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To: Family and Human Services Committee, Contra Costa Board of Supervisors
From: Daniel Peddycord, Director of Public Health
Re: Annual Report on Implementation of Secondhand Smoke Protections Ordinance
Date: December 12, 2016

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.

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. As a result of the Board's adoption of the new protections in June, 2014, all County owned and leased properties were designated 100% smoke-free beginning March 1, 2015.

At our last annual report on the Implementation of the Secondhand Smoke Protections Ordinance on April 13, 2015, Family and Human Services Committee accepted the report on Implementation of the Smokefree Campuses provision and staff recommendations for strengthening the ordinance. The Committee directed staff to work with County Counsel to draft ordinance language that would create 100% smoke-free multi-unit housing and revise and strengthen the regulation of electronic smoking devices under County Law, and to bring the draft ordinance language back to the Full Board of Supervisors for consideration.

Implementation of the Smoke-free County Properties, (Smoke-Free County Campuses), and other Secondhand Smoke Protections Ordinance Provisions Over the Past Year

Smoke-Free County Campuses Provision:

Since our last report, Facilities Services has posted signage at various county campuses, including the following properties:

4545 Delta Fair Boulevard, Antioch
4549 Delta Fair Boulevard, Antioch
3105 Willow Pass Road, Bay Point
4191 Appian Way, El Sobrante
30 Douglas Drive, Martinez
40 Douglas Drive, Martinez
50 Douglas Drive, Martinez
1220 Morello Avenue, Martinez
2530 Arnold Drive, Martinez
303 41st Street, Richmond
2523 El Portal Drive, San Pablo



Facilities Services' original plan was to continue posting outdoor signage and to remove cigarette waste receptacles in the areas of highest County campus concentration, beginning in Central County, moving to West County, and finally to East County. Facilities Services has reported to us that understaffing in their department over the past year has required them to prioritize the work on a complaint-basis, and Tobacco Prevention Project Staff have been in communication with Facilities Services when complaints are received by our department. With the retirement of the Facilities Services Director, Tobacco Prevention Project staff will be working with the new director on a plan for completing the signage and removal of waste receptacles on all County Campuses once the staffing issue has been resolved.

- Tobacco Prevention Project Staff will be conducting another presentation to County Building Safety Coordinators at Risk Management's Countywide Safety Coordinators Meeting in January 2017. Updated "Smokefree Contra Costa" smokefree campus paper flyers and the staff version of the "Frequently Asked Questions" document will be distributed for internal posting.
- Tobacco Prevention Project staff continue to maintain the Contra Costa Smoke-Free Campus web pages on the Health Services website (www.smokefreec.org). This includes information on the ordinance, and the "Frequently Asked Questions" document for the public.

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, responding to complaints and inquiries, and incorporating educational materials into County business license mailings. 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.

Report back on Smokefree Multi-Unit Housing Draft Ordinance and Electronic Smoking Device Definition

Multi-Unit Housing Protections: As directed by the Committee, Public Health staff are working with County Counsel on a draft ordinance that would revise the County's Secondhand Smoke Protections Ordinance to create 100% Smokefree Multi-unit housing in the unincorporated County, including all multi-family housing complexes of two or more units. Public Health staff hopes to bring this to the Board of Supervisors shortly after the New Year.

The majority of the secondhand smoke complaints received by the Tobacco Prevention Project continue to be from multi-family housing residents 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.

Electronic Smoking Devices: The new definition of Electronic Smoking Devices, which would prohibit the use of any electronic smoking device that can be used to deliver nicotine, regardless of whether or not the device contains nicotine, was approved by the full Board on May 24, 2016 to be included in the revisions to the Tobacco Retailer Licensing and Zoning Ordinances, and is expected to be on the Board agenda in late December.

Provision of Technical Assistance to Contra Costa Cities

- Since our last report, Tobacco Prevention Project staff provided technical assistance to the cities of El Cerrito and Orinda regarding outdoor secondhand smoke protections and electronic smoking device policy and implementation. The City of Orinda adopted an ordinance (4/16) that did not include electronic smoking devices, however prohibits smoking of conventional tobacco within 20 feet of doors, windows, air ducts and ventilation systems of enclosed places open to the public; in outdoor dining areas; in public parks and trails; and on city property when being used for an outdoor event. The City of El



Cerrito adopted a strong, comprehensive secondhand smoke protections ordinance in October, 2014, and staff has continued to provide technical assistance on implementation issues.

- On 11/30/16, the US Housing and Urban Development (HUD) adopted rules requiring public housing developments in the U.S. to provide a smoke-free environment for their residents, including in all living units, indoor common areas, administrative offices and all outdoor areas within 25 feet of housing and administrative office buildings, within the next 18 months. Staff will be offering technical assistance to the County's Housing Authority in implementing these rules.

Attachments:

1. "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.

