

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DIRECTING THE COO) RESOLUTION NO. 11-4262A
TO IMPLEMENT A TOBACCO-FREE) Introduced by Councilor Burkholder with the
GROUNDS POLICY) concurrence of Council President Hughes

WHEREAS, Metro’s primary responsibility is “planning and policy making to preserve and enhance the quality of life and the environment for ourselves and future generations”; and

WHEREAS, tobacco-free parks and recreational facilities will further Metro’s mission of environmental stewardship and promoting livable, sustainable communities, as they help provide healthy, clean, attractive places for people to be physically active and enjoy the outdoors while upholding environmental values and protecting fish and wildlife; and

WHEREAS, tobacco waste products are the most common item found in litter cleanups and contain numerous pollutants which present a serious risk to children, fish, wildlife, who may ingest the material, and the health of our watersheds through chemical contamination; and

WHEREAS, adopting a tobacco-free policy exhibits leadership and commitment the regional outcome of clean air and clean water for current and future generations; and

WHEREAS, cigarettes and other smoking materials are the number one cause of fire deaths nationally and present a serious fire risk to forests, parks and natural areas purchased with taxpayer dollars under Metro’s stewardship; and

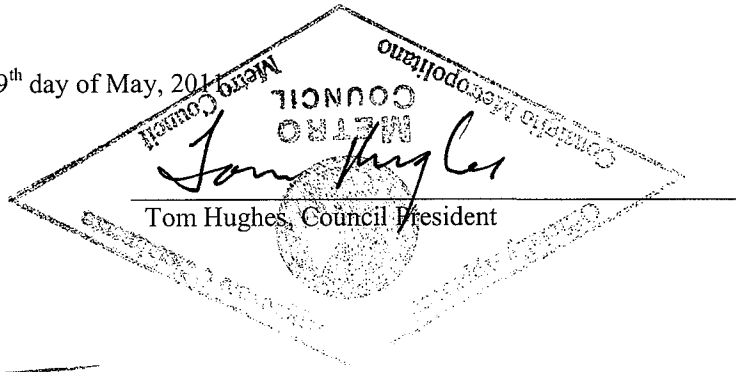
WHEREAS, the Surgeon General has declared that there is no safe level of exposure to secondhand smoke; and

WHEREAS, employees’ exposure to secondhand smoke may result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates and increased liability claims for diseases related to exposure; and

WHEREAS, the World Health Organization maintains that tobacco poses a major challenge, not just to health, but also to environmental sustainability.

BE IT RESOLVED that, in order to protect public health and welfare, preserve and protect the region’s natural and open spaces and promote sustainable practices, the Metro Council directs the COO to start implementing a tobacco ban, which prohibits the use of all tobacco products and smoking devices at all Metro facilities beginning the summer of 2011 consistent with the implementation plan set forth in the staff report attached as exhibit A .

ADOPTED by the Metro Council this 19th day of May, 2011



Approved as to Form:


Alison Kean Campbell, Acting Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4262A, FOR THE PURPOSE OF DIRECTING THE COO TO IMPLEMENT A TOBACCO-FREE GROUNDS POLICY

Date: May 19, 2011

Prepared by: Dan Cooper

Promoting Health and Wellness in our Environment and Communities: Metro's Tobacco-free Initiative

Background

The Metro Charter defines Metro's primary service as "planning and policy making to preserve and enhance the quality of life and the environment for ourselves and future generations." Therefore, in order to uphold Metro's primary responsibility, Metro staff proposes a policy before Metro Council that limits the use of tobacco on all Metro owned grounds in order to protect the health of our community, preserve environmental quality, and ensure a sustainable future.

Tobacco use poses a threat to the health of our communities. Tobacco smoke contains at least 172 toxic substances, including 3 regulated outdoor air pollutants, 33 hazardous air pollutants, 47 chemicals restricted as hazardous waste, and 67 known human or animal carcinogens.ⁱ National experts conclude that there is no safe amount of secondhand smoke; breathing even a little can be hazardous.ⁱⁱ Second hand smoke is linked to heart disease, lung cancer, stroke, breast cancer, nasal/sinus cancer and chronic lung problemsⁱⁱⁱ and poses an even greater risk to children.^{iv}

Cigarettes contain numerous pollutants, many of which are regulated under federal law.^v With twelve million cigarettes being smoked per minute around the world every single day, cigarette butts are a significant source of litter in the world.^{vi} This litter does not remain on sidewalks and garbage cans, but instead ends up in soil and waterways where nicotine and other harmful chemicals pose a risk to fish and wildlife.

Why should Metro adopt a tobacco policy?

Limiting tobacco use will further Metro's mission of environmental stewardship and promote sustainability. Limiting tobacco in public spaces is a natural step forward, as it helps provide healthy, clean, attractive places for people to be physically active and enjoy the outdoors while upholding environmental values and protecting fish and wildlife.

Limiting tobacco use will help provide safe spaces for kids to play and learn. Parks with tobacco policies will enable families to keep their children away from the harmful effects of secondhand smoke, which can lead to major improvements in childhood asthma and potentially save lives, while providing a clean and safe environment for children to experience natural wonders.

Limiting tobacco use at Metro's entrepreneurial facilities fits with our continued goal of creating green, sustainable and healthy communities and positions the greater Portland area as an attractive place to hold conventions, expositions and other events at a time when more and more facilities around the nation are going smoke-free.

Some other local agencies that support tobacco-free grounds

- Beginning in fall 2012 the University of Oregon campuses will all be tobacco-free
- Mt Hood Community College adopted a tobacco-free ban
- Oregon Coast Community College adopted a tobacco-free ban
- Tillamook Bay Community College adopted a tobacco-free ban
- Portland Community College adopted a tobacco ban (with designated smoking areas) at all three of its campuses.
- The City of Hillsboro adopted a tobacco ban at its parks and recreations facilities.
- The City of Portland prohibited smoking within 25 feet of play areas or play structures at their parks, and adopted smoking bans at Director Park and Pioneer Courthouse Square.
- Oregon Health and Sciences University and Portland Community College adopted smoking bans at their campuses. Oregon State is considering a similar ban.
- Legacy Health Systems, Kaiser Permanente, Providence Health Systems and Boeing all have tobacco-free properties.
- TriMet adopted a smoking ban at its bus shelters, WES/MAX stations and transit centers.
- The municipalities of Ashland, Corvallis, Happy Valley, Newport, Sherwood and Wasco County adopted smoking bans at their parks.

National municipalities that support limiting tobacco use

In the United States 470 municipalities in 42 states limit smoking in parks.^{vii} This includes bans in San Francisco, California; Des Moines, Iowa; Cambridge, Massachusetts; Portland, Maine; Albuquerque, New Mexico; Salt Lake City, Utah; New York State, New Jersey and Connecticut.

Suggested timeline for implementation

A phased implementation plan allows Metro to introduce an agency-wide tobacco policy via resolution and provide time for managers to develop worksite-specific solutions to potential enforcement issues. The recommended timeline sorts worksites into four implementation phases. Criteria for the implementation phases are the existing policies and the level of public interaction of each facility.

Phase 1 summer 2011:

The sites listed below will be included in the first phase of implementation and will be completely tobacco free with the exception of Blue Lake and Oxbow which will start a phased approach to limiting tobacco use.

- Metro Regional Center
- Mt. Talbert, Graham Oaks, and Cooper Mtn. Natural Areas
- Metro Central and Metro South transfer and Household Hazardous Waste stations
- St. Johns landfill
- MetroPaint facility
- Natural areas
- Blue Lake & Oxbow park*

* Both parks will start an educational campaign informing public about upcoming tobacco policy. Tobacco restrictions for both parks will start in the summer of 2012

Phase 2 Fall 2011:

- Portland Expo Center
- Oregon Convention Center
- PCPA facilities
- Pioneer cemeteries

Phase 3: Winter 2011

- Glendoveer Golf Course (to coincide with new contract)
- Metro-owned boat ramps and Marine Facilities
- Open Space Properties and Facilities

Phase 4: Summer 2012

- Oregon Zoo
- Blue Lake & Oxbow Park
 - No tobacco product use inside any enclosed structure
 - No tobacco products within 25' of play areas, picnic sites, water play areas, established sports fields, wetland areas, gardens, monument, fishing dock, trails within the park

Enforcement

Recognizing the unique circumstances in the agency's broad portfolio of venues and employment areas, Metro staff acknowledges that enforcement will be challenging. As Metro can only exercise limited enforcement, the key to successful implementation will rest on educational and outreach efforts. Managers will have flexibility in their process for implementation, but will ultimately be responsible for ensuring compliance with the policy prescribed in the resolution.

Costs

Costs for implementing this policy include three main components; staff time, signage, and cessation programs. An initial estimate of implementing the policy is approximately \$54,000. This figure does not reflect the significant amount of time, both during and after the implementation of this policy that will be dedicated to education and enforcement.

ANALYSIS/INFORMATION

1. **Known Opposition:** No known opposition to the proposed legislation
2. **Legal Antecedents:** Oregon Senate Bill 571 prohibits smoking in all public places and places of employment, including bars and restaurants or carry any lighted smoking instrument within 10 feet of the following parts of public places or places of employment:
 - (a) Entrances;
 - (b) Exits;
 - (c) Windows that open; and
 - (d) Ventilation intakes that serve an enclosed area.
3. **Anticipated Effects:** This resolution will restrict tobacco use in all public areas owned and operated by Metro.
4. **Budget Impacts:** It is estimated that approximately \$54,000 will be spent over the next two years to implement this legislation

RECOMMENDED ACTION

The Acting Chief Operating Officer request that the Council adopts resolution 11-4262 to start implementing a tobacco ban at all Metro facilities beginning the summer of 2011.

ⁱ James L. Repace, exposure analysis 203 (Wayne r. Ott et al. eds., 2006).

ⁱⁱ *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General* (U.S. Department of Health and Human Services, 2006) 2.

ⁱⁱⁱ *Health Consequences*, 2.

^{iv} *Health Consequences*, 7.

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^{vi} Kathleen M. Register, "Cigarette Butts as Litter: Toxic as Well as Ugly," *American Littoral Society*, Vol. 25, No. 2, August 2000.

^{vii} Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Louisiana, Massachusetts, Maine, Michigan, Minnesota, , Mississippi, Missouri, Montana, North Carolina, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, Wisconsin, West Virginia, Wyoming. Am. Nonsmokers' Rights Found., *Municipalities with Smokefree Park Laws* (2010), <http://www.no-smoke.org/pdf/SmokefreeParks.pdf>.

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Tom Hughes, Council President

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