

October 3, 2017

MEMO TO: Maui County Council

FROM: Trish La Chica, Policy and Advocacy Director, Hawai'i Public Health Institute and
organizational members of the Coalition for a Tobacco-Free Hawai'i

SUBJECT: Addressing Concerns Regarding Smoke-Free Cars Legislation

Aloha Maui County Councilmembers,

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OFFICE OF THE
COUNTY COUNCIL

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Thank you for your consideration of PEA-41 (2017), PROHIBITING SMOKING IN VEHICLES WHEN PERSONS UNDER THE AGE OF EIGHTEEN ARE PRESENT. This bill is an important measure to protect minors from involuntary exposure to toxic secondhand smoke in vehicles.

The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute that is dedicated to reducing tobacco use through education, policy, and advocacy. The Coalition testified in **strong support** of this measure on September 18, 2017 at the Policy, Economic Development and Agriculture committee hearing. At the hearing, several councilmembers and corporation counsel had questions about the implementation and enforcement of a smoke-free cars policy. We hope to address some of the concerns about the bill so Maui County can move forward with legislation.

The dangers of secondhand smoke are clear – it contains more than 7,000 chemicals, at least 70 of which are known to cause cancer. There is no safe level of secondhand smoke exposure. After just half a cigarette has been smoked in a car, the quality of the air can reach levels 10 times over what the United States Environmental Protection Agency considers hazardous. The level of air pollution in a car caused by smoke from a cigarette is so severe that breathing it is dangerous for anyone, but especially for children. Exposure to secondhand smoke for as little as 10 seconds can stimulate asthmatic symptoms in children¹. Further, smoking emits fifty times more fine particles into a car than those emitted per-mile by a car's tailpipe^{2,3}. I encourage you to view California's demonstration of how smoking in a car rapidly reaches dangerously high levels of secondhand smoke: <http://bit.ly/CASmokeFreeCars>

Maui County has long been protecting its residents and visitors from the dangers of secondhand smoke through smoke-free workplaces, beaches, parks, and bus stop laws. Maui County Council now has the opportunity to extend smoke-free protections to minors in vehicles.

Smoke-free cars is already law in two of Hawaii's counties – and the City and County of Honolulu's Bill 70 will be scheduled for third reading. Hawai'i County enacted the law to prohibit smoking in vehicles when

¹ Rees V, Connolly G. Measuring air quality to protect children from secondhand smoke in cars. *Am J Prev Med* 2006; 31(5):363-8.

² Maricq, M. M., Podsiadlik, D. H., Chase, R. E. (1999) "Examination of the Size-Resolved and Transient Nature of Motor Vehicle Particle Emissions." *Environmental Science and Technology*, 33 (110): 1618-1626.
<http://pubs.acs.org/cgi-bin/abstract.cgi/esthag/1999/33/110/abs/es9808806.html>.

³ Nazaroff WW and Klepeis NE (2003) "Environmental Tobacco Smoke Particles," In: *Indoor Environment: Airborne Particles and Settled Dust*, edited by Lidia Morawska and Tunga Salthammer, Wiley-VCH, Weinheim, October 2003.

a minor under the age of 18 is present in 2010. Kaua'i passed similar legislation in 2016, but lowered the age to 12 and under. Originally, the Kaua'i bill protected minors under the age of 18, but a last minute amendment lowered the age to 12 and under. National recommendations from the American Academy of Pediatrics state that policies should protect children from secondhand smoke exposure in cars while they are a legal minor (under 18)⁴.

While some have mentioned that they feel that prohibiting smoking in vehicles (even when a child is in the car) is government overreach – smoke-free cars for keiki is a public health and safety issue, and government has the ability and responsibility to create laws that protect minors from activities that cause harm. Examples include child car seats, or prohibiting them from purchasing tobacco and alcohol. Due to the clear and well-documented health risks of secondhand smoke, especially to children in vehicles, this type of law is within the council's authority to regulate.

In addition, others wondered about the nexus between public safety and smoking. While the Coalition primarily focuses on the public health impact, there has been some research that connects smoking cigarettes and/or vaping and traffic safety. The process of lighting and smoking a cigarette can be a visual, cognitive, and manual distraction while driving. For example, a driver's search for cigarettes and lighter can take that person's eyes off the road, while lighting the cigarette requires both hands to be off the wheel. The entire process can distract the driver's mind from focusing on the road. The National Institutes of Health also published a report that smoking while driving can be an even greater distraction than using a cell phone. Cigarette smoking averaged 12.0 seconds of distraction while driving, or about 525 feet of travel without looking at the road, posing great hazards to other vehicles and pedestrians⁵.

At the hearing, several scenarios were posed to the Corporation Counsel and Maui Police Department, asking how the law would be applied in certain situations. One of the concerns brought up by councilmembers was regarding scenarios where an 18-year-old was smoking around a younger peer. Hawaii is the first of five states that has adopted Tobacco 21, a law to raise the age to purchase tobacco and electronic smoking devices to 21. It is illegal for anyone under the age of 21, such as an 18-year old to be using tobacco products – the law does not distinguish between public or private spaces⁶.

Questions were also raised about how the law would be applied to different types of vehicles and on different types of roads, etc. By dissecting this policy, we are missing the intent of the law – which is to protect our children from involuntary exposure to secondhand smoke and from respiratory illnesses that can last a lifetime. This law, coupled with an education campaign, will also teach parents and other adults on the health hazards of secondhand smoke exposure. A strong education campaign is an effective tool to raise awareness about new laws and prevent violations. We do not want the full burden

⁴ American Academy of Pediatrics, Resolution on Secondhand Smoke Exposure of Children in Vehicles (Resolution # LR2, (06) – 2006/2007 Annual Leadership Forum), January 21, 2007

⁵ Mangiarancina, G. & Palumbo, L. (2007). "Smoking while driving and its consequences on road safety." *Ann Ig.* 19(3): 253-67.

⁶ Haw. Rev. Stat. § 712-1258

of enforcement to be on our police departments – the Coalition and Department of Health would partner with the Maui Police Department to provide education and awareness around the new law.

The Coalition strongly supports smoke-free environments, especially when it protects children. We hope to continue to work with Maui County Council as it considers smoke-free cars legislation.

Signed – Members of the Coalition for a Tobacco-Free Hawai'i:

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American Heart Association

American Lung Association in Hawaii

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