

Morris, Erin

From: Liz Williams <liz.williams@no-smoke.org>
Sent: Thursday, March 26, 2015 4:14 PM
To: Morris, Erin
Subject: e-cigarette information
Attachments: Letter to Santa Rosa CA_03.26.15.pdf

Hi Erin,

It was good talking with you this morning. I've attached a letter of support that I will email to the Santa Rosa City Council this afternoon.

On our website, we list current e-cigarette research at <http://www.no-smoke.org/learnmore.php?id=645#ecigaresearch>. The list includes 107 studies (!) published from December 2014 through March 2015. So you're absolutely right that new research is constantly being released. Some studies are about marketing, youth use rates, and such, so I'm going to list some below that might be of particular interest in terms of the aerosol exposure. I hope this information can be supportive of Santa Rosa's effort to prohibit the use of e-cigarettes in smokefree spaces.

"Exhaled electronic cigarette emissions: what's your secondhand exposure?," RTI Press Research Brief: 1-4, March 2015. http://www.rti.org/pubs/Secondhand_Exposure_to_Electronic_Cigarette_Emissions.pdf

Findings include: A non-user may be exposed to aerosol particles smaller than 1000 nanometers, similar in size to tobacco smoke and diesel engine smoke. The exact size distribution depends on the chemical composition of the electronic cigarette liquid, the e-cigarette device operation, and user vaping preferences.

"Guidance to employers on integrating e-cigarettes/electronic nicotine delivery systems into tobacco worksite policy," Journal of Occupational and Environmental Medicine 57(3): 334-343, March 2015.

http://journals.lww.com/joem/Fulltext/2015/03000/Guidance_to_Employers_on_Integrating.15.aspx

Includes a good summary of workplace exposure and recommendations include: Employers should include e-cigarettes in their tobacco-free policies and should ban e-cigarette use in their smoke-free work areas.

" [Environmental health hazards of e-cigarettes and their components: oxidants and copper in e-cigarette aerosols](#)," 198: 100-107, March 2015.

" [Dual use of smokeless tobacco or e-cigarettes with cigarettes and cessation](#)," *American Journal of Health Behavior* 39(2): 277-284, March 2015.

" [Electronic cigarettes may lead to nicotine addiction](#)," *Journal of the National Cancer Institute* 107(3): djv070, March 2015.

" [Exposure to electronic cigarettes impairs pulmonary anti-bacterial and anti-viral defenses in a mouse model](#)," *PLOS ONE*, February 4, 2015.

" [Evaluation of electronic cigarette liquids and aerosol for the presence of selected inhalation toxins](#)," *Nicotine and Tobacco Research* 17(2): 168-174, February 2015.

Finding: This study evaluated electronic cigarette liquids for the presence of diacetyl and acetyl propionyl, which are chemicals approved for food use (ie ingestion) but are associated with respiratory disease when inhaled, and found that these chemicals are present in many sweet-flavored electronic cigarettes.

" [Electronic cigarettes are a source of thirdhand exposure to nicotine](#)," *Nicotine and Tobacco Research* 17(2): 256-258, February 2015.

" [Hidden formaldehyde in e-cigarette aerosols](#)," *New England Journal of Medicine* 372: 392-394, January 22, 2015.

Finding: In samples of the studied e-cigarette aerosol, more than 2% of the total solvent molecules converted to formaldehyde-releasing agents, reaching concentrations higher than concentrations of nicotine. This happens when propylene glycol and glycerol are heated in the presence of oxygen to temperatures reached by commercially available e-cigarettes operating at high voltage.

" [Electronic nicotine delivery systems: a policy statement from the American Association for Cancer Research and the American Society of Clinical Oncology](#)," *Journal of Clinical Oncology* [Epub ahead of print], January 8, 2015.

One of several policy recommendations: The AACR and ASCO are concerned about the potential adverse health consequences of exposure to second- and thirdhand ENDS aerosol. To protect the health of nonusers, we support prohibiting the use of ENDS in places where combustible tobacco product use is prohibited by federal, state, or local law until the safety of second- and thirdhand aerosol exposure is established.

"Aerosol deposition doses in the human respiratory tree of electronic cigarette smokers," *Environmental Pollution* 196: 257-267, January 2015. <http://www.sciencedirect.com/science/article/pii/S0269749114004369>

Finding: The study shows that e-cigarette aerosol is source of high particle dose in respiratory system, from 23% to 35% of the daily dose of a no-smoking individual...E-cigarettes were recognized as a source of extremely high particle doses in the human respiratory system.

" [Cigarettes vs. e-cigarettes: passive exposure at home measured by means of airborne marker and biomarkers](#)," *Environmental Research* 135: 76-80, November 2014.

Finding: The first peer-reviewed study to look at exposure to aerosol from ESDs in real-use conditions in the home environment found that non-smokers who were exposed to conventional cigarette smoke and ESD aerosol absorbed comparable levels of nicotine, as measured by the nicotine biomarker in their blood.

Please let me know if there's anything else we can do to be helpful!

Liz Williams

Liz Williams
Project Manager
Americans for Nonsmokers' Rights
American Nonsmokers' Rights Foundation
2530 San Pablo Ave, Suite J
Berkeley, CA 94702
Phone: 510-841-3032 x314
Fax: 510-841-3071
liz.williams@no-smoke.org
www.no-smoke.org

Morris, Erin

From: Liz Williams <liz.williams@no-smoke.org>
Sent: Thursday, March 26, 2015 4:26 PM
To: _CityCouncilListPublic
Subject: Letter of support for e-cigarette proposal
Attachments: Letter to Santa Rosa CA_03.26.15.pdf

Dear Mayor Sawyer and City Council members,

Americans for Nonsmokers' Rights would like to submit the attached letter of support for Item #13.1 on Tuesday's agenda regarding Santa Rosa's proposed ordinance to amend the smoking provisions, including prohibiting the use of e-cigarettes in smokefree spaces.

Additionally, we'd like to submit the following two documents:

Electronic Cigarettes and Secondhand Aerosol
<http://www.no-smoke.org/pdf/ecigarette-secondhand-aerosol.pdf>

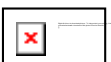
Electronic Smoking Devices and Smokefree Laws
<http://www.no-smoke.org/pdf/ecigarettes-4-pager.pdf>

Thank you,
Liz Williams

Liz Williams
Project Manager
Americans for Nonsmokers' Rights
American Nonsmokers' Rights Foundation
2530 San Pablo Ave, Suite J
Berkeley, CA 94702
Phone: 510-841-3032 x314
Fax: 510-841-3071
liz.williams@no-smoke.org
www.no-smoke.org

Are you a member of ANR? Our work depends on the support of our members. Please [click here](#) to view our membership options. We would love to have you join us!

Show your support for smokefree air by putting a static-cling decal in your window at work, home, or the car. To purchase, visit: <http://www.no-smoke.org/aboutus.php?id=440>.



March 26, 2015

Mayor John Sawyer
Santa Rosa City Hall
100 Santa Rosa Avenue Rm 10,
Santa Rosa, CA 95404

Dear Mayor Sawyer,

On behalf of its members in Santa Rosa, Americans for Nonsmokers' Rights encourages the Santa Rosa City Council to support the proposed ordinance that would prohibit the use of electronic cigarettes (e-cigarettes) and other electronic smoking devices in smokefree venues, where people may be exposed to the secondhand aerosol they emit.

E-cigarette companies and proponents claim that the aerosol emitted by these products is completely harmless and only contains "water vapor." However, research on the constituents shows that e-cigarettes produce dense visible aerosol of liquid sub-micron droplets consisting of glycols, nicotine, & some carcinogens (e.g., formaldehyde, metals like cadmium, lead, & nickel, and nitrosamines). So while some may believe the product is "safer," use of and exposure to e-cigarettes certainly isn't harmless or risk-free (see attached fact sheet).

Santa Rosa would be in good company in prohibiting the use of electronic smoking devices in places that are required to be smokefree, both indoors and outdoors. Currently, more than 330 municipalities and three states include e-cigarettes as products prohibited for use in smokefree environments. This includes more than 60 California communities, from San Francisco to Los Angeles, and from Oroville to San Bernardino.

E-cigarettes heat and vaporize a solution typically containing nicotine and are often designed to mimic the look and feel of a real cigarette, while others resemble pens or other innocuous objects. The devices come in a variety of flavors and nicotine levels, all claiming to be a safer alternative to smoking cigarettes. Although e-cigarettes contribute less to indoor air pollution than tobacco cigarettes, they are not emission-free.

E-cigarettes are currently unregulated, which leaves a great deal of unknowns not only about potential health risks to the user (and non-user exposed to the secondhand aerosol), but also about product manufacturing quality and safety. While the Food and Drug Administration (FDA) can and should regulate the production of electronic smoking devices, they do not have the authority to address where the products may be used. States and cities can and are enacting laws that regulate when and where these devices can be used, as well as laws that regulate sales to minors and where the product can be sold.

While research shows that the levels of toxins in e-cigarette aerosol are lower than in tobacco smoke, the levels are *higher* than what are found in FDA-approved nicotine inhalers, and there is evidence that at least 10 chemicals identified in the aerosol are on the California Prop 65 list of dangerous carcinogens and reproductive toxins, including Acetaldehyde, Benzene, Cadmium, Formaldehyde, Isoprene, Lead, Nickel, Nicotine, N-Nitrosornicotine, and Toluene.

E-cigarette proponents argue that these products are safer, healthier, and help people quit tobacco smoking. It may be true that e-cigarettes, in general, are less polluting than tobacco cigarettes, but they still emit pollutants and toxins into the air. In fact, not only do non-users show levels of cotinine, a biomarker for nicotine, in their system, there is now evidence of third-hand exposure to the aerosol. Given the current science base, we should take the precautionary approach and ensure individuals are not exposed to the secondhand aerosol in smokefree environments.

E-cigarette manufacturers and proponents are using unrestrained marketing tactics, especially aimed at youth and young adults via online media, to normalize product use and to promote electronic smoking devices as a “safe” alternative to smoking and as an easy way to quit smoking. There is also a concerted effort by these companies and proponents to prevent regulation of the product, and now that the three major U.S. tobacco companies—Altria, RJ Reynolds, and Lorillard—own or have developed e-cigarette brands, we are seeing even more aggressive and deceptive marketing and lobbying. For instance, Los Angeles radio stations aired ads by Blu E-cigarettes, owned by Lorillard Tobacco Company, and Vuse E-cigarettes, an RJ Reynolds product, asking people to attend the March 2014 City Council hearing to oppose the proposed ordinance.

Thankfully, the Los Angeles City Council resisted the industry pressure and voted unanimously to include electronic smoking devices in the city’s smokefree air law. Opponents of including e-cigarettes in smokefree laws are fighting tirelessly to oppose these commonsense public health laws, and social media is at the forefront of their strategy. A paper, “Tweeting for and Against Public Health Policy: Response to the Chicago Department of Public Health’s Electronic Cigarette Twitter Campaign,” documents the organized campaign—based outside of Chicago (and outside Illinois)—designed to generate opposition to Chicago’s successful 2014 ordinance.

Santa Rosa has the opportunity to protect public health from exposure to secondhand aerosol. We have enough science to make an intelligent decision that secondhand aerosol is not harmless, and that it is a new source of air pollution that contains ultrafine particles, toxicants, and carcinogens.

Given these facts, Americans for Nonsmokers’ Rights urges the Santa Rosa City Council to include e-cigarettes and other electronic smoking devices to the city’s smokefree air laws, without exception.

Thank you for your leadership and desire to make Santa Rosa the best place to live, work, and visit. Please feel free to contact me at 510-841-3045 if you have any questions, comments, or feedback.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia Hallett". The signature is fluid and cursive, with the first name "Cynthia" being more prominent than the last name "Hallett".

Cynthia Hallett, MPH
Executive Director

cc: City Council Members

Attachments: Electronic Cigarettes and Secondhand Aerosol fact sheet
Electronic Smoking Devices and Smokefree Laws

Americans for Nonsmokers’ Rights is a national, member-based, not-for-profit organization based in Berkeley, CA that is dedicated to helping nonsmokers breathe smokefree air since 1976.

Morris, Erin

From: PaulJohnston@ebmc.com
Sent: Thursday, March 26, 2015 2:50 PM
To: _CityCouncilListPublic
Subject: Proposed Smoking Ordinance

Mayor Sawyer & Council members,

I operate rental property in Santa Rosa. I am proud to provide a quality, safe place for people to call home.

I am committed to the health and safety of my residents and appreciate your efforts to reduce the negative health effects of smoking in our community. Before adopting the proposed smoking ordinance, I respectfully request your consideration of the following:

1. Provide rental owners 60 days from the effective date of the ordinance before common areas (pools, walkways, etc) must be non-smoking. This additional time will provide me with adequate time to update house rules, post signs, and educate my residents about the new prohibition.
2. This ordinance requires that landlords support the implementation and enforcement of smoking prohibition in multi-family residences. The current language outlining a rental property owner's role to comply and enforce the ordinance is vague. Rental property owners need specific and clear steps they must take to be in compliance.

Your incorporation of these two considerations will ensure a more successful implementation of this ordinance.

I appreciate the City's collaborative approach to promote the public's health.

Thank you for your continued leadership on this important issue.

Regards,

Paul Johnston
Property Supervisor
Residential Leasing and Management
Eugene Burger Management Corporation, AMO
6600 Hunter Drive
Rohnert Park, CA 94928
(707)584-5123 x 160 (707)584-5124fax
BRE License # 01291617
pauljohnston@ebmc.com
www.ebmc.com

Notice of Confidentiality: This email and any attachments thereto are intended only for the use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments is prohibited. If you have received this email in error, please immediately notify me by email (by replying to this message) or

telephone (noted above) and permanently delete the original and any copy or printout of this email. Thank you for your cooperation.

Morris, Erin

From: Goodwin Property Management <pj@sonic.net>
Sent: Thursday, March 26, 2015 3:09 PM
To: _CityCouncilListPublic
Cc: pj@sonic.net
Subject: Non-Smoking Ordinance

Dear Mayor Sawyer & Councilmembers,

I operate rental property in Santa Rosa. I am proud to provide a quality, safe place for people to call home.

I am committed to the health and safety of my residents and appreciate your efforts to reduce the negative health effects of smoking in our community. Before adopting the proposed smoking ordinance, I respectfully request your consideration of the following:

1. Provide rental owners 60 days from the effective date of the ordinance before common areas (pools, walkways, etc) must be non-smoking. This additional time will provide me with adequate time to update house rules, post signs, and educate my residents about the new prohibition.
2. This ordinance requires that landlords support the implementation and enforcement of smoking prohibition in multifamily residences. The current language outlining a rental property owner's role to comply and enforce the ordinance is vague. Rental property owners need specific and clear steps they must take to be in compliance.

Your incorporation of these two considerations will ensure a more successful implementation of this ordinance.

I appreciate the City's collaborative approach to promote the public's health.

Thank you for your continued leadership on this important issue.

Sincerely,

Larry Goodwin

Goodwin Property Management
PO Box 6381, Santa Rosa, CA 95406
707-539-4939 office
707-539-2004 mobile
707-539-4963 fax
pj@sonic.net

BRE Lic. #01730258 ~ BRE Lic. #01729780

Morris, Erin

From: GabrielleBaum@ebmc.com
Sent: Thursday, March 26, 2015 2:49 PM
To: _CityCouncilListPublic
Subject: Proposed smoking ordinance

Mayor Sawyer & Council members,

I operate rental property in Santa Rosa. I am proud to provide a quality, safe place for people to call home.

I am committed to the health and safety of my residents and appreciate your efforts to reduce the negative health effects of smoking in our community. Before adopting the proposed smoking ordinance, I respectfully request your consideration of the following:

1. Provide rental owners 60 days from the effective date of the ordinance before common areas (pools, walkways, etc) must be non-smoking. This additional time will provide me with adequate time to update house rules, post signs, and educate my residents about the new prohibition.
2. This ordinance requires that landlords support the implementation and enforcement of smoking prohibition in multi-family residences. The current language outlining a rental property owner's role to comply and enforce the ordinance is vague. Rental property owners need specific and clear steps they must take to be in compliance.

Your incorporation of these two considerations will ensure a more successful implementation of this ordinance.

I appreciate the City's collaborative approach to promote the public's health.

Thank you for your continued leadership on this important issue.

Regards,

Gabrielle Baum, Property Supervisor
BRE# 01955224
Residential Leasing and Management-Northbay Service Area
Eugene Burger Management Corporation
6600 Hunter Drive
Rohnert Park CA, 94928
707-584-5123 extension 144
Fax 707-584-5124
gabriellebaum@ebmc.com

Morris, Erin

From: Morningside Apartments <apartmentsmorningside@gmail.com>
Sent: Thursday, March 26, 2015 9:48 PM
To: _CityCouncilListPublic
Subject: No smoking law

I operate rental property in Santa Rosa. I am proud to provide a quality, safe place for people to call home.

I am committed to the health and safety of my residents and appreciate your efforts to reduce the negative health effects of smoking in our community. Before adopting the proposed smoking ordinance, I respectfully request your consideration of the following:

- 1. Provide rental owners 60 days from the effective date of the ordinance before common areas (pools, walkways, etc) must be non-smoking. This additional time will provide me with adequate time to update house rules, post signs, and educate my residents about the new prohibition.*
- 2. This ordinance requires that landlords support the implementation and enforcement of smoking prohibition in multifamily residences. The current language outlining a rental property owner's role to comply and enforce the ordinance is vague. Rental property owners need specific and clear steps they must take to be in compliance.*

Your incorporation of these two considerations will ensure a more successful implementation of this ordinance.

I appreciate the City's collaborative approach to promote the public's health.

Thank you for your continued leadership on this important issue.

Sincerely,

Elisandro & Marisabel Arriaza

Morningside Apartments

3018 Coffey Ln #8, S. R., CA. 95403

Morris, Erin

From: PatrickAaron@ebmc.com
Sent: Thursday, March 26, 2015 2:45 PM
To: _CityCouncilListPublic
Subject: Proposed Smoking Ordinance

Mayor Sawyer & Council members,

I operate rental property in Santa Rosa. I am proud to provide a quality, safe place for people to call home.

I am committed to the health and safety of my residents and appreciate your efforts to reduce the negative health effects of smoking in our community. Before adopting the proposed smoking ordinance, I respectfully request your consideration of the following:

1. Provide rental owners 60 days from the effective date of the ordinance before common areas (pools, walkways, etc) must be non-smoking. This additional time will provide me with adequate time to update house rules, post signs, and educate my residents about the new prohibition.
2. This ordinance requires that landlords support the implementation and enforcement of smoking prohibition in multi-family residences. The current language outlining a rental property owner's role to comply and enforce the ordinance is vague. Rental property owners need specific and clear steps they must take to be in compliance.

Your incorporation of these two considerations will ensure a more successful implementation of this ordinance.

I appreciate the City's collaborative approach to promote the public's health.

Thank you for your continued leadership on this important issue.

Regards,

Patrick T. Aaron
BRE# 01939038

Director of Leasing and Management
North Bay Service Area
Eugene Burger Management Corporation, AMO
6600 Hunter Drive, Rohnert Park, CA 94928
(707) 584-5123 Extension 179
(707) 584-5124 Fax
patrickaaron@ebmc.com
www.ebmc.com

Notice of Confidentiality: This email and any attachments thereto are intended only for the use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments is

prohibited. If you have received this email in error, please immediately notify me by email (by replying to this message) or telephone (noted above) and permanently delete the original and any copy or printout of this email. Thank you for your cooperation.

Bliss, Sandi

From: Williams, Stephanie
Sent: Wednesday, March 25, 2015 2:25 PM
To: Morris, Erin; Bliss, Sandi
Cc: Griffin, Terri
Subject: FW: Smoke-free Protections
Attachments: Santa Rosa SF 3-30-15.docx

Hi,

Email received by Council for Smoking Regs item next week. Please upload to the correspondence attachment. Thank you.

Stephanie Williams, CMC | Deputy City Clerk

City Manager's Office/City Clerk's Office | 100 Santa Rosa Avenue | Santa Rosa, CA 95404

Tel. (707) 543-3011 | Fax (707) 543-3030 | swilliams@srcity.org



From: Cassie Ray [<mailto:cassie.ray@cancer.org>]
Sent: Wednesday, March 25, 2015 1:13 PM
To: _CityCouncilListPublic
Subject: Smoke-free Protections

Dear Mayor Sawyer and Members of the Santa Rosa City Council:

Thank you for your careful consideration and work on an ordinance, which, if passed, will greatly improve the protections provided to those who live and work in Santa Rosa, as well as those who visit. We do suggest that you include 100% of hotel rooms, as most larger hotels already include 100% smoke-free rooms, and smaller hotels are not only workplaces, but they are also often temporary residences.

We are also asking that definitions be updated. The definitions used appear to have come from the Change Labs Solutions template. They have since updated their definitions. I have included the new definitions in the attached letter.

Thank you once again for your work in creating meaningful protections for the residents of Santa Rosa

Cassie Ray | Northern California Government Relations

American Cancer Society Cancer Action Network, Inc.

980 9th Street Suite 2200

Sacramento, CA 95814

Phone: 707.290.0003 | Mobile: 707.290.0003 | Fax: 916.447.6931

acscan.org





This message (including any attachments) is intended exclusively for the individual to whom it is addressed and may contain proprietary, protected, or confidential information. If you are not the named addressee, you are not authorized to read, print, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately.



March 25, 2015

The Honorable John Sawyer
City of Santa Rosa
100 Santa Rosa Avenue, Room 10
Santa Rosa, CA 95404

Dear Mayor Sawyer and Members of the Santa Rosa City Council:

The American Cancer Society Cancer Action Network is committed to protecting the health and well-being of the citizens of Santa Rosa, and appreciates the work that has been put into updating the city's current smoke-free protections. If passed, this ordinance will protect residents, workers, and those who visit the City of Santa Rosa by prohibiting smoking in multi-unit housing, and all public places, including: dining, service areas, common areas, shopping, parks and playgrounds.

Smoking remains the leading cause of preventable death in the U.S. However, it is not only smokers who breathe in the deadly smoke from tobacco use—everyone around them is forced to inhale it too. Exposure to secondhand smoke causes many of the same tobacco-related diseases and premature deaths as active smoking. In fact, 42,000 Americans die each year as a result of inhaling the smoke of others, and the U.S. Surgeon General has declared that there is no safe level of exposure to secondhand smoke. Even brief exposure to secondhand smoke can cause serious health effects, especially for vulnerable populations.

The multi-unit housing (MUH) smoke-free protections contained within this ordinance will improve the quality of life for nonsmokers, and will prevent the unintentional exposure that many receive as a result of smoking neighbors. Secondhand smoke can travel from an individual housing unit or common area and infiltrate a non-smoking unit, similar to traveling from a smoking to a smoke-free section of a restaurant or bar. More than 80% of Californians completely prohibit smoking in their homes, and yet, in MUH, one smoking resident can expose the neighbors in all surrounding units. It has been estimated that 44-46% of MUH residents are involuntarily exposed to secondhand smoke in their homes.

We encourage you to amend the 75% of hotel rooms to be 100% smoke-free, as hotels are workplaces, which are otherwise covered by this ordinance. Many hotels are already voluntarily 100% smoke-free, but small hotels are often independently owned, and sometimes used as multi-unit housing residences, which are also otherwise covered. 100% smoke-free

hotels would be consistent with the workplace provisions, as well as the MUH provisions being proposed in the ordinance.

We also ask that you change the definitions for “electronic smoking device” as well as “smoking” to the definitions now being used in the Change Labs Solutions model ordinances, as well as by our own organization and others. We do not recommend exclusions in the case that electronic devices should ever become approved as cessation devices, as we would still not want these used in public. Public use would involuntarily expose others who are around the user to the aerosol in these products, and would severely complicate enforcement of laws passed to protect residents.

“Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

Smoke-free laws are an effective way to protect nonsmokers, workers, and children from the deadly effects of secondhand smoke. The smoke-free ordinance being considered by this council is comprehensive and contains many important protections, which, if passed, will protect community members where they live, work and play.

Sincerely,

A handwritten signature in cursive script that reads "Cassie Ray".

Cassie Ray
Government Relations Director, Northern California
American Cancer Society Cancer Action Network



March 25, 2015

The Honorable John Sawyer
City of Santa Rosa
100 Santa Rosa Avenue, Room 10
Santa Rosa, CA 95404

Dear Mayor Sawyer and Members of the Santa Rosa City Council:

The American Cancer Society Cancer Action Network is committed to protecting the health and well-being of the citizens of Santa Rosa, and appreciates the work that has been put into updating the city's current smoke-free protections. If passed, this ordinance will protect residents, workers, and those who visit the City of Santa Rosa by prohibiting smoking in multi-unit housing, and all public places, including: dining, service areas, common areas, shopping, parks and playgrounds.

Smoking remains the leading cause of preventable death in the U.S. However, it is not only smokers who breathe in the deadly smoke from tobacco use—everyone around them is forced to inhale it too. Exposure to secondhand smoke causes many of the same tobacco-related diseases and premature deaths as active smoking. In fact, 42,000 Americans die each year as a result of inhaling the smoke of others, and the U.S. Surgeon General has declared that there is no safe level of exposure to secondhand smoke. Even brief exposure to secondhand smoke can cause serious health effects, especially for vulnerable populations.

The multi-unit housing (MUH) smoke-free protections contained within this ordinance will improve the quality of life for nonsmokers, and will prevent the unintentional exposure that many receive as a result of smoking neighbors. Secondhand smoke can travel from an individual housing unit or common area and infiltrate a non-smoking unit, similar to traveling from a smoking to a smoke-free section of a restaurant or bar. More than 80% of Californians completely prohibit smoking in their homes, and yet, in MUH, one smoking resident can expose the neighbors in all surrounding units. It has been estimated that 44-46% of MUH residents are involuntarily exposed to secondhand smoke in their homes.

We encourage you to amend the 75% of hotel rooms to be 100% smoke-free, as hotels are workplaces, which are otherwise covered by this ordinance. Many hotels are already voluntarily 100% smoke-free, but small hotels are often independently owned, and sometimes used as multi-unit housing residences, which are also otherwise covered. 100% smoke-free

hotels would be consistent with the workplace provisions, as well as the MUH provisions being proposed in the ordinance.

We also ask that you change the definitions for “electronic smoking device” as well as “smoking” to the definitions now being used in the Change Labs Solutions model ordinances, as well as by our own organization and others. We do not recommend exclusions in the case that electronic devices should ever become approved as cessation devices, as we would still not want these used in public. Public use would involuntarily expose others who are around the user to the aerosol in these products, and would severely complicate enforcement of laws passed to protect residents.

“Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

Smoke-free laws are an effective way to protect nonsmokers, workers, and children from the deadly effects of secondhand smoke. The smoke-free ordinance being considered by this council is comprehensive and contains many important protections, which, if passed, will protect community members where they live, work and play.

Sincerely,



Cassie Ray
Government Relations Director, Northern California
American Cancer Society Cancer Action Network



March 24, 2015

Joshua Howard
California Apartment Association - Silicon Valley
1530 The Alameda, Suite 100
San Jose, CA 95126

Dear Mr. Howard,

Thank you for your letter dated February 4, 2015 regarding the City of Santa Rosa's smoking ordinance update and for meeting with City staff on March 16, 2015 to discuss your organization's comments and those of the North Coast Rental Housing Association. We have appreciated the participation of both groups in helping City staff develop the draft smoking ordinance pertaining to multifamily residential properties. The purpose of this letter is to provide a response to the issues identified in the most recent letters and at the meeting.

Timing of New Regulations

As discussed at our meeting, the proposed ordinance allows up to 60 days for owner-occupied units and units leased on a month-to-month basis to transition to smoke-free. The 60-day time period follows the mandatory 30-day waiting period which will follow the second reading of the smoking ordinance. If the Council introduces the proposed smoking ordinance on March 31, 2015, there will be a total of 99 days until the affected units must be smoke-free on July 8, 2015. Staff believes that this provides sufficient time for the transition to occur.

Similarly, there will be 38 days from the March 31st meeting before multifamily common areas must be smoke-free. As we discussed at our meeting, City staff and Sonoma County Department of Health Services staff will conduct public outreach about the smoking regulations following Council action on the item, including two workshops for landlords and property managers planned for April and May 2015. We welcome assistance from the CAA and NCRHA in getting the word out to your members.

Landlord Role in Enforcing Ordinance

We understand that some members of your organization are concerned about the landlord's role in implementing and enforcing the smoking ordinance. In response to an earlier concern that the draft ordinance was too vague, the ordinance was revised to identify specific "appropriate steps" that a landlord or property manager shall take to implement the ordinance, such as posting signs, sending every tenant information on ordinance requirements, and contacting individual tenants in the event of a complaint to further educate on the smoking

ordinance. As discussed at our meeting, there are other methods that a landlord may use to pursue adherence to the ordinance including calling the tenant or knocking on their door. It is staff's position that the draft ordinance provides sufficient clarity while remaining flexible to allow creativity in implementing the ordinance.

Violations

Members of the North Coast Rental Housing Association expressed concern that Section 9-20.150 makes it appear that violations of the smoking ordinance are automatically a misdemeanor, and requested that the language be softened to indicate that such violations may or may not be charged as such. City staff researched this issue and determined that flexibility for charging misdemeanors is already provided in Section 1-28.010 of Santa Rosa City Code. We feel that this is responsive to the concern.

Housing and Urban Development (HUD) Affordable Units

At our meeting, a question was raised about how to implement smoke-free provisions for HUD units due to the federal lease requirements for such units. City staff researched this issue and found an informational brochure from HUD which states that HUD supports smoke-free housing communities and suggests that smoking restrictions may be addressed in the "house rules" for a property as an interim implementation measure, and over time through an amendment to the leases. Here is the link for reference:

<http://portal.hud.gov/hudportal/documents/huddoc?id=smokefreeowners.pdf>

Conclusion

In conclusion, we appreciate the participation and comments of the CAA and NCRHA, and we look forward to working with you on publicizing and implementing the new regulations if approved by the City Council.

Sincerely,



ERIN L. MORRIS
Senior Planner

Cc: Nancy Pullen, North Coast Rental Housing Association