



To: Family and Human Services Committee, Contra Costa Board of Supervisors
From: Wendel Brunner, M.D., Director, Public Health
Re: Report on Implementation of Secondhand Smoke Protections Ordinance
Date: April 13, 2015

Background

The Board of Supervisors adopted a comprehensive Secondhand Smoke Protections Ordinance in 2006. This decision came on the heels of the California Air Resources Board report designating secondhand smoke as a toxic air contaminant based on a review of the research linking secondhand smoke with numerous adverse health effects. The Board strengthened these protections in October 2009, October 2010, April 2013 and June 2014 in response to community complaints regarding drifting smoke and the need for additional policies to protect public health.

After the last report on implementation of the Secondhand Smoke Protections Ordinance to the Family and Human Services Committee in April 2014, the Committee voted to send to the full Board of Supervisors a revision to the County Health and Safety Code that would expand secondhand smoke protections to make all County properties 100% smoke-free. Staff worked with County Counsel to draft revisions to the County Code to make all County owned and leased properties totally smoke-free. Staff brought the proposed changes to the Board of Supervisors on June 3, 2014, and based on complaints from employees and visitors and the recommendation of the Family and Human Services committee, the Board of Supervisors voted to revise the County Code to make all County-owned and leased properties 100% smoke-free.

Since that time, County properties went smoke-free on March 1, 2015. Our department developed and executed an implementation plan, which is described below, to educate County staff and visitors about the new law.

Implementation of the Smoke-free County Properties Provision and other Secondhand Smoke Protections Ordinance Provisions Over the Past Year

Smoke-Free County Campuses Provision:

- Tobacco Prevention Project staff developed educational materials including a new website (www.smokefreecc.org) (Attachment 1) which has a description of the law, information about how the law will be enforced and a violation reporting mechanism. Additional materials available on the site include:
 - Flyers in English and Spanish describing the policy (Attachment 2),
 - “Frequently Asked Questions” document (public version) (Attachment 3),
 - “Reminder cards” cards in English and Spanish with policy and cessation information for staff to use as an educational tool (Attachment 4)
 - “What to Say” guide for how to discuss the policy with someone smoking on the property (Attachment 5).



- A staff version of the “Frequently Asked Questions” document was developed that addresses personnel issues that may come up related to the change in the law (Attachment 6). This document is not posted online.
- An email memo notifying all County employees about the new law and a copy of the staff version of the “Frequently Asked Questions” went out from the County Administrator’s office to all County staff in early February 2015. In an effort to reach all of Health Services staff with additional information, an article was also published in the January/February 2015 issue of the Health Services Director’s Report and in the February issue of *County Clips*, sent to all County employees. The “A Guide to Contra Costa County’s Secondhand Smoke Protections Ordinance” brochure will be updated to reflect the new provisions.
- Tobacco Prevention Project staff presented the new smoke-free County property regulations and the staff version of the “Frequently Asked Questions” document to County Building Safety Coordinators at Risk Management’s Countywide Safety Coordinators in October 2014 and February 2015, to Environmental Health and Safety Coordinators in February 2015, Public Health Management team in February 2015 and at the Alcohol and Other Drugs System of Care Meeting in March 2015.
- Flyers were sent out through Safety Coordinators to post in affected buildings and two thousand English and one hundred fifty Spanish Reminder Cards have been distributed to departments and staff that requested them.
- Efforts are underway to install large metal signs (Attachment 7) at the entry point of all affected properties and to remove all ash canisters and signage related to “smoking areas”.
- Smoke-free County property complaints can be registered through the www.smokefreecc.org website, by email, or by phone, in the same manner as other secondhand smoke related complaints. Tobacco Prevention Project staff will determine if additional signage and/or education is needed.
- In response to continued complaints and evidence of smoking at Contra Costa Regional Medical Center, approximately 25 additional no-smoking signs are being added throughout the Regional Medical Center campus to encourage compliance.

Other Ordinance Provisions:

- The Tobacco Prevention Project continues to educate the public and businesses on provisions of the ordinance through community presentations, distributing educational brochures (Attachment 8), responding to complaints and inquiries, and incorporating materials into County business license materials. There have been only two complaints from the public over the past year regarding existing outdoor secondhand smoke protection provisions and no complaints about the use of electronic smoking devices (ESDs) in areas where smoking is permitted.

Challenges to Protecting Residents, Workers and Visitors from Secondhand Smoke and Electronic Smoking Devices

Multi-Unit Housing Protections:

- The majority of the complaints received by the Tobacco Prevention Project continue to be from residents in the unincorporated county and in the city of Concord regarding unit-to-unit and outside-to-unit drifting smoke. For residents of the unincorporated county, staff follows up with landlords and property owners regarding compliance with the County’s current laws.



However, since the County's ordinance does not include protections that address unit-to-unit drifting smoke, many of these residents are still exposed to secondhand smoke in their homes.

- Many communities in California have been moving quickly to address the issue of smoke drifting between units. Since the last report to the Committee, El Cerrito joined Richmond and Walnut Creek in adopting 100% smoke-free multi-unit housing. In the Bay Area, ten communities including Alameda, Berkeley, Union City, San Rafael, Tiburon, Belmont, Daly City, Foster City, unincorporated San Mateo County, and unincorporated Santa Clara County have similar laws. Unit-to-unit drifting smoke would be alleviated with a similar provision in the County's ordinance.
- If the Committee would like to create 100% smoke-free multi-unit housing, staff would need direction from the Committee to develop draft ordinance language for consideration.

Electronic Smoking Devices:

- In 2013, the Contra Costa Board of Supervisors was one of the first jurisdictions in California to specifically revise its Secondhand Smoke Protections Ordinance to prohibit the use of electronic cigarettes where smoking of tobacco was prohibited. (The current definition requires "biologically active amounts of nicotine" in the product in order for the law to apply.) Since then, the best practice for defining these products addresses industry changes in these emerging products, now generally referred to as "Electronic Smoking Devices". The new definition specifically includes any electronic smoking device that mimics smoking, regardless of whether or not the device contains nicotine, which differs from the County's current definition. The new definition was developed in response to numerous e-cigarette manufacturers (all of whom are unregulated and many of whom are outside of the U.S.) claiming that the device does not contain nicotine, when laboratory test show otherwise. Additionally, there is concern that whether or not these devices contain nicotine, they mimic smoking, thus re-normalizing smoking and making enforcement of smoke-free laws more difficult and confusing. In the county, the cities of Concord, El Cerrito, Oakley, Pittsburg, and Walnut Creek prohibit the use of Electronic Smoking Devices where smoking is prohibited. Revising the County ordinance to reflect best practice would also mean that the County's ordinance could be a model for other cities in the county.
- If the Committee would like to update and strengthen the regulation of electronic smoking devices under County law, staff would need direction from the Committee to develop draft ordinance language for consideration.

Provision of Technical Assistance to Contra Costa Cities

- Over the past year, Tobacco Prevention Project staff provided technical assistance to the cities of Oakley and El Cerrito regarding secondhand smoke protections policy and implementation. Staff provided technical assistance to the city of Oakley in the development and implementation of a city-level policy to create smoke-free outdoor areas, including doorways, outdoor dining and service areas, public parks and trails, as well as some multi-unit housing secondhand smoke protections. In El Cerrito, technical assistance and consultation included development and implementation planning for their comprehensive smoke-free outdoor and 100% smoke-free multi-unit housing ordinance. With citywide smoke-free commercial areas, all sidewalks and smoke-free multi-unit housing, El Cerrito's ordinance is now the strongest single ordinance in the



County, earning them special recognition as a “City on the Rise” for going from an “F” to an “A” in the American Lung Association’s 2015 Tobacco Control Report Card.

Attachments:

1. Print out of www.smokefreecc.org homepage
2. Smokefree CC “Flyers”
3. Smokefree CC Public version of “Frequently Asked Questions”
4. Smokefree CC “Reminder Cards”
5. Smokefree CC “What to Say if You See Someone Smoking On County Property”
6. Smokefree CC Staff version of “Frequently Asked Questions”
7. Mock up of Smokefree CC property signs
8. “A Guide to Contra Costa County’s Secondhand Smoke Protections Ordinance” brochure and “For Property Managers, Developers and Landlords in unincorporated Contra Costa: Information on Contra Costa County’s Secondhand Smoke Protections Ordinance” brochure.

