



Answers To Frequently Asked Questions About Smoking Restrictions Designed to Protect the Public Health

Q. What do clean indoor air laws do?

A. They protect the public from the toxic chemicals in secondhand smoke by restricting where smoking is permitted in public places, restaurants and bars, and places of employment.

Q. Why are such laws needed?

A. To protect the public health, welfare, and safety by reducing exposure to the toxic chemicals in secondhand smoke. The U.S. Surgeon General, the National Academy of Sciences, the Environmental Protection Agency, Centers for Disease Control, National Cancer Institute, American Medical Association, National Institute of Occupational Safety (NIOSH), National Research Council, the Occupational Safety and Health Administration (OSHA) and every major health organization concluded that secondhand smoke is a known health hazard. The only entity that disputes these facts is the tobacco industry, its supporters, and its paid consultants.

In 1986 Surgeon General's report on involuntary smoking, which was peer-reviewed by over 60 scientists, concluded that:

- Involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers.
- Simple separation of smokers and nonsmokers within the same airspace may reduce, but does not eliminate, exposure of nonsmokers to environmental tobacco smoke.
- The children of parents, who smoke, compared to children of nonsmoking parents, have an increased frequency of respiratory infections, increased respiratory symptoms, and slightly smaller rates of increase in lung function as the lung matures.

Secondhand smoke is one of the most widespread and harmful indoor air pollutants according to the Environmental Protection Agency (EPA). The EPA classified secondhand smoke as a Group A carcinogen in 1993 - the most dangerous of all cancer-causing agents. In 1999 the National Cancer Institute estimated that secondhand smoke causes up to 62,000 heart disease deaths, 2700 deaths from sudden infant death syndrome, and 26,000 new cases of asthma. Tobacco smoke indoors often exceeds the levels government standards for outdoor pollution. This fact is important because most Americans spend more time indoors than outdoors.

Q. How well do these laws work?

A. The experience all over the United States indicates that these laws work well. Smoking restrictions are supported by most smokers and nonsmokers, are self-enforcing, and save businesses money.

Q. Is this an example of governmental restriction on personal freedom?

A. Smokers are not required to quit smoking and may still smoke where tobacco smoke pollution will not harm others. These regulations are designed to protect the majority of the public from secondhand smoke. Limitations of certain personal freedoms are needed when they endanger the rights, health, and safety of others.

Q. Will most people obey these laws?

A. 75% of Arkansas residents do not smoke according to the Arkansas Department of Health (2001). Most smokers obey and support these laws in communities and states where they have been enacted because:

1. Eighty percent of all smokers would like to quit smoking;
2. Many smokers don't want to create health problems for others; and
3. Smoking in public places, especially restaurants and bars, often annoys many smokers.

Good sign placement - required by these laws -- is the key element that makes these laws work.

Q. How well are these laws accepted by the public?

A. A poll by Opinion Research Associates (2001) showed that 77% of Arkansans support a complete ban on smoking in restaurants. In Fayetteville, 82.6% of residents surveyed indicated either they would be more likely to go to a restaurant if they knew the restaurant was non-smoking only. Among non-smokers the figure was 96.7%. 92% of residents surveyed agreed that kids shouldn't be exposed to other people's cigarette smoke in restaurants. 80.1% of residents surveyed stated that people with breathing problems such as asthma, allergies, and other lung diseases need to be protected from other people's cigarette smoke. 91% of residents surveyed agreed that second hand smoke is harmful to your health. Of great importance was that 84.6% of residents surveyed indicated that the Government has a responsibility to promote public health. (*Public Opinion Poll of Attitudes Toward Passive Smoke*, University of Arkansas)

Q. Won't common courtesy resolve the problem?

A. If courtesy were adequate to protect people, we would need no laws at all. Laws do not interfere with people who are courteous; they only interfere with people who plan to be discourteous and inconsiderate. People should not have to ask total strangers to stop smoking to conduct their daily business in a healthy environment.

Q. Do these laws infringe on people's privacy?

A. Laws regulating smoking do not apply to private homes or cars. It is only when smoking affects and endangers the health of the general public that it is subject to regulation.

Q. Why not let businesses and restaurants take care of the problem on a voluntary basis?

A. The government has an obligation to protect the public's health and eliminate or reduce the exposure to health hazards. Voluntary programs are not used to control food sanitation, toxic wastes, asbestos, or radioactive exposure, and therefore should also not be used to control the exposure to secondhand smoke. Owners and managers of local businesses and restaurants have often indicated that they will not initiate smoking restrictions on their own unless required by law. Many are afraid to initiate them without a government mandate.

Q. Why not let the marketplace resolve the problem, especially in restaurants?

A. To let the marketplace handle smoking pollution or any other health problems is like allowing the marketplace to handle the problem of sanitary food handling. The marketplace argument doesn't protect restaurant workers or children. Restaurant workers have a 50 to 90% increased risk of lung cancer that is most likely caused by restaurant tobacco smoke pollution (JAMA, Journal of the American Medical Association).

Q. What kind of tactics are used by the tobacco industry?

A. The tobacco industry currently uses front groups to do its dirty work but sometimes will be up front about its opposition to regulations on smoking. Big tobacco continues to refuse to admit that secondhand smoke is hazardous even though the scientific evidence is overwhelming. Their own internal documents indicate that they knew about the dangers for more than 25 years. Big tobacco loves to distract the public attention from the health issue by bringing up other issues.

Q. What about cost to government and the taxpayers?

A. The initial governmental cost will be minimal, and generally less than it costs to implement most health regulations. There is often no need to hire additional staff to administer and enforce these laws. Complaints regarding violations can often be handled and corrected by phone or mail. The number of complaints tends to drop after the first year.

Q. What about the cost to businesses?

A. Most of these laws do not require building modifications; the only cost is for signs. Free signs are available from the health agencies promoting these laws. Smoking restrictions save businesses money by reducing absenteeism, health and fire insurance premiums, ventilation costs, interior cleaning, and

maintenance costs. Worker morale improves because employees appreciate clean and healthy working conditions, which leads to increased work efficiency. Smoking policies at work result in better health for all employees.

Q. What about penalties for those who break these laws?

A. Violations are generally classified as an infraction and are similar to parking violations. Fines can range from \$25 to \$100 for the first violation, and a maximum fine between \$100 to \$500 for subsequent violations. A penalty clause acts as a deterrent, insures that the laws are taken seriously, and can be used to insure compliance when necessary. Fines have rarely been levied and enforcement agencies achieve compliance through educational efforts explaining the provisions of the ordinance and giving businesses time to comply before resorting to fines. Fines are usually only given to those businesses or people who refuse to comply.

Q. Don't the police have better things to do, such as stopping crime?

A. Agencies that already enforce other health or environmental regulations and inspect many businesses on a regular basis are usually used to enforce these laws. The workload for these government agencies does not greatly increase (except perhaps initially) because these laws are basically self-enforcing and compliance is often obtained primarily by phone or mail. Citations are extremely rare and have only been given when businesses steadfastly refuse to comply after several warnings. The police should not need to get involved. Signs can play an important role just as traffic lights and stop signs help control traffic. Most drivers obey stop signs, but if there were no lights or stop signs, drivers would not know where to stop. Just as drivers do not usually stop at an unmarked intersection, smokers do not usually refrain from smoking unless there is a sign indicating that smoking is not permitted. With the growing evidence of the health danger to workers, more and more communities are seeking to ban smoking in any workplace including bars and taverns.

Q. How much time should be allowed before such laws become effective?

A. Effective dates may vary anywhere from thirty to ninety days. An ideal period of time is thirty to sixty days. This gives enforcement officials plenty of time to create and send out brochures or flyers to businesses and restaurants, and will give businesses time to order signs and create new policies.

Q. Are community educational campaigns effective and worthwhile?

A. Fact sheets and brochures explaining these laws should be printed and sent to businesses, retail stores, and restaurant owners as soon as these laws pass. Postage costs can be saved by either sending out the information with utility bills or with the monthly sales report forms most cities use. Some communities are posting the information on the Internet. Newspaper ads, videos, fact sheets, special informational meetings can also be helpful. Educational campaigns help speed up compliance with these laws and substantially decrease the number of complaints received once the laws take effect. Educational campaigns send a message to the community that the government is serious about the health threat and is making every effort to insure compliance with the law.

Q. What is the Northwest Arkansas Tobacco-Free Coalition?

A. The Northwest Arkansas Tobacco-Free Coalition is the voice of citizens in our area who are concerned about the health hazards of secondhand hand smoke. Since its inception in 1996, NWATFC has grown from a membership of about fifteen individuals to current our membership of seventy-five plus. The coalition facilitates prevention, education, and advocacy efforts in Washington County, linking people to cessation resources, reducing tobacco advertising and promotion – especially reducing youth exposure – eliminating tobacco availabilities to tobacco products sold to youth, and last, limiting exposure to second-hand smoke. In regards to secondhand smoke, the coalition is in the process of gathering signatures of support and to date 300 plus signatures have been collected, indicating a support for smoke-free restaurant and bars in Fayetteville. NWATFC has counterpart coalitions and community groups in Benton, Sebastian, Madison, and other surrounding counties.