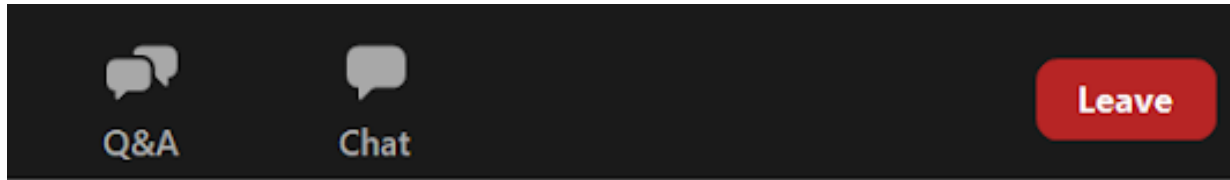


# Environmental Law as a Vehicle for Protection from Secondhand Smoke

March 10, 2022

# Technology



Ask questions through the Q&A box. We will review them to answer at the end.

- All PowerPoint slides will be linked in the Thank You email and available at <https://ash.org/webinars>.
- Close other applications and browsers to increase your Zoom bandwidth.
- Please complete the survey when prompted after the webinar ends.

# Speakers



**Amos Hausner**  
Attorney and Tobacco  
Control Advocate



**Raquel Fernández Megina**  
President of Nofumadores.org



**Dr. Georg E. Matt**  
Professor of Psychology in the  
College of Sciences at San  
Diego State University

## Moderator



**Laurent Huber**  
ASH Executive Director

**nofumadores.org**  
Por el derecho a vivir sin humo de tabaco

**ASH**  
ACTION  
ON SMOKING & HEALTH

Dedicated to **ZERO** Tobacco Deaths

# HOW TO USE ENVIRONMENTAL ARGUMENTS TO ADVANCE IN OUTDOOR SMOKE-FREE POLICIES. SPANISH CASE

By Raquel Fernández Megina. President of Nofumadores.org

**nofumadores.org**



# TOBACCO INDUSTRY'S LICENSE TO POLLUTE



# FIRST SMOKE-FREE BEACHES IN SPAIN





# SMOKE-FREE BEACHES CAMPAIGN



Que todas las playas sean espacios libres de humo de tabaco

4,994 have signed. Let's get to 5,000!

August 5th, 2018

<https://www.change.org/p/que-todas-las-playas-espas%C3%B1olas-sean-espacios-libres-de-humo-de-tabaco>

## Make All Spanish Beaches Smoke-Free



Nofumadores.org Asociación ha iniciado esta petición dirigida a [María Luisa Carcedo](#) (Ministra de Sanidad)

189.428 personas han firmado. ¡Ayuda a conseguir 200.000!



Make All Spanish Beaches Smoke-Free

[Compartir en Facebook](#)

[Envía un mensaje en Facebook](#)

[Envía un email para amigos](#)

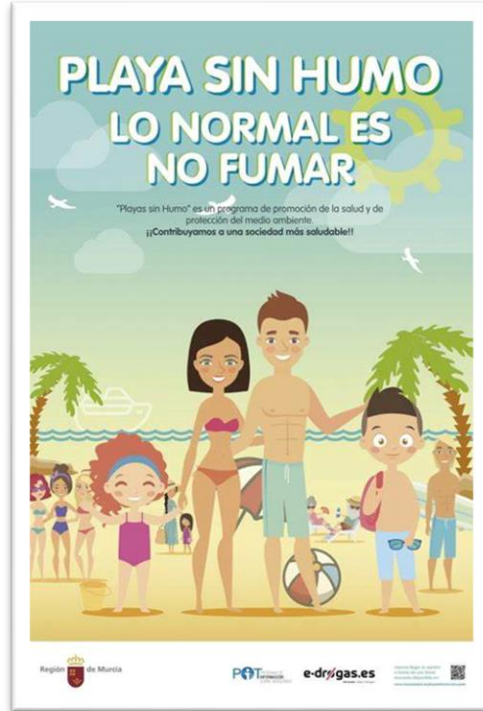
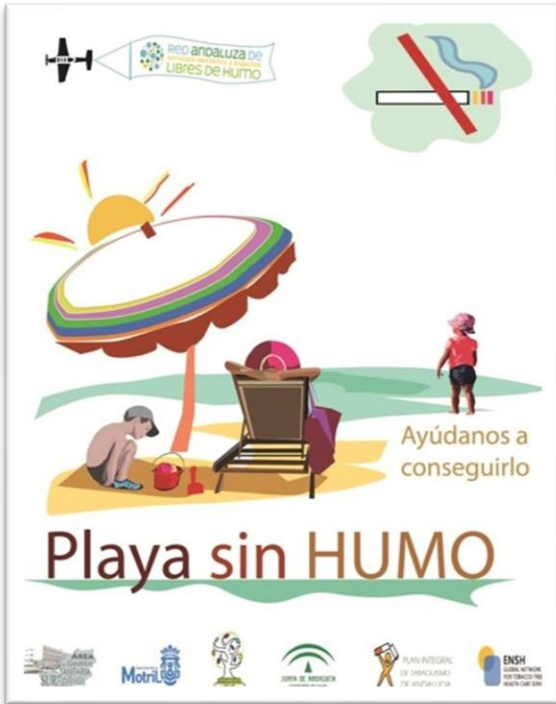
[Compártela en Twitter](#)

[Copiar enlace](#)

<https://www.change.org/p/make-all-spanish-beaches-smoke-free>

[nofumadores.org](https://www.nofumadores.org)

# SMOKE-FREE BEACHES

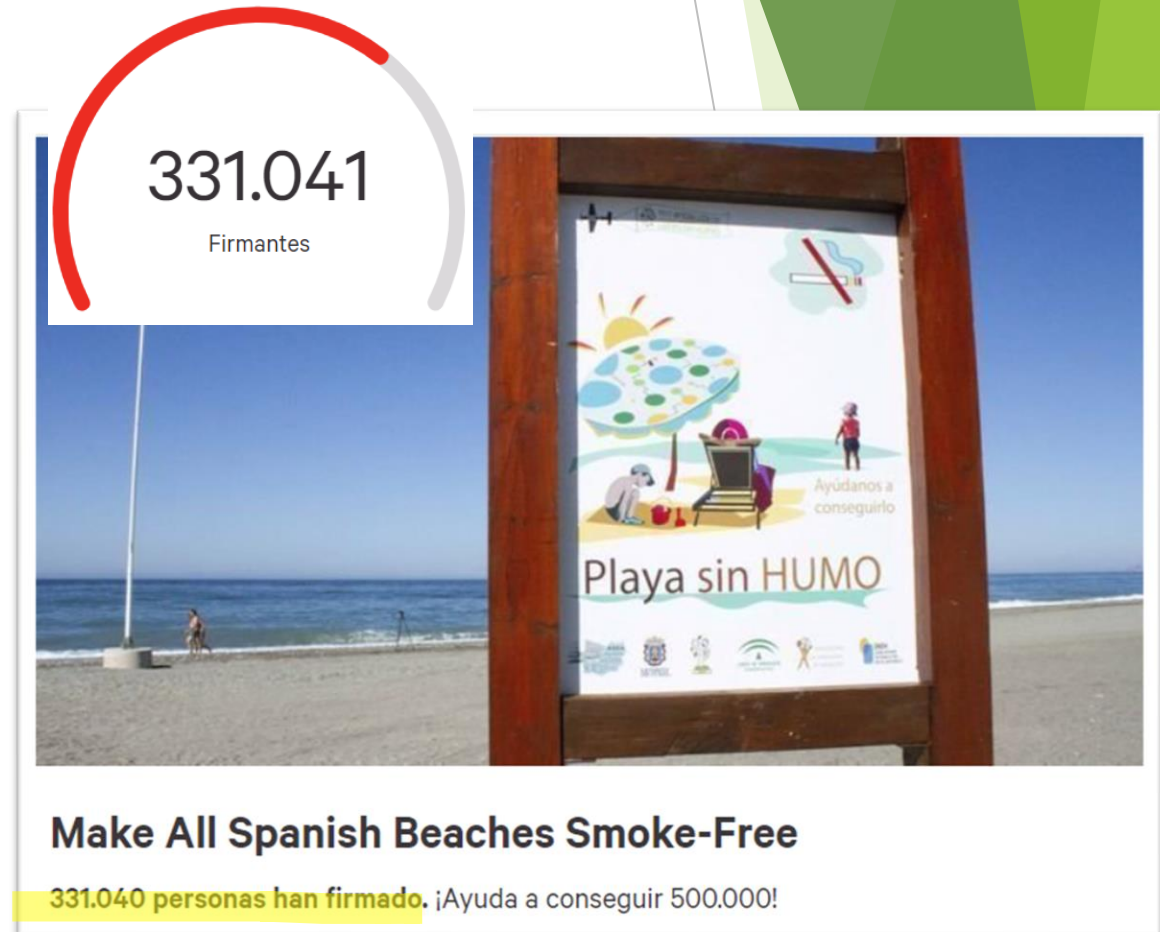




# DELIVER OF SMOKE-FREE BEACHES CAMPAIGN SIGNATURES TO THE MINISTRY OF ECOLOGICAL TRANSITION



May 25th, 2021



March 6th, 2022

# AMENDMENT TO THE WASTE LAW FOR CONTAMINATED SOILS FOR A CIRCULAR ECONOMY

*To prevent the generation of waste, the competent authorities adopt measures whose purposes will be, at least, the following:*

*“Stop the generation of scattered garbage in the marine environment as a contribution to the United Nations sustainable development goal of preventing and considerably reducing marine pollution of all kinds. To this end, from the entry into force of this rule, the City Councils may regulate the limitations of intentionally releasing balloons and **smoking on the beaches**, which may be sanctioned in the Municipal Ordinances in accordance with the regime of infractions and sanctions of this Law.”*

*Minor infractions will be sanctioned with a fine of up to 2,000 euros.*

ENMIENDA NÚM. 425

FIRMANTE:

Íñigo Errejón Galván  
Inés Sabanés Nadal  
(Grupo Parlamentario Plural)

De modificación.

Se modifica el artículo 18 en su punto 1 apartado I), quedando redactado como sigue:

«Artículo 18. Medidas de prevención.

1. Para prevenir la generación de residuos, las autoridades competentes adoptarán medidas cuyos fines serán, al menos, los siguientes:

[...]

I) Frenar la generación de basura dispersa en el medio marino como contribución al objetivo de desarrollo sostenible de Naciones Unidas consistente en prevenir y reducir considerablemente la contaminación marina de todo tipo. Con este fin, a partir de la entrada en vigor de esta norma, se prohíbe la liberación intencionada de globos, **así como fumar en las playas**, que se sancionará con arreglo al régimen de infracciones y sanciones de la presente ley.

[...]»

JUSTIFICACIÓN

Mejora técnica.

# CONCLUSIONS

- This has been achieved by civil society.
- The government has done the easy part, which is listening to social demands and legislating accordingly.
- In this war it's important to use other arguments, other than health, to win as many battles as possible.



# NEXT GOAL: NATIONAL PARKS TOBACCO SMOKE AND BUTTS FREE

## Parques Nacionales de España ¡sin humo de tabaco y sin colillas! YA



58.697 personas han firmado. ¡Ayuda a conseguir 75.000!



Con 75.000 firmas, esta petición se convierte en una de las **más firmadas en Change.org**



Dani Urban ha firmado esta petición



Abigaíl Subirón Marcuello ha firmado esta petición



.@Teresaribera, @mitecogob:  
Parques Nacionales de España ...

<https://www.change.org/bosquessinhumos>



# GRACIAS / THANK YOU

Raquel Fernández Megina

Presidenta de Nofumadores.org



[informacion@nofumadores.org](mailto:informacion@nofumadores.org)



[www.nofumadores.org](http://www.nofumadores.org)



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# Persistent Toxic Thirdhand Smoke Residue: Legal and Policy Implications

Georg E. Matt, PhD

*Department of Psychology*

*gmatt@sdsu.edu*

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SAN DIEGO STATE  
UNIVERSITY

# Overview

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1. What is Thirdhand Smoke?
2. Policy-Relevant Differences between Secondhand and Thirdhand Smoke
3. Policy and Regulatory Implications

# What is Thirdhand Smoke?



## Secondhand Smoke



- ✓ Gases & Particles
- ✓ Primarily Inhalation
- ✓ Minutes



**Secondhand Smoke is the Precursor of Thirdhand Smoke (THS)**

## THS Pollution

Re-mains in indoor reservoirs  
Re-emitted back into the gas phase  
Re-suspended dust  
Re-acts with oxidants to yield  
potentially harmful novel byproducts

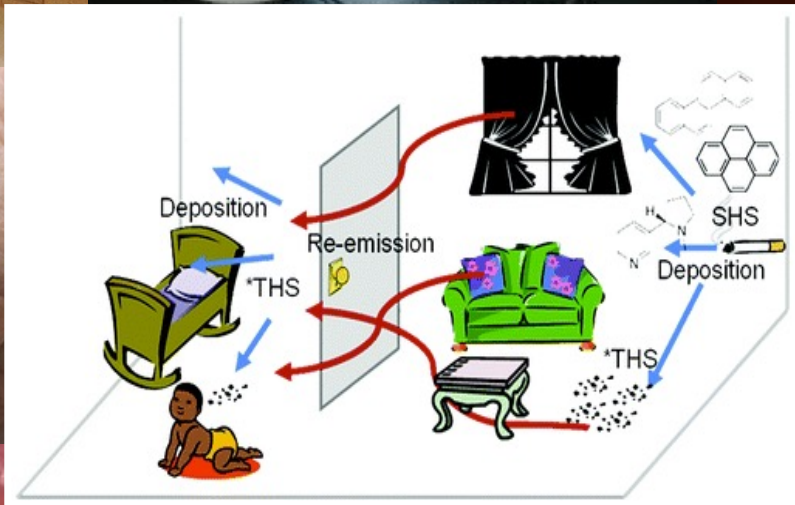
## THS Exposures

- ✓ Inhalation + Dermal + Ingestion
- ✓ Hours, Days, Months, Years

- >15 known carcinogens, reproductive toxicants
- Highly persistent indoor pollutant where smoking was common or large numbers of smokers visit.



# What and Where is Thirdhand Smoke?



# Secondhand and Thirdhand Smoke: Policy-Relevant Differences

## ➤ Key Difference 1: Pollutant Reservoirs and Exposure

- Secondhand Smoke: Air -> inhalation

vs.

- Thirdhand Smoke: air, surfaces, objects, materials, bodies and clothes of smokers -> inhalation, ingestion, dermal transfer

## ➤ Key Difference 2: Time Scale of Exposure

- Secondhand smoke: minutes (depending on ventilation, air exchanges)

vs.

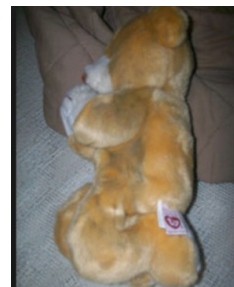
- THS: weeks, months, years - forever (depending on the depth of the reservoir)

## ➤ Key Difference 3: Transportation

- Secondhand Smoke: Air movement

vs.

- THS: air PLUS movement of smokers, polluted objects, and materials





# Secondhand and Thirdhand Smoke: Policy-Relevant Differences

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## ➤ Key Difference 4: Remediation

- Secondhand Smoke: ventilation, air exchanges; smoking ban

vs.

- THS: washing, cleaning, replacement, ozonation, remodeling, demolition, rebuilding

## ➤ Key Difference 5: Disposal

- Secondhand Smoke: None – ventilations; contributes to air pollution

vs.

- THS: requires hazardous/toxic waste disposal



# Regulatory & Policy Implications

## Close Loopholes: Indoor settings where smoking is allowed when nonsmokers are no present

- Some childcare facilities
- Designated hotels
- Designated rental cars
- Workplace: Truck cabins



### AB-1919 Bill

**Topic:** Family Day Care Home: Smoking Prohibition

**Authors:** Hall, Garcia and Ting

[https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill\\_id=201320140AB1819](https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201320140AB1819)

- Bans smoking inside home day care centers **even after the children have left.**
- Targets “third-hand smoke” that lingers in furniture & carpets and contributes to DNA damage in human cells and is especially dangerous for children as it is difficult to eradicate from clothes and carpets.



# Regulatory & Policy Implications

## Consumer Protection

- Housing; pre-owned cars, furniture, clothes, toys; peer-to-peer commerce
- California law requires the disclosure in sale and lease agreements of environmental hazards:
  - “Transfer disclosure statements” similar to mold, lead, methamphetamine contamination
  - California’s “Residential Environmental Hazard Booklet” produced by CalEPA
  - Legislative action
- Fraudulent misrepresentation, withholding information



Flash Poll Conducted February-March 2021

# Regulatory & Policy Implications

## Strengthen Indoor Smoking Bans

- Prevention through education, comprehensive, well-implemented smoking bans, support for smoking cessation
- Eliminate exemptions; transparent progressive consequences
- Identify and clean up thirdhand smoke polluted homes.



## U.S. Department of Housing and Urban Development

- December 5, 2016, HUD published a final rule for each Public Housing Agency administering low-income, conventional public housing to initiate a smoke-free policy.
- The effective date of the Rule is February 3, 2017, and it provides an 18-month implementation period. All PHAs must have a smoke-free policy in place by July 31, 2018.

### Exceptions:

- dwelling units in a mixed-finance project
- electronic cigarettes

# Regulatory & Policy Implications

## Housing Code Violations

- Housing code violations
  - California law specifies certain conditions that “to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants,” are considered substandard for occupation by a tenant and require remediation.
- Testing & standards for thirdhand smoke
- Best practices for removal and remediation, including monitoring and cleanup



## Environmental Impact

- California State and federal law applies to the disposal of toxic/hazardous waste: thirdhand smoke contaminated building materials and personal property in landfills (nicotine, cotinine, PAHs, TSNAs, arsenic, lead, cadmium)
- Landfill leachates, ground water pollution

For more information and resources (FAQs, news & updates, infographics, science), visit

[thirdhandsmoke.org](http://thirdhandsmoke.org)

**THIRDHAND**  
**SMOKE**Resource Center





# Stay Involved



Have you seen tobacco industry interference in public health policymaking? Email us the details at [info@ash.org](mailto:info@ash.org)!

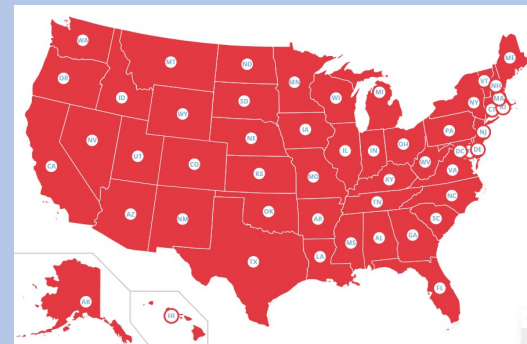


NEXT WEBINAR: March 24<sup>th</sup>  
**Economics of Tobacco Use**

## Tools for Advocates

*Tobacco & Human Rights Hub*

[ash.org/hrhub](http://ash.org/hrhub)



*U.S. Tobacco Lobbyist & Lobbying Firm Registration Tracker*

[ash.org/tobacco-money](http://ash.org/tobacco-money)