

Bill No. 3890-08

No. 17-08-RE

RESOLUTION

A Resolution of the County of Allegheny, Commonwealth of Pennsylvania, urging the General Assembly and Governor to enact a statewide ban on smoking in public places with all deliberate speed.

WHEREAS, tobacco smoke, whether inhaled through smoking or indirectly through exposure to smoky environments contains more than 4,000 known chemical compounds that are released into the air as particles and gases; and

WHEREAS, according to a 2001 report issued by the National Cancer Institute, there are sixty-nine known or probable carcinogens in tobacco smoke; and

WHEREAS, in 1999, the U.S. Environmental Protection Agency (EPA) published results of an environmental tobacco smoke study, whose rates applied to Allegheny County population data for 2005 suggest that each year 227 non-smoking residents die from lung cancer as a result of environmental tobacco smoke exposure; and

WHEREAS, for children, the 1999 EPA report concluded that exposure to secondhand smoke is causally associated with increased risk of lower respiratory tract infections, such as bronchitis and pneumonia; increased prevalence of fluid in the middle ear; and increased symptoms of upper respiratory tract irritation, is responsible for increases the number of episodes and the severity of symptoms in asthmatic children, and causes thousands of non-asthmatic children to develop this condition each year; and

WHEREAS, based on 2005 census data and EPA estimates, approximately 2,500 Allegheny County children experience exacerbation of their asthma, and 945 toddlers under 18 months of age suffer lower respiratory tract infections due to environmental tobacco smoke; and

WHEREAS, a 2004 study appearing in the Journal of Occupational and Environmental Medicine found that levels of cancer-causing particulates were up to 50 times higher in a smoky bar than on a busy highway, and there is also credible evidence that non-smoking bar and restaurant workers' blood cotinine levels are similar to those of smokers due to heavy environmental tobacco smoke in some establishments; resulting in the same risks for neoplasms, lung, heart and vascular diseases among non-smoking hospitality workers as in workers who choose to smoke; and

WHEREAS, the 2004 Journal of Occupational and Environmental Medicine study also found that while three-fourths of white collar workers are covered by smoke-free workplace policies, fewer than 13% of bartenders and 28% of wait staff have the benefit of a smoke-free workplace; and

WHEREAS, in 2002, food service workers accounted for the fourth highest number of employees in the workforce; and, 20% were teenagers; 56 % were female; approximately 12% were African-American; and, nearly 20% were Hispanic; and

WHEREAS, ventilation devices are both expensive to retrofit into existing buildings and not proven to effectively rid an indoor environment of secondhand smoke, and the Occupational Safety and Health Administration has concluded that ventilation is not an acceptable engineering control measure for controlling occupational exposure to secondhand smoke; and

WHEREAS, the United States Environmental Protection Agency has classified secondhand tobacco smoke as a Class A carcinogen, a classification reserved for the most lethal environmental hazards, such as asbestos, benzene, formaldehyde and radon; and

WHEREAS, approximately 53,000 nonsmokers in the United States die annually from lung and heart disease due to exposure to passive smoke; and

WHEREAS, according to the Surgeon General's 2006 report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," nonsmokers exposed to secondhand smoke face up to a 30 percent risk of developing heart disease and lung cancer, and secondhand smoke exposure increases the risk of sudden infant death syndrome and lower respiratory infections, such as pneumonia and bronchitis in children; and

WHEREAS, tobacco smoke is also responsible for up to 1,000,000 attacks of asthma, 8,000 to 26,000 new cases of asthma and significant reduction in lung function and causes serious middle ear infections among children each year; and

WHEREAS, the Surgeon General's 2006 report found that there is no risk-free level of secondhand smoke exposure, with even brief exposure adversely affecting the cardiovascular and respiratory systems, that only smoke-free environments effectively protect nonsmokers from secondhand smoke exposure in indoor spaces, and that millions of Americans continue to be exposed to secondhand smoke in their homes and workplaces; and

WHEREAS, at least 23 states and the District of Columbia have laws in effect that require 100% smokefree workplaces and/or restaurants and/or bars; and

WHEREAS, based on 2005 survey data, 77% of Pennsylvanians believe that people should not be exposed to secondhand smoke in public places, and only 16% of Allegheny County adults smoke on a daily basis; and

WHEREAS, in the course of debating the passage of a Countywide smoking ban in 2006, the testimony of the health care community to Council was overwhelmingly in support of the smoking ban, due to the significant deleterious effects of secondhand smoke; and

WHEREAS, in 2006, Allegheny County Council enacted a countywide smoking ban in order to address these concerns, but that legislation was later invalidated by the Commonwealth Court, citing the Pennsylvania Clean Indoor Air Act, 35 P.S. §1230.1 *et. seq.*; and

WHEREAS, in the wake of this decision, the workers and citizens of Allegheny County and the Commonwealth continue to be exposed, in many cases involuntarily, to the health dangers occasioned by second hand smoke; and

WHEREAS, the General Assembly is currently considering legislation that would enact a statewide ban on smoking in public places, a concept that was endorsed by a large number of individuals who spoke both in support and opposition to the Countywide smoking ban and which was previously recommended by Council through Resolution 24-07-RE; and

WHEREAS, it is the judgment of Council that a statewide smoking ban is in the best interests of the health, safety and welfare of the citizens of the County and the Commonwealth, and that reaffirming Council's support for such a statewide ban is desirable in light of legislation currently before the General Assembly;

The Council of the County of Allegheny hereby resolves as follows:

Section 1.

Allegheny County Council hereby urges the General Assembly and Governor to enact legislation to regulate smoking in public places and workplaces throughout the Commonwealth in order to protect the public health, ensure the comfort of all persons and safeguard the environment from the harmful effects of tobacco smoke. The Council requests the General Assembly and Governor consider the dangerous, unnecessary and involuntary health risks associated with exposure to tobacco smoke, particularly with regard to children and the elderly, as well as the cost of providing medical care to individuals afflicted with emphysema, lung cancer, asthma, and other conditions known to be caused or aggravated by exposure to tobacco smoke, and act with all deliberate speed to protect and promote our citizens' health, safety and welfare.

Section 3. Severability. If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.

Section 4. Repealer. Any resolution or ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.

PRIMARY SPONSOR: COUNCIL MEMBER CLEARY

CO-SPONSORS: COUNCIL PRESIDENT FITZGERALD & COUNCIL MEMBER FINNERTY

Enacted in Council, this 15th day of April, 2008,

Council Agenda No. 3890-08

Rich Fitzgerald
Rich Fitzgerald
President of Council

Attest: John Mascio
John Mascio
Chief Clerk of Council

Chief Executive Office APRIL 24, 2008

Approved: Dan Onorato
Dan Onorato
Chief Executive

Attest: Donna Beltz
Donna Beltz
Executive Secretary