



STANTON A. GLANTZ, PhD
Professor of Medicine
American Legacy Foundation Distinguished Professor in Tobacco Control
Director, Center for Tobacco Control Research and Education
Suite 366 University Library
530 Parnassus Avenue
San Francisco, California 94143-1390

Phone : 415-476-3893
Fax: 415-514-9345
E-mail: glantz@medicine.ucsf.edu

February 3, 2009

Dr Janet Woollard MLA.
Chair, Education and Health Standing Committee
WA Legislative Assembly
c/o Tim Hughes
Research Officer
thughes@parliament.wa.gov.au

RE: TOBACCO PRODUCTS CONTROL AMENDMENT BILL 2008

Dear Dr. Woollard,

Thank you for inviting me to review this proposed legislation.

Overall, the bill represents an important step forward in improving protection of the public from the toxic chemicals in secondhand smoke by bringing Western Australia up to the standard of strong laws elsewhere. The marketing provision closes a loophole that the tobacco industry has been using to circumvent the intent of your current advertising restrictions and is also a good idea.

There are a few areas in which the language could be improved or made more specific:

The bill provides for a 6 month phase in. Given the fact that Western Australians are already used to regulating tobacco and tobacco smoke, this seems longer than necessary. Three months would seem an adequate time for implementation, including producing and distributing the necessary signs and educational materials.

The provisions restricting smoking in cars when children are present are well justified by the fact that the pollution levels from secondhand smoke can be extremely high inside the limited space of cars (even with the windows rolled down). If you are going to enact legislation in this area, however, it is important that there be a strong public education campaign and a reasonable enforcement effort for long enough to establish the understanding that the Government is serious about the law. (After this initial period, enforcement is unlikely to be an issue.

Similar comments apply to the outdoor smoking provisions.

There is some question regarding the definition of what is meant by “where children play.” Is the definition of a child the same as it is when discussing children in motor vehicles? If there is a sports field that is used by adults and children at different times, it is smokefree all the time or only when children are present? If the latter is the case, it would make signage difficult and confusing, which would invite compliance and enforcement problems. As always, the cleaner the definition, the easier it is to enforce and the less likely people will be to violate the law.

A cigarette is like a little toxic waste dump on fire and outdoor smoking can produce surprisingly high levels of local air pollution. In 2006, the California Air Resources Board, as part of the process of identifying secondhand smoke as a “toxic air contaminant,” measured levels of secondhand smoke outdoors and found that they could approach indoor levels. The full report (Part A deals with exposure and Part B deals with health effects) is available at <http://www.arb.ca.gov/regact/ets2006/ets2006.htm>.

Doubtless, the usual naysayers (perhaps a long-time tobacco industry ally like the Australian Hotels Association) will again claim that the sky will fall and argue that hospitality venues should be allowed to continue smoking in outdoor areas around pubs. In assessing these claims of economic hardship, you should be particularly cognizant that similar claims that have been made many times before have proved to be nothing more than rhetoric. When considering such claims, you should also be mindful of the evidence (cited above) that the levels of air pollution in such areas can be quite high. In addition, the smoke can drift indoors through windows or doors. The simplest, easiest to enforce is the health protective policy of being 100% smokefree.

Thank you again for soliciting my opinion on this important step forward in protecting the public from the thousands of chemicals in secondhand smoke.

If I can be of further assistance, please contact me.

Best wishes,

A handwritten signature in black ink, appearing to read "Stanton A. Glantz". The signature is fluid and cursive, with the first name being more prominent.

Stanton A. Glantz, PhD
Professor of Medicine (Cardiology)
American Legacy Foundation Distinguished Professor in Tobacco Control
Director, Center for Tobacco Control Research and Education