technical Assistance Legal Center