



FCTC Article 8-plus Series

**The Trend Toward
Smokefree Outdoor Areas**

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***About this series:** This is one in a series of background papers on challenging issues in smokefree air policy that are not fully addressed by the Framework Convention on Tobacco Control (FCTC) or its guidelines. These issues include how to address smoking in residential and quasi-residential settings, and in outdoor areas where smoking can cause public health, safety, environmental and other harm. These papers are intended to provide references to helpful resources and background information to those working to address these policy challenges.*

Effective laws are protecting hundreds of millions of people globally from the dangers of secondhand smoke in indoor workplaces and public places. Universal protection from the health hazards of secondhand smoke, however, remains a long-term goal. To improve public health, public safety and the environment, more governments are restricting smoking in outdoor areas. They are taking action as new evidence emerges about the damaging effects of smoking on air quality in outdoor places.

The World Health Organization clearly defines the dangers of secondhand smoke. The WHO warned in a 2007 report primarily about secondhand smoke indoors:

“Scientific evidence has firmly established that there is no safe level of exposure to secondhand tobacco smoke (SHS), a pollutant that causes serious illnesses in adults and children. There is also indisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to SHS.”¹

Everyone deserves protection from secondhand smoke, and more governments around the world are extending restrictions outdoors to provide this protection. Toronto requires smokefree spaces within nine meters of city playgrounds or wading pools.² Hong Kong smokefree policies govern open areas of schools and university campuses and public beaches.³ Queensland, Australia mandates smokefree commercial outdoor eating or drinking areas.⁴ The space within 20 feet of entrances to public buildings in California must be smokefree.⁵

New York City is considering policies for smokefree parks and beaches,⁶ and Los Angeles, which requires that beaches and playgrounds be smokefree,⁷ is looking at a smokefree outdoor dining law. These are the two largest cities in the United States, and their proposals are getting a lot of attention.⁸

These governments are working to protect citizens from secondhand smoke in workplaces and public places, even if they are outdoors. A restaurant worker who serves food outdoors, for example, may be exposed to high levels of secondhand smoke and deserves the same protection as an indoor worker. Increasingly, governments are recognizing the benefits these policies will bring for workers, employers, and the public.

Smokefree outdoor areas also can help prevent forest fires, reduce litter, and protect the environment. New scientific research has shown the toxic effect of cigarette butt waste, found on beaches worldwide, for marine life.⁹

When local leaders in Calabasas, California wrote a citywide anti-smoking policy they defined their health goals broadly:

“It is the intent of the City Council...to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of tobacco use near non-tobacco users; by protecting children from exposure to smoking and tobacco; by reducing the potential for children to associate smoking and tobacco with a healthy lifestyle; by protecting the public from smoking and tobacco-related litter and pollution; and by affirming and promoting the family-friendly atmosphere of the city’s public places.”

This policy is regarded as one of the most comprehensive in the world.¹⁰

Globally, a major force behind progress in achieving smokefree public places and workplaces has been the WHO Framework Convention on Tobacco Control (FCTC), the first global public health treaty.¹¹ As of February 2010, 168 countries are parties to the FCTC. Article 8 of the treaty commits governments to protect their citizens from secondhand smoke in indoor public places and workplaces, and public transport. Guidelines adopted unanimously by

FCTC member countries in 2007 go further. They identify an “obligation to provide universal protection” in these areas and “possibly other (outdoor or quasi-outdoor) public places.”

According to the WHO, smokefree workplace and public place laws have proven popular, enforceable and effective. “An immediate reduction in heart attacks and respiratory problems” has resulted, the WHO stated in its 2007 report.¹²

Evidence on Effects of Smoking in Outdoor Areas

FCTC guidelines require protection from secondhand smoke exposure in outdoor and quasi-outdoor public places where it is “appropriate.” They call on countries to look at the evidence and “adopt the most effective protection against exposure wherever the evidence shows that a hazard exists.”

Recent and growing scientific evidence documents the harmful effects of secondhand smoke on air quality in some outdoor settings.^{13 14} A study by U.S. researchers, for example, measured air pollution levels at places where people were smoking outdoors, including parks, sidewalk cafes, and restaurant and pub patios.¹⁵ The level of exposure to secondhand smoke outdoors within a few feet of a smoker was comparable to secondhand smoke levels measured inside a home or tavern.

This study found that secondhand smoke levels might be high when dining with a smoker on an outdoor patio, sitting at a table next to a smoker at an outdoor café or standing close to a smoker outside building. A restaurant worker who spends a large part of his time outdoors near people smoking is likely to get a high level of secondhand smoke exposure in a day, the study said.

One of the researchers said, “A person near an outdoor smoker might inhale a breath with 50 times more toxic material than in the surrounding unpolluted air.”¹⁶ In certain conditions, secondhand smoke outdoors can present a “nuisance or hazard,” the researchers concluded.¹⁷

On Vancouver Island, researchers measured air quality in outdoor smoking areas attached to bars and restaurants. They found levels of fine particles from secondhand smoke similar to those in indoor smoking venues and on the average surpassing U.S. Environmental Protection Agency standards. These outdoor areas “pose a health hazard for exposed nonsmoking employees and patrons,” the authors wrote.¹⁸

Another scientist measured air pollution levels aboard the deck of a cruise ship on the open sea in the Caribbean, and in outdoor cafes and on city streets in Helsinki, Finland. He reported often finding secondhand smoke levels as high as indoor levels.¹⁹ In addition, he reported that in outdoor Helsinki cafes crowded with smokers, air pollution levels were found to be as much as 20 times greater than on sidewalks where vehicular traffic polluted the air.²⁰

Health researchers who investigated secondhand smoke conditions on patios outside bars in Toronto found that the conditions posed a health hazard to bar workers, despite smokefree laws regulating indoor areas. For adequate protection from secondhand smoke, the researchers concluded, smokefree laws that extend to outdoor work spaces were necessary.²¹

Public Support Growing for Smokefree Outdoor Areas

Evidence of public support for smokefree outdoor areas offers encouragement to policy makers to take action. These key findings were re-

ported in a study about surveys from Great Britain, Australasia and North America:²²

- Support for smokefree policies in outdoor places apparently is rising, and there are indications that in a number of places, a majority supports restrictions in certain outdoor settings
- Smoking restrictions for areas visited by children, such as playgrounds or schools, drew greatest support, as high as 91 percent
- Policies for smokefree restaurant patios and areas outside building entrances drew majority support in some surveys
- People gave these leading reasons for supporting restrictions: fighting litter, setting a smokefree example for youth, reducing opportunities for youth smoking and reducing secondhand smoke exposure

Smokefree Outdoor Areas Protected Around the World

Cities, states, and provinces have led the way in adopting outdoor smokefree laws. Often governments that already have indoor air laws find they are in the best position to expand these protections to outdoor areas.²³ Local laws often are easier to enact, and they can be powerful.

One remarkable example is the ordinance adopted in 2006 for the city of Calabasas, California. Regarding public places, it states that “smoking is prohibited everywhere in the city.” Exceptions include private residential property, designated unenclosed areas in shopping mall common areas, and outdoor areas where no non-smoker is present and “it is not reasonable to expect another person to arrive” due to the time of day or other factors.

A leading alternative approach involves listing smokefree outdoor places. This approach affords more flexibility if there is political support in a

jurisdiction for some restrictions but not political support for making all outdoor public places smokefree.²⁴

Here are examples of outdoor smokefree outdoor area policies around the world:^A

Outdoor dining and drinking areas. As more countries have required smokefree restaurants indoors, “most future exposure to secondhand smoke (SHS) will occur in outdoor eating environments,” according to researchers who addressed the World Conference on Tobacco OR Health.²⁵

These commercial areas for dining, and similar ones for drinking outdoors, are workplaces as well as hospitality venues for guests. Smokefree outdoor dining and drinking area policies are found in many different forms, often based on legal definitions of enclosed and non-enclosed spaces.

Smokefree outdoor dining area policies are in effect in Nova Scotia and Newfoundland, Canada;²⁶ the U.S. states of Hawaii, Maine and Iowa;²⁷ and Queensland.²⁸

Since July 2006 in Queensland, smokefree policies for outdoor eating or drinking places had a compliance rate of 98 percent, according to a 2007 study. Twenty percent more residents said they were visiting outdoor eating or drinking places more often after the new regulations took effect.²⁹

Beaches in Hong Kong, numerous California cities³⁰ and other U.S. cities are smokefree.³¹ Queensland prohibits smoking on sections of beaches that are patrolled and marked with flags for safe swimming³²—areas that can become crowded—and on artificial beaches,³³ which are popular with families and children.

A These examples illustrate smokefree outdoor areas and are not meant to be a comprehensive worldwide list.

In some regions or jurisdictions, environmentalists have joined public health advocates in a winning coalition to push for smokefree beaches. The environmentalists voice concern about extensive cigarette butt waste, potential harm to marine life and in some cases, a threat to tourism. The group Ocean Conservancy reported cigarettes and cigarette filters were the No. 1 polluter when volunteers collected seven tons of trash on International Coastal Cleanup day in 2008.³⁴

New scientific research, meanwhile, has confirmed the threat posed by cigarette butts to the environment. Cigarette filters contain cellulose-acetate, a material that is not biodegradable.³⁵ Scientists have found chemicals from one filtered cigarette butt can kill half of the fish in a one-liter container of water. They are preparing a peer-reviewed report and recommend new requirements for the disposal of cigarette butts.³⁶

Public parks are required to be smokefree in the commonwealth of Puerto Rico and several hundred U.S. cities;³⁷ Bhutan,³⁸ Thailand,³⁹ in the State of Kerala and the Union Territory in India,⁴⁰ and in a number of localities in New South Wales, Australia.⁴¹ Naples, Italy requires smokers to keep a distance from pregnant women or children in public parks.⁴² Atascadero, California's recently implemented tobacco free policy for outdoor recreation areas listed all tobacco products, including chewing tobacco and snuff as well as cigarettes and cigars.⁴³

The directors of public parks in the U.S. state of Minnesota with recent tobacco-free policies reported positively about their experience.⁴⁴ Eighty-eight percent reported no change in usage of the parks. Where a change did occur, 71 percent reported an increase in park usage. Reduced littering at their parks was reported by 58 percent of the directors.

Playgrounds are required to be smokefree in Thailand,⁴⁵ Singapore,⁴⁶ and the Philippines;⁴⁷

by many regional councils in New South Wales, Australia with smokefree policies;⁴⁸ and within 10 meters of children's playground equipment in Queensland.⁴⁹ California mandates smoke-free areas within 25 feet of outdoor playground spaces designated for children.⁵⁰

Sports facilities including football grounds are required to be smokefree in Bhutan.⁵¹ Smoke-free rules apply to outdoor sports facilities in Singapore⁵² and sports stadiums in South Africa,⁵³ Thailand,⁵⁴ Turkey⁵⁵ and Queensland,⁵⁶ and to open auditoriums and stadiums in India.⁵⁷

The space must be smokefree within five meters of **doorways, windows and intakes** of any workplace or public place in Alberta, Canada,⁵⁸ within four meters of non-residential building entrances in Queensland⁵⁹ and within three meters of public buildings in Ireland.⁶⁰

Smokefree **school grounds, college and university campuses** appear to be increasing. Smokefree open areas are required for schools, including university campuses, in Hong Kong⁶¹ and school grounds in Korea, Finland,⁶² New Zealand,⁶³ Singapore⁶⁴ and the Philippines.⁶⁵ In the United States, at least 305 colleges and universities have 100 percent smokefree campuses, including residential facilities.⁶⁶

Certain city streets in some wards of Tokyo⁶⁷ and in Kyoto⁶⁹ are required to be smokefree. The Tokyo restrictions are variously attributed to concern about child safety, litter, or courtesy instead of public health. In India, the High Court of Kerala has required that streets in the state be smokefree.⁷⁰

Health services and hospitals, seeking to champion health promotion and disease prevention, have been in the forefront of smokefree policies. More hospitals are extending smokefree indoor policies to outdoor spaces. Smokefree **hospital grounds** are required in Hong Kong,⁷¹ ⁷²the

Philippines,⁷³ and by England's National Health Service.⁷⁴ By the end of 2009, it is estimated that 60 percent of U.S. hospitals will have smokefree campuses.⁷⁵

In the U.S. state of Arkansas, a law was passed to make medical facility campuses smokefree. Hospital officials reported that the changeover cost was 10 to 50 percent of what they had anticipated. They reported getting more support from employees, patients, hospital boards, and doctors, than expected, and less resistance than expected from workers, visitors, and hospital boards.⁷⁶

Making Business Campuses Smokefree

The idea of smokefree outdoor areas is getting attention from private companies. More employers are extending indoor smokefree policies to corporate campuses.⁷⁷

This regulation can protect people from second-hand smoke and also encourage workers to quit using tobacco and improve their health,⁷⁸ reducing health care costs at the same time. Employers find smokefree policies are good for both health and business.

When a campus is tobacco-free, the work environment makes it easier for employees to cut back or stop using tobacco. Although smokefree corporate campuses are a relatively new development, researchers already have determined they encourage abstinence. In one corporate setting that extended an indoor smokefree policy to its grounds, more workers quit smoking, and smokers who did not quit reduced their consumption.⁷⁹

In the United States, the General Dynamics Electric Boat Company prohibits use of any tobacco products, including snuff or chewing tobacco, on company-owned or leased property including parking lots and vehicles. Electric Boat also has provided its employees with smoking cessation

programs and pledged to share costs of such aids as nicotine patches and gum. The Pitney Bowes company supports its smokefree campus policy with an incentive-based health program that allows employees to get financial credits towards benefit choices.

Such campus-wide policies have generally gotten a positive reception.⁸⁰ In addition to addressing employee health and cost issues, they effectively put all workers on an equal level and remove any tension about some employees stepping outside for smoking breaks.

The Importance of Clear Legislative Drafting and Definitions

Experience from jurisdictions that have implemented outdoor smokefree air policies shows that it is essential to clearly define the areas to which the policy applies, the elements of a violation of the policy, and the consequences of a violation. Ambiguity on any of these points usually will lead to an unnecessarily narrow interpretation of the policy and/or a failure to enforce it.

If a beach or a playground area is declared smoke-free, the policy should clearly identify the extent of the smokefree zone. Does it include adjacent parking areas? Pathways leading to the beach or playground? Will the areas be clearly indicated with appropriate signage? What is the penalty for violating the policy? Who has the duty to enforce the policy?

It is also important that the definition of smoke-free "indoor" areas be defined broadly to include all areas with a roof or at least one wall. Such areas, such as sports stadiums, restaurant patios, entryways and courtyards, often raise issues involving exposure of the public and employees to secondhand tobacco smoke. The Guidelines on Protection from Exposure to Tobacco



Indoors or outdoors? According to FCTC Guidelines, spaces such as this should be included within the definition of an “indoor” or “enclosed” space. (Photo courtesy of the Campaign for Tobacco-Free Kids.)

Smoke adopted by the Framework Convention on Tobacco Control (FCTC) states: “It is recommended that “indoor” (or “enclosed”) areas be defined to include any space covered by a roof or enclosed by one or more walls or sides, regardless of the type of material used for the roof, wall or sides, and regardless of whether the structure is permanent or temporary.”⁸¹ Following the FCTC Guidelines, adopted unanimously by FCTC member governments, will avoid significant confusion about what constitutes an indoor or an outdoor space, and will avoid the need to develop separate policies to govern smoking in “quasi-outdoor” environments.

Conclusion

The trend toward smokefree outdoor areas is well-established and growing. It extends to many different kinds of outdoor areas, from public beaches to city sidewalks. While public health concerns are a driving concern in many places, fire, litter, public nuisance and environmental concerns also are significant factors behind this trend.

The Global Smokefree Partnership will continue to monitor and report on progress in this area, including lessons learned from leading jurisdictions.

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Additional Resources

Sources of information about smokefree outdoor areas:

Peer-reviewed journal articles

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Kleppeis NE et al (2007) Real-time measurement of outdoor tobacco smoke particles. *Journal of the Air and Waste Management Association* 57:522–534

Osinubi OY et al (2004) Efficacy of tobacco dependence treatment in the context of a “smoke-free grounds” worksite policy: A case study. *American Journal of Industrial Medicine* 46:180–187

Sheffer C et al (2009) Smoke-free medical facility campus legislation: support, resistance, difficulties and cost. *International Journal of Environmental Research and Public Health* 6[1]:246–258

Thomson G et al (2009) At the frontier of tobacco control: a brief review of public attitudes toward smoke-free outdoor places. *Nicotine & Tobacco Research* 11(6):584–590

Williams SC et al (2009) The adoption of smoke-free hospital campuses in the United States. *Tobacco Control* published online 20 Aug 2009

Wilson N et al (2007) Lessons for Hong Kong and other countries from smokefree outdoor areas in New Zealand? *The New Zealand Medical Journal*. 120(1257) Online at: <http://www.nzma.org.nz/journal/120-1257/2624/content.pdf>

Zhang B et al (2009) Do indoor smoke-free laws provide bar workers with adequate protection from secondhand smoke? *Preventive Medicine* 49(245–247)

Model ordinances, toolkits, trends

Comprehensive Outdoor Secondhand Smoke Ordinances; Smokefree Entryways Advocacy Kit, Center for Tobacco Policy and Organizing, American Lung Association of California. Online at: <http://www.center4tobaccopolicy.org/localpolicies-outdoorareas>

Ending the Tobacco Problem: Smoke-Free Communities. National Academies of Science, Institute of Medicine. Website resources include information on smoke-free beaches and parks, smoke-free college campuses, smoke-free health care facilities and more. Online at: <http://sites.nationalacademies.org/Tobacco/smokescreen/index.htm>

How to approach a tobacco free campus and security (2008). Scott A. Hill, Director - Safety/Security, King's Daughters Medical Center, Ashland, Ky. [Journal of Healthcare Protection Management](#) 24(2):102-8

Implementing a Tobacco-Free Campus Initiative in Your Workplace (2009). U.S. Centers for Disease Control and Prevention. Online at: <http://www.cdc.gov/nccdphp/dnpa/hwi/toolkits/tobacco/index.htm>

Model Ordinance Prohibiting Smoking in Outdoor Places of Employment and Public Places (2009). Online at: Americans for Nonsmokers' Rights. www.no-smoke.org/pdf/modelordinance_outdoors.pdf

Smoke-Free Hospital Toolkit. University of Arkansas for Medical Services. Online at http://www.uams.edu/coph/reports/SmokeFree_Toolkit/

Smokefree in a Box - a guide for smokefree workplaces (2008). Global Smokefree Partnership. Online at: <http://www.globalsmokefreepartnership.org/index.php?section=artigo&id=125>

Smoke-Free Outdoor Areas: A Resource Kit for Local Governments (Australia). Online at: <http://www.ashaust.org.au/lv4/SFoutdoorKit07.htm>

Trends in HR and Employee Benefits/Smoke-Free Workplaces (2008). Hewitt Associates LLC. Online at: <http://www.hewittassociates.com/intl/na/en-us/KnowledgeCenter/ArticlesReports/ArticleDetail.aspx?cid=5167&tid=0>

Lists of outdoor smoking bans

Americans for Nonsmokers' Rights (2010). Online at: <http://www.no-smoke.org/goingsmokefree.php?id=519>

International Experiences with Smokefree Outdoor Areas (2009). Smokefree Councils. Online at: <http://www.smokefreecouncils.org.nz/International-Ex.6.0.html>

Smoke-free Legislation Around the World (2009). ASH Scotland. Online at: http://www.ashscotland.org.uk/ash/ash_display.jsp?p_applic=CCC&p_service=Content.show&pContentID=4264

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