

ATTACHMENT 1

SECTION 1. FINDINGS. The Board of Supervisors of the County of San Mateo hereby finds and declares as follows:

WHEREAS, the use of electronic smoking devices is a recent trend that is proliferating in the County of San Mateo. This trend is undermining the County's smoke-free air laws and exposing the public to secondhand electronic smoking device vapors which have not been scientifically proven as safe; and

WHEREAS, electronic smoking devices, commonly referred to as "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," are electronic devices often made to look like conventional tobacco products in shape, size and color; and

WHEREAS, electronic smoking devices are designed to be used in the same manner as conventional tobacco products with the user exhaling a smokelike vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products; and

WHEREAS, a study published in the Journal of Environment and Public Health suggests that electronic smoking devices "may have the capacity to 're-normalize' tobacco use in a demographic that has had significant denormalization of tobacco use previously";¹ and

WHEREAS, nicotine is a highly addictive neurotoxin and is included in the Prop 65 list of Chemicals Known to the State to Cause Cancer or Reproductive Toxicity.² Nicotine is known to cause birth defects and is particularly dangerous for vulnerable populations including children, pregnant women and people with cardiovascular conditions; and

WHEREAS, a recent scientific study confirmed that electronic smoking devices that contain nicotine also emit nicotine in the released vapor and involuntarily expose nonsmokers to nicotine;³ and

WHEREAS, a recent study found a total of 22 elements in vapors produced by electronic smoking devices, and three of these elements (lead, nickel, and chromium) appear on the FDA's "Harmful and Potentially Harmful Chemicals List";⁴ and

WHEREAS, a study published in the American Journal of Public Health found

¹ McMillan R, Maduka J and Winickoff J. "Use of Emerging Tobacco Products in the United States." *Journal of Environmental and Public Health*, doi: 10.1155/2012/989474, 2012.

² State of California Environmental Protection Agency. *Chemicals Known to the State to Cause Cancer or Reproductive Toxicity*. December 20, 2013. http://oehha.ca.gov/prop65/prop65_list/fi/es/P65single_122013.pdf.

³ Czogala J, Goniewicz M, Fidelus B, Zielinska-Danch W, Travers M, Sobczak, A. "Secondhand Exposure to Vapors from Electronic Cigarettes" *Nicotine and Tobacco Research*, Advance online publication. doi: 10.1093/ntr/ntt203, 2013.

⁴ Williams M, Villareal A, Bozhilov K, Lin S, Talbot P. "Metal and Silicate Particles Including Nanoparticles Are Present in Electronic Cigarette Cartomizer Fluid and Aerosol." *PLoS ONE* 8(3): e57987. doi: 10.1371/journal.pone.0057987, 2013.

similar results to those identified in FDA testing and concluded that the electronic smoking devices tested demonstrated poor quality control, toxic contaminants, misrepresentation of the nicotine delivered and insufficient evidence of the overall public health benefit;⁵ and

WHEREAS, the San Mateo County Health System supports amending local smoke-free policies to include e-cigarettes because studies indicate that e-cigarettes pose potential dangers for users, as well as for non-users who passively inhale these chemical vapors; and

WHEREAS, manufacturers of electronic smoking devices have not submitted clinical studies about the safety and efficacy of these products to the FDA; and, therefore, consumers currently have no way of knowing what types or concentrations of potentially harmful chemicals they are inhaling and exhaling when they use these products⁶; and

WHEREAS, the County is supportive of tobacco cessation programs and modalities that have proven efficacy and utilize safe FDA-approved products, but to date, electronic smoking devices are not an FDA-approved smoking cessation device; and

WHEREAS, the World Medical Association has determined that electronic smoking devices “are not comparable to scientifically-proven methods of smoking cessation” and that “neither their value as therapeutic aids for smoking cessation nor their safety as cigarette replacements is established;⁷ and

WHEREAS, the confusion caused by the visual similarity between electronic smoking devices and traditional tobacco products may impact individuals and the owners of establishments seeking to comply with the County’s smoke-free laws and will threaten the County’s enforcement of these laws; and

WHEREAS, the use of electronic smoking devices in smoke-free locations threatens to reverse the progress that has been made in establishing the social norm that smoking is not permissible in public places or places of employment; and

WHEREAS, the use of electronic smoking devices in smoke-free locations may increase the social acceptability and appeal of smoking, particularly for youth, undermining the progress that has been made over the years in discouraging smoking; and

WHEREAS, prohibiting the use of electronic smoking devices in smoke-free

⁵ Cobb NK, Byron J, Abrams DB, et al. "Novel Nicotine Delivery Systems and Public Health: The Rise of the 'E-Cigarette'" *American Journal of Public Health*, 100 (12): 2340-2342, 2010.

⁶ U.S. Food and Drug Administration. *FDA Warns of Health Risks Posed by E-Cigarettes*. 2009. www.fda.gov/downloads/forconsumers/consumerupdates/UCM173430.pdf.

⁷ World Medical Association. *Statement on Electronic Cigarettes and Other Nicotine Delivery Systems*. 2012. <http://www.wma.net/en/30publications/1Opolicies/e19/>

locations will protect traditionally smoke-free locations such as daycare centers, schools, libraries, public parks, playgrounds and beaches and will prevent people, including children, from involuntarily inhaling nicotine and potentially harmful chemicals scientifically proven to exist in the secondhand vapor of electronic smoking devices; and

WHEREAS, in order to protect the health, welfare and safety of County residents and visitors by protecting them from exposure to the secondhand byproducts of electronic smoking devices, facilitating uniform enforcement of smoke-free air laws, reducing the potential for re-normalizing smoking where tobacco use is prohibited, and protecting youth from observing behavior that could encourage them to smoke, the County has decided to legislatively prohibit the use of electronic smoking devices in all areas where the smoking of tobacco products is currently prohibited.

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