

## ARB ETS Stakeholder Survey Results

This is a brief summary of the results of an August 2007 survey ARB sent out via the Internet- to capture the opinions of various stakeholders on how the agency should approach reducing exposure to ETS. A more complete review of the survey will be provided in an upcoming report on ETS exposure and risk reduction. Most of this survey pertained to the State's workplace smoking law (AB13); other questions were designed to elicit opinions on how ARB could support local program efforts to reduce exposure to secondhand smoke.

The survey was sent to 1,003 email addresses in a database of ETS stakeholders. Many of these stakeholders were ARB ETS-listserv subscribers and others were added from a list of attendees to the CDHS-sponsored Secondhand Smoke Conference held in May 2006. The remaining recipients were identified using the Internet and searching for commercial, trade, or industrial stakeholders (i.e., trade or retail associations). An additional 58 respondents used a link to the survey that was placed on the ARB ETS website. The survey ran from August 7, 2007, through August 31, 2007 (25 days). There were 22 bounced email addresses and five recipients "opted-out." Of the remainder, 343 completed, or partially completed the survey (28 percent response rate). The survey contained 20 questions; 3 of the questions categorized the respondents according to profession, geographic area of interest, and smoker/nonsmoker. The results for each question are provided below along with a representative sample of the respondent's additional comments.

### Question One: Which category or categories best describes you or your area of interest?

	No.	Percent
Legal or environmental consultant	24	7%
Public health or medical professional	146	43%
Scientist/researcher	37	11%
Health or environmental activist	45	13%
General public	47	14%
Business or commercial	17	5%
Government	72	21%
Other, please specify	22	6%

Respondents were allowed to pick more than one category on this question. Of the 146 public health or medical professionals, 12 percent identified themselves as "government," and 19 percent of scientist/researchers also identified as "government." Many of those who responded as professionals also identified as "general public," presumably to indicate their responses were based on personal as well as professional opinion. There were 21 responses in the "other" category, which included 1 retired physician, an entertainer, and a legislative analyst. Survey responses were stratified by type of profession, general public or "other, as discussed below, to identify any major differences in opinion regarding specific topics.

**Question Two: Which category best describes your geographic area of interest:**

	No.	Percent
State level (California)	141	41%
Other state	18	5%
Municipal (city or county)	126	37%
Community or neighborhood	56	16%
Nationwide	64	19%
Out-of-country	9	3%
Tribe	3	1%
Other, please specify	12	4%

The majority of respondents were California-based public health professionals working at either the state or local level. Respondents were allowed to select more than one category; several responding in the “other” category indicated they represented a region within the State.

**Question 3: How much do you agree with the following statement: Existing statewide laws adequately protect non-smokers from exposure to secondhand smoke in the indoor environment?**

	No.	Percent
Strongly agree	55	16%
Agree	117	34%
Somewhat agree	81	24%
Disagree	47	14%
Strongly disagree	40	12%
Don't know	3	1%
Total	343	100%

Respondents were evenly divided on the question of whether or not existing laws protected nonsmokers indoors. “Activists” were the least likely to agree or strongly agree that existing laws were protective indoors (24 percent), while “scientists” were more likely to agree or strongly agree that these laws were protective (60 percent). Those in the “general public” (45 percent), “business” (47 percent), or “public health” (54 percent), were more evenly divided on this question.

**Question 4: How much do you agree with the following statement? Exposure to secondhand smoke in the outdoor environment may cause adverse health effects:**

	No.	Percent
Strongly agree	176	51%
Agree	87	25%
Somewhat agree	40	12%
Disagree	17	5%
Strongly disagree	19	6%
Don't know	4	1%
Total	343	100%

The majority or all respondents (51 percent) “strongly agreed” or “agreed” (25 percent) that outdoor exposures to ETS could have adverse health consequences. The least likely to agree were those who categorized themselves as “business” or “commercial” interests (41 percent). Public health professionals (83 percent) and “activist” (96 percent) were the most likely to agree; with scientists (73 percent) and the general public (78 percent) agreeing in large part.

**Question 5: Do you think additional regulatory actions should be taken by the State of California to decrease public exposure to secondhand smoke?**

	No.	Percent
Yes	294	86%
No	49	14%
Total	343	100%

Again, the vast majority of respondents (86 percent) felt that new measures should be taken at the state level to decrease exposure to ETS. ARB provided a web page of existing control measures for survey takers to refer to if they were unclear about existing State laws ([http://www.arb.ca.gov/toxics/ets/laws\\_ets.htm](http://www.arb.ca.gov/toxics/ets/laws_ets.htm)). There were three comments that indicated the State should not enact any additional regulations and that smokers should be “left alone.” Below are some of the additional comments provided by respondents and collated by venue or topic:

**Building Proximities:**

There were 20 comments regarding smoking in building entry and exit pathways, in proximity to building windows or ventilation shafts, and in any outdoor areas surrounding hospitals, etc. None of the respondents felt that the restrictions should be narrowed, and many felt that the restriction should be expanded to include all buildings, not just those that are owned or operated by government.

Several respondents mentioned smoking at the entrances and exits of buildings and a larger buffer area or designated smoking areas was needed. Here are a few comments: “I constantly have to walk through a cloud of smoke when entering office buildings,” “Where smoking is prohibited indoors smokers gather by the entrance smoking and littering.” “Ban within 50-100’ of doors, windows or ventilation.”

Others were concerned about smoking near certain types of facilities including hospitals: “There should be no smoking allowed within 150 yards of any entrance to a health care facility (e.g. hospitals, medical offices, laboratories).” Smoking should be prohibited on the grounds of all public and private health care facilities and nursing homes, and at public colleges and universities.”

**Tribal Casinos:**

Smoking in California’s tribal casinos was mentioned nine times by respondents. One suggested a pact with tribal governments, and another questioned why a TAC would be allowed to be disbursed in a building: “If the California Air Resources Board has declared

SHS a Toxic Air Contaminant, the tribes should be directed to stop allowing smoking in these casinos and resorts. Would they allow asbestos to fall out of the ceiling on their patrons?" None of the respondents stated a negative opinion regarding expansion of the workplace law to casinos.

### **Children:**

Special protection for children was mentioned 26 times; many of the comments were associated with smoking in vehicles, several related to smoking in childcare facilities and several mentioned outdoor areas where children are present. None of the respondents stated that fewer ETS protections for children were needed.

"Not only do I think regulatory actions should be taken, but they need to happen quickly. I'm tired of taking my child to a park or playground and having to leave because someone is smoking nearby, causing my asthmatic child to cough."

"Make sure you include requirements for signage for parks since cities seem to not even put up signage or enforce existing tot-lot laws."

"Children are not protected in cars when adults smoke. Children are also not protected in their in-home daycare facilities as smokers are allowed to smoke indoors on the weekends."

### **Enforcement:**

There were four comments on enforcement of existing smoking laws, including: "Some rural communities do not have the support or the interest of community leaders in expanding and enforcing existing laws," and "More enforcement of laws, especially bars and outside of doors and windows. There are many places, especially bars, where patrons know laws will not be enforced and there is indoor smoking."

### **Housing:**

There were 33 comments on ETS in multi-family housing, condominiums, and private homes. Here are some representative comments: "Limiting exposure in common areas of housing and expanding laws to include all public venues would also be helpful." "A law should be passed designating 50 percent or more contiguous units in multi-unit housing (including condos) as smoke-free and all leases should have disclosures requiring notice as to where the no smoking and smoking permitted areas/units are."

### **Outdoor Dining:**

Thirteen comments were submitted on ETS in outdoor dining areas, including: "I don't think there should be an exemption for outdoor dining areas." "Outdoor restaurants, cafes, bars (often fully enclosed by walls, sometimes with "temporary" roofs or tents) are used as a subterfuge to bypass the law, but lead to exposures as bad as indoors."

**Other Ideas:**

Respondents submitted 34 other comments in response to a request for additional ideas on reducing ETS. Several comments had to do with increasing taxes or restricting access; others were opposed to any further regulation. Here is a representative sample of comments:

“A nominal or moderate increase in the cigarette tax would have positive effects on reducing the number of smokers.”

“A user fee should be imposed on cigarettes to pay for litter clean up and the increased health care costs of no smokers subjected to SHS.”

“Put pressure on the federal government to regulate cigarette ingredients. Once again put California at the forefront for environmental and health issues.”

“Municipal ordinances in Calabasas, Santa Monica, Burbank and other cities point towards the protections we need.”

**Outdoor Recreation:**

There were 21 comments submitted on ETS in other outdoor areas, particularly recreation or entertainment areas (especially beaches):

“Smoke-free outdoor beaches, parks, sporting and music events are also needed.”

“Pass legislation that will outlaw smoking at all of California's state parks and beaches.”

“ARB should act to restrict drifting smoke in outdoor venues (stadiums, etc).”

“I have to perform (work) at outdoor music events, on patios where smoking is allowed and even at Lake Tahoe on the shore of the lake, I get asthma, bronchitis, and severe headaches from being exposed to secondhand smoke.”

**Public Education:**

Seven respondents mentioned more public education on ETS health issues, and assistance for local action to reduce ETS, here are several:

“More effort in educating the children on the dangers of secondhand smoke will "filter" back to their parent and can reduce secondhand smoke in homes.”

“Voluntary policy is only a first step for these areas, which should be strengthened by regulatory actions.”

“I would suggest a strong media campaign and working on smoke-free apartments, parks, children's spaces, concerts and outdoor community events and beaches.”

**Research:**

Two respondents mentioned additional research efforts:

“Cotinine studies in waiters in outdoor cafes are needed.”

“Scientific data from ARB to support city/county efforts to deal with outdoor areas; greater state support to smoke-free housing issues. Additional ARB data collection and testing in areas like urban sidewalks and other outdoor areas where people are likely to be exposed.”

**Transit Areas and Waiting Lines:**

There were 11 comments from respondents pertaining to ETS at transit stops and in outdoor lines, here are some representative comments:

“Ban smoking within 20 feet of outdoor transit stops.”

“More research is needed on outdoor tobacco smoke, but in areas of congestion, for example bus waiting lines, should be made smoke-free.”

“Public lines (movie theaters, etc.), other places where people gather, should all have smoking prohibited.”

**Workplace Exemptions:**

Respondents commented on workplace exemptions 21 times. Several mentioned that employee break rooms were a problem, many other mentioned hotels, and several mentioned construction workers, here is a sample:

“Finish closing loopholes in statewide law for indoor workplaces (especially Wal-Mart employee break rooms, small work places, hotel lobbies).”

“All exceptions to AB13 should be eliminated. While they may have been appropriate in 1994, AB13 offers less protection than laws currently being implemented in other states and countries.”

**Question 6: Do you think new regulatory actions are needed to protect non-smokers from secondhand smoke exposure in outdoor public environments (parks, beaches, etc.)?**

A majority of respondents agreed that additional regulatory actions were needed to protect non-smokers from ETS outdoors. While most “scientists” agreed (72 percent), they did so in the lowest numbers; business (88 percent), public health (93 percent), and the general public (95 percent), have higher rates of agreement.

A few respondents felt there was insufficient information on exposure outdoors or that it was not a critical issue:

“While this is an issue of growing concern, I do not believe there is currently enough evidence/studies to show that non-smokers need to be protected outdoors.”

“Not as critical an issue as indoor exposure....”

“I have seen no compelling evidence for significant risk from OTS. The state may wish to regulate this as a nuisance behavior...I have not seen any solid scientific evidence of an OTS hazard...overly strict outdoor restrictions will drive people to smoke more indoors where the hazards are very significant.”

Another health care professional clearly felt there was sufficient data for new regulations: “Good science shows that in outdoor environments one may have SHS concentrations that exceed federal toxics limits and that equal or exceed levels of particles or other tobacco smoke constituents observed in indoor environments.”

	No.	Percent
Yes	271	92%
No	22	8%
Total	293	100%

**Question 7: How important is it to restrict smoking (reduce secondhand smoke exposure) in the following outdoor areas?**

Similar to other surveys of public opinion, an overwhelming majority of respondents agreed that restricting smoking where children are present is a priority. There was also strong support for restricting smoking on medical campuses (90 percent), in outdoor dining facilities (84 percent), and in transit areas (82 percent). There were strong, but lower levels of support for restricting smoking on any public property (70 percent), public beaches (71 percent), and college campuses (74 percent). There were no comments submitted in opposition to any of these ideas. One commenter felt that ARB rule-making would not be the best approach for college campuses. Another suggested that “...additional data and recommendations from ARB can spur cities ...to address this issue locally.”

Top number is the count of respondents selecting the option. Bottom % is percent of the total respondents selecting the option.	Very important	Important	Somewhat important	Not very important
State parks and beaches	189 <b>71%</b>	56 <b>21%</b>	18 <b>7%</b>	4 <b>1%</b>
Any areas where children are present (excluding private residences)	250 <b>94%</b>	13 <b>5%</b>	0 <b>0%</b>	3 <b>1%</b>
Any public property (including sidewalks, parks, street fairs, outdoor shopping malls)	186 <b>70%</b>	62 <b>23%</b>	13 <b>5%</b>	4 <b>2%</b>
Transit waiting areas (bus stops, rail stations)	219 <b>82%</b>	37 <b>14%</b>	8 <b>3%</b>	3 <b>1%</b>

	Very important	Important	Somewhat important	Not very important
College campuses	196	54	12	4
	<b>74%</b>	<b>20%</b>	<b>5%</b>	<b>2%</b>
Publicly owned medical campuses	241	23	0	3
	<b>90%</b>	<b>9%</b>	<b>0%</b>	<b>1%</b>
Outdoor dining	223	39	3	2
	<b>84%</b>	<b>15%</b>	<b>1%</b>	<b>1%</b>

**Question 8: Do you think new state regulatory actions are needed to protect non-smokers from secondhand smoke exposure in indoor environments?**

Fewer survey respondents felt that additional protections were needed in indoor environments versus outdoor, 77 percent versus 92 percent, respectively. Given that California has one of the strongest indoor smoking restrictions in the country, this outcome is not surprising. Activists felt the strongest about additional indoor restrictions; 93 percent felt new state actions were needed to protect nonsmokers indoors, while only 78 percent of scientists and 78 percent of public health professionals felt new measures were needed; those identifying themselves as business professionals fell between these groups at 88 percent. One respondent felt that new regulatory actions were not needed because existing laws were doing the job “very well.” Many more felt that the loopholes in the existing law should be closed.

	No.	Percent
Yes	222	77%
No	66	23%
Total	288	100%

**Question 9: Do you think the State's current workplace smoking restrictions (Labor Code 6404.5) should be enhanced to protect all employees?**

The majority (98 percent) felt additional workplace restrictions were needed to protect California workers. There were no comments submitted opposing enhancements to the law; however, several commented that existing laws should be enforced first: “Enforcement of these restrictions should be pursued first, many still smoke just feet outside the doorway or next to the A/C intakes...”

	No.	Percent
Yes	218	98%
No	4	2%
Total	222	100%

**Question 10: Please rate the importance of the following options for improving the State's current workplace smoking restriction (State Labor Code 6404.5).**

Respondents were asked to rate the importance of eliminating various restrictions in the State's labor code regarding workplace smoking restrictions. Requiring all family daycare

facilities to be smoke free was the most important option for respondents; 97 percent rate this as “very important.” This was followed by the elimination of the small business exemption (78 percent).

Top number is the count of respondents selecting the option. Bottom % is percent of the total respondents selecting the option.	Very Important	Important	Somewhat Important	Not Important	Don't Know
Eliminate the provision for separately ventilated break rooms.	126	45	15	12	17
	<b>59%</b>	<b>21%</b>	<b>7%</b>	<b>6%</b>	<b>8%</b>
Eliminate the exception for employee-owned businesses.	154	38	9	11	4
	<b>71%</b>	<b>18%</b>	<b>4%</b>	<b>5%</b>	<b>2%</b>
Require hotels and motels to be 100% smoke-free.	152	38	17	7	0
	<b>71%</b>	<b>18%</b>	<b>8%</b>	<b>3%</b>	<b>0%</b>
Require family day care facilities to be 100% smoke-free.	210	4	0	3	0
	<b>97%</b>	<b>2%</b>	<b>0%</b>	<b>1%</b>	<b>0%</b>
Eliminate patient smoking areas in long-term health facilities.	139	50	15	9	2
	<b>65%</b>	<b>23%</b>	<b>7%</b>	<b>4%</b>	<b>1%</b>
Eliminate the small business exemption (5 or fewer employees).	167	31	9	7	0
	<b>78%</b>	<b>14%</b>	<b>4%</b>	<b>3%</b>	<b>0%</b>
Eliminate the exception for tobacco shops and smokers' lounges.	100	39	32	38	4
	<b>47%</b>	<b>18%</b>	<b>15%</b>	<b>18%</b>	<b>2%</b>

**Question 11: Do you think additional measures are needed to protect non-smokers from secondhand smoke in multi-family housing?**

An overwhelming majority (97 percent) of respondents agreed that new measures were needed to protect non-smokers in multi-family housing.

	No.	Percent
Yes	210	97%
No	6	3%
Total	216	100%

**Question 12: Which of the following measures should be pursued to reduce exposure to secondhand smoke in multi-family housing (may choose more than one).**

Three quarters of all respondents felt new State legislation was needed to protect residents in multi-family housing. Only six percent felt that voluntary measures would be sufficient. There were 32 additional comments or suggestions; several proposed a complete ban and others suggested 50 to 75 percent of new units should be smoke-free. Other suggestions included “smoking deposits,” nuisance clauses and protection of children and the elderly. There were no comments stating opposition to multifamily housing measures.

	No.	Percent
Introduce State legislation to gradually convert a portion of existing units to smoke-free units.	163	78%
Develop voluntary incentives (e.g., tax credits) for property owners to designate smoke-free units in apartments.	151	72%
Specifically allow indoor secondhand smoke exposure to be considered as a private nuisance (Civil Code 3480).	149	71%
Voluntary measures only, should be pursued.	12	6%
Enhance public education on the dangers of secondhand smoke in multi-family housing.	155	74%
Other, please specify	32	15%

Some of the additional suggestion on multifamily housing included adding patios and balconies as nonsmoking, making 75 percent of newly constructed units smoke-free, and linking smoke-free status to safety, maintenance, and insurance costs. Many commented that all multifamily housing should be smoke-free, one respondent advised using a combination of voluntary and regulatory approaches and yet another suggested disclose of smoking units and model lease language. One respondent suggested the use of deposits similar to pet deposits.

**Question 13: Do you think additional measures are needed to protect employees and patrons in tribal casinos from exposure to secondhand smoke?**

Most respondents (93 percent) felt that measures were needed to protect employees and patrons in tribal casinos. Those identifying themselves as “business” concerns were the least likely to favor this (60 percent). One respondent felt that public education was the best approach: “It is not possible for the state to enforce rules on tribal land. It is crucial, however, for independent Indian tribes to receive information about the harms to their employees and increased health costs associated with allowing smoking in casinos.”

	No.	Percent
Yes	191	93%
No	15	7%
Total	206	100%

**Question 14: Do you think regulations should be enacted to prevent children from being exposed to secondhand smoke in vehicles?**

The majority felt that regulations should be enacted to protect children in cars from ETS. Only seven respondents said they did not think new regulations were needed. One respondent felt that this might be an intrusion: "... I am wary of legislating what adults do in their own home, and by extension vehicle, but when it comes to children, I feel they need special protections." Another respondent felt legislation was premature: "We need much more public education about the dangers of exposure in cars, and the sensitivities children have when exposed in such a small space, but legislation is premature."

	No.	Percent
Yes	198	97%
No	7	3%
Total	205	100%

**Question 15-16: Enforcement provisions for statewide workplace regulations**

The majority (56 percent) felt that existing enforcement provisions for the statewide workplace law were ineffective. Comments on improving the enforcement provisions were provided by 90 respondents (below).

15. Do you feel that existing enforcement provisions for the statewide workplace smoking prohibition are effective?		
Note: State laws prohibiting smoking in the workplace are enforced through local civil authorities until the third violation (conviction), which can then be sent to the State's Occupational Safety and Health Administration.		
Yes	91	44%
No	117	56%
Total	208	100%
16. How would you improve existing workplace smoking enforcement:		
90 Responses		

There were 104 specific ideas related to improving enforcement of the existing statewide workplace regulations. Some of the respondents felt that more education was needed about the enforcement provisions; most felt additional resources were needed; none of the respondents suggested the enforcement provisions were adequate.

Five responses mentioned a provision for "civil" action, including: "Create a private right of action for employees to sue employers who fail to enforce workplace smoking restrictions in their own workplace." "Adjustment to the statewide law to allow for civil action by members of the public specific to smoke-free work sites."

Fifteen responses had to do with improving existing enforcement. Several mentioned that there should be no need to have multiple complaints before an OSHA referral. Another respondent felt a team of enforcement personnel was needed. Many respondents said statewide laws were not being enforced. Still others suggested that more oversight of enforcement actions was needed. Five responses mentioned increased educational efforts, including: "More education to prevent violations of workplace smoking policy." Three respondents thought eliminating workplace exemptions would help with enforcement. And five respondents said additional funds were needed for enforcement. Creating a hotline or tip number was mentioned by nine respondents and four mentioned increased incentives for enforcement.

Penalties were mentioned by 23 of the survey respondents: "Provide incentives for local enforcement or penalties for non-enforcement." "Provide a fine structure that would fund and motivate local law enforcement to follow through on complaints of violations." Other comments related to enforcement personnel: "Require a local tobacco enforcement officer be identified." "Provide funding and allow for a "code enforcement" officer who has the authority to respond and cite anywhere in the county".

Improving signage in places of employment was mentioned four times and there were 27 other comments that didn't fit any of the categories above, here are a few: "Make ABC responsible for citing in alcohol establishments. Most places allowing smoking are bars." "Ban workplace smoking across the board which includes all sectors public and private as well as tribal casinos." "Improve local enforcement by granting citizens the ability to enforce the law."

### **Question 17: Smoking status**

None of the respondents were current smokers.

### **Question 18: Do you have specific ideas on how ARB can support local efforts to reduce ETS exposure?**

Respondents provided 140 specific suggestions for ARB in the area of enforcement, outreach, funding, legislation/regulation, and additional research.

#### **Enforcement:**

Suggestions for enforcement included additional funding and support, increased fines, a lower threshold for intervention by OSHA, and support to local health departments directly from ARB.

"Promote findings to law enforcement and encourage collaboration between public health and law enforcement."

"Include provisions with guidelines and standards on enforcement, and allow citizen suits."

**Funding:**

Nine ideas on funding were submitted, these included grants for innovative ETS reductions programs, resources for air monitoring studies in local communities, funds for an American Indian tobacco program to help tribal clinics reduce smoking.

**Incentive Ideas:**

Several incentive ideas were submitted: "Maybe some type of "smoke-free" certification local entities could use in advertising or marketing." "Develop a "smoke-free" certification process for indoor environments. Require businesses to post "smoke-free" certificates - similar to health department certificates."

**Legislation:**

Twelve suggestions on new legislation included passing a law to remove workplace exemptions, setting minimum distances from entrances for all buildings, not just public buildings, increasing cigarette taxes, and banning smoking in multifamily housing.

**Regulation:**

There were 18 ideas on new regulations including increased distances to doorways, banning smoking in all public parks, development of model ordinances for all city's to close exemptions, restrictions of smoking at outdoor dining areas, and making it illegal to smoke outside of hospital facilities.

**Outreach:**

Nearly 60 specific ideas on how ARB can improve outreach were submitted. These included collaboration with other agencies, working with other health advocacy groups, designing a media kit for apartment managers, educating nonsmokers on regulations and creating a speaker's list of ARB professionals.

**Science/Research:**

The 13 science and research ideas included more indoor and outdoor monitoring, more public awareness of the toxic compounds in cigarette smoke, and additional exposure research.

**Question 19: Would you be interested in participating in public workshops to consider potential state ETS reduction measures?**

	No.	Percent
Yes	110	35%
No	206	65%
Total	316	100%

**Question 20: Do you have any other comments on reducing ETS exposure?**

An additional 55 specific comments were given. Many were similar to the ones provided above. Others were congratulatory statements on ARB's work in this area and still others suggested the State "knock it off" and quit harassing smokers.