

**Pennsylvania House Health Committee
Hearing on House Bill 1657
September 20, 2023**



Testimony by Donna Greco, MSW, Government Relations Director-PA

Dear Members of the Pennsylvania House Health Committee:

The American Cancer Society Cancer Action Network (ACS CAN), the nonprofit, non-partisan advocacy affiliate of the American Cancer Society, advocates for public policies that reduce death and suffering from cancer. ACS CAN supports HB 1657, to add all workplaces and public spaces to the state's Clean Indoor Air Act, and remove smoking, including the use of electronic cigarettes, from bars, casinos and private clubs. ACS CAN supports everyone's right to breathe clean smoke-free air, and no one should have to choose between their health and a paycheck.

All Pennsylvanians deserve to work, travel, and recreate in smokefree settings. Pennsylvania's Clean Indoor Air Act of 2008 was a step in the right direction, prohibiting harmful secondhand smoke in a range of settings. However, outdated exemptions remain, leaving Pennsylvanians—and our visitors—exposed to harmful air and toxins. It is time to close these loopholes and align the Commonwealth with current research and developments. HB 1657 is a vehicle for preventing cancer and cancer-related, preventable deaths. It also offers us a critical opportunity to establish social norms that prevent tobacco use in the first place and show us all, particularly young Pennsylvanians, a powerful example of smokefree work, recreation, and travel. Finally, HB 1657 offers us a pathway to update our laws to address the emergence of electronic smoking devices, or e-cigarettes.

People who don't smoke who are exposed to secondhand smoke are inhaling many of the same cancer-causing substances and poisons as people who do smoke.^{i,ii,iii} Secondhand smoke causes nearly 42,000 deaths, including up to 7,300 lung cancer deaths among nonsmoking adults each year in the United States.^{iv,v} Exposure to secondhand smoke causes many of the same tobacco-related diseases as active smoking, including heart disease, stroke, and cancer.^{vi} Nonsmokers who are exposed to secondhand smoke at home or at work increase their risk of developing lung cancer by 20–30%.^{vii} Multiple Surgeon General's reports have confirmed that the scientific evidence indicates there is no risk-free level of exposure to secondhand smoke.^{viii,ix} Even brief secondhand smoke exposure can damage cells in ways that set the cancer process in motion. As with active smoking, the longer the duration and the higher the level of exposure to secondhand smoke, the greater the risk of developing lung cancer.^x

Recognizing this, 28 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and at least 1,147 localities across the country have implemented laws that require 100% smoke-free workplaces, including restaurants and bars.^{xi} Twenty-one of these states, as well as Puerto Rico and the U.S. Virgin Islands, also include gaming facilities in their comprehensive smoke-free laws. It's time for Pennsylvania to join this list.

Hospitality Workers are at Higher Risk for Secondhand Smoke Exposure

Unfortunately, the workplace is still a major source of secondhand smoke exposure for adults. Blue collar and service workers are more likely than white collar workers to be exposed to secondhand smoke in the workplace^{xii} and are less likely to be covered by smoke-free policies.^{xiii,xiv} A person's place of employment should

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not determine whether they can breathe smoke-free air while at work. Much of the hospitality industry here in Pennsylvania including bartenders, servers, and gaming establishment employees are not protected by our smoke-free law forced to breathe secondhand smoke even when smoke-free policies are in effect for other types of workplaces.^{xv,xvi} According to one study, prior to the implementation of a smoke-free law, employees working full-time in restaurants or bars that allowed indoor smoking were exposed to levels of air pollution 4.4 times higher than safe annual levels established by the U.S. Environmental Protection Agency because of their occupational exposure to tobacco smoke pollution.^{xvii}

Many hospitality jobs like those in bars and casinos offer flexible hours and schedules that work better for people. Finding another job in Pennsylvania that pays as well and fits an employee's current schedule or situation may not be an option.

Without smoke-free laws, bars and lounges have among the highest concentrations of secondhand smoke of all public spaces.^{xviii} When there are not smoke-free policies in effect, levels of secondhand smoke in bars are 3.9 to 6.1 times higher than levels measured at office worksites and up to 4.5 times higher than levels in homes with one or more people who smoke.^{xix} Bartenders are more likely than many other workers to report eye, nose, or throat irritation or symptoms.^{xx} Everyone should have equal protection and opportunity under the law. What is good for one segment of the population should be good for everyone.

Smoke-free Policies Improve Workers' Health

The evidence shows that implementing smoke-free policies has immediate benefits for restaurant and bar workers' health. The Surgeon General reports that in high-risk settings such as bars, smoke-free policies can lead to reductions of 80-90 percent of secondhand smoke exposure.^{xxi} Additional studies examining the impact of specific smoke-free laws have had similar findings.^{xxii, xxiii, xxiv, xxv, xxvi} Smoke-free laws also prompt many people who smoke to quit.^{xxvii, xxviii}

Smoke-free policies reduce long-term risk of lung cancer and cardiovascular disease among workers and patrons alike. Passage of a comprehensive smoke-free law is associated with lower rates of hospitalizations and death from heart attacks, heart disease, strokes, and respiratory diseases.^{xxix} Smoke-free laws that cover a broader range of venues, including all workplaces, restaurants, bars, and gaming facilities, further reduce the risk of disease and death.^{xxx}

Including E-cigarettes in Smoke-free Laws

ACS CAN supports prohibiting the use of e-cigarettes wherever smoking is prohibited to protect against secondhand exposure to nicotine and other potentially harmful chemicals, to ensure the enforcement of existing smoke-free laws is not compromised, and to ensure that the public health benefits of smoke-free laws are not undermined. Studies have found e-cigarette aerosol to contain ultrafine particles that can be inhaled deeply into the lungs, heavy metals such as nickel, tin and lead, volatile organic compounds and cancer-causing tobacco-specific nitrosamines, among other potentially harmful chemicals.^{xxxi, xxxii, xxxiii}

In addition to exposing workers and patrons to e-cigarette aerosol, the use of e-cigarettes in workplaces

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including restaurants, bars, and casinos can unnecessarily complicate enforcement of smoke-free laws and undermine the public health benefits that continue to be achieved by smoke-free laws.

Prohibiting the use of e-cigarettes in workplaces including restaurants, bars, and casinos can further protect the public's health by preventing nonusers from being exposed nicotine and other harmful chemicals in these products. More than 1000 localities and 26 states, commonwealths and territories have laws prohibiting e-cigarette use in 100% smoke-free venues.^{xxxiv}

Smoke-free Policies are Good for Business

A report published by Las Vegas-based C3 Gaming found that casinos without indoor smoking outperform their smoking counterparts. "Data from multiple jurisdictions clearly indicates that banning smoking no longer causes a dramatic drop in gaming revenue," wrote C3 Gaming. "In fact, non-smoking properties appear to be performing better than their counterparts that continue to allow smoking."

Smoke-free laws and policies provide immediate and long-term health benefits and are good for businesses and workers. In fact, a report by the National Cancer Institute and the World Health Organization concluded that "smoke-free policies do not have negative economic consequences for businesses, including restaurants and bars, with a small positive effect being observed in some cases."^{xxxv}

Numerous studies have also found that smoke-free laws that include bars do not hurt, and may even benefit, bar sales. Research examining the impact of smoke-free ordinances showed that these laws had no negative effect on bar sales or service workers' employment.^{xxxvi, xxxvii, xxxviii, xxxix, xl, xli, xlii, xliii, xliv, xlv, xlvi, xlvii} In fact, bar businesses are no more sensitive to changes in smoking behavior than any other hospitality businesses.^{xlvi} Additionally, several studies have also shown that smoke-free policies do not affect tourism or hotel/motel revenues.^{xlvi, l, li, lii, liii}

The costs of secondhand smoke are significant. The 2014 Surgeon General's report estimated the economic value of lost wages, fringe benefits, and workforce associated with premature mortality due to secondhand smoke exposure to be \$5.6 billion per year nationwide. This estimate excludes the losses due to morbidity and far underestimates the total economic impact of secondhand smoke.^{liv}

Existing research strongly indicates that smoke-free laws are good for businesses, for workers, and for customers. Research published in leading scientific journals has shown consistently and conclusively that smoke-free laws have no adverse effects on the hospitality industry,^{lv, lvi} and benefit businesses. Business owners that allow smoking in the workplace increase their costs of doing business: Employers pay increased health, life, and fire insurance premiums, make higher workers' compensation payments, incur higher worker absenteeism, and settle for lower work productivity.^{lvii, lviii, lix, lx, lxi, lxii, lxiii, lxiv} Other costs associated with smoking in the workplace are increased housekeeping and maintenance costs. The 2006 Surgeon General's Report furthers this point, concluding that "evidence from peer-reviewed studies shows that smoke-free policies and regulations do not have an adverse economic impact on the hospitality industry."

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Secondhand Smoke, Air Quality, and Ventilation

The Surgeon General has concluded that there is no safe level of exposure to secondhand smoke and even separating people who smoke from those who do not, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke. The only effective way to fully protect nonsmokers from exposure to secondhand smoke is to eliminate smoking in indoor public spaces.^{lxv}

Particulate matter, of the size found in cigarette smoke, is easily and deeply inhaled and absorbed into the lungs and can lead to disease and death. Numerous studies over the past two decades have repeatedly shown that smoke-free laws are the only effective way to reduce exposure to secondhand smoke.

The American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) concludes that the only means of effectively eliminating the health risks associated with secondhand smoke is to prohibit smoking.^{lxvi} Furthermore, no engineering approaches, including ventilation and air cleaning technologies, can eliminate the health risk of secondhand smoke.

We urge you to vote yes on HB 1657 to protect all workers and the public from the harmful effects of secondhand smoke exposure. No one should have to choose between their livelihood and their health.

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ⁱⁱ U.S. Department of Health and Human Services. A Report of the Surgeon General: How Tobacco Smoke Causes Disease: What It Means to You. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.

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^v HHS (2014)

^{vi} National Cancer Institute (NCI). (1999). Health Effects of Exposure to Environmental Tobacco Smoke: The Report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10. Bethesda, MD: NCI.

^{vii} HHS (2006)

^{viii} HHS (2006)

^{ix} HHS (2010)

^x HHS (2014)

^{xi} Americans for Nonsmokers Rights. Overview List – How many Smokefree Laws? July 1, 2023. Available online at <https://no-smoke.org/wp-content/uploads/pdf/mediaordlist.pdf>

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