



TO: Robert W. Healy, City Manager
FROM: Claude-Alix Jacob, Chief Public Health Officer
DATE: December 14, 2010
SUBJECT: Response to Policy Order #9, adopted 10/4/10

Text of Order: It has come to the attention of this City Council that there has been an effort in New York to ban smoking in public parks and beaches and other public places; now therefore be it that the City Manager be and hereby is requested to confer with the Public Health Department and ask for a report back on the feasibility of Cambridge following suit; and be it further that the City Manager be and hereby is requested to report back to the City Council on this matter.

A small number of municipalities in the United States have enacted outdoor smoking regulations over the past five years, and a larger number are considering such legislation. The scope of these bans varies greatly, from prohibiting smoking in city parks to nearly all outdoor public places.

For two decades, California has been at the forefront of legislative bans against smoking in work places, and more recently, outdoor venues. Since 2005, about 15 California cities have based outdoor smoking bans that range in scope from prohibiting smoking in public parks (Los Angeles, San Jose) to all commercially zoned sidewalks and within 20 feet of bus stops (Berkeley) to all areas frequented by the public, with limited exceptions (San Luis Obispo, Calabasas).

In September 2010, the New York City Council and Mayor Michael Bloomberg announced a plan to expand the city's Smoke Free Air Act to include all parks, beaches, and pedestrian plazas.* Smoking is already prohibited in indoor workplaces and park playgrounds in New York City.

A Cambridge ordinance or regulation that would prohibit smoking in certain outdoor venues would require the involvement of representatives from multiple city departments and the City Manager's Office. Issues to be addressed include, but are not limited to:

- **Review of current and proposed outdoor smoking laws in the U.S., including legal challenges.** This review would inform recommendations for the scope of an outdoor smoking ordinance or regulation in Cambridge, and enforcement.
- **Review of the scientific literature on health impact of outdoor smoking bans.** A preliminary review of published data on the health effects of second-hand smoke encountered outdoors suggests that significant exposures fall within a small zone (several feet) around a smoker(s). Other factors that can contribute to the likelihood of a significant exposure include wind speed and direction, and the number of people smoking in a group.
- **Scope of a Cambridge ordinance or regulation.** Public parks and other outdoor spaces vary in size, exposure to winds that disperse smoke, proximity to housing or schools, and/or likely presence of small children. Any policy that is enacted should consider these differences and should focus on limits or prohibitions to smoking in areas most likely to result in a significant exposure to tobacco smoke by residents in their homes or to vulnerable

* The New York City proposed legislation defines "pedestrian plazas" as public spaces located within the bed of a roadway, which may contain benches, tables or other facilities for pedestrian use.

populations, such as small children. “Higher exposure” areas include entrances to commercial and institutional buildings, which often serve as de facto “smoking zones” for employees and patrons.

- **Feasibility of enforcement.** Enforcement of any rule prohibiting smoking outdoors poses significant challenges because this activity rarely results in directly observed violations and most departments would be challenged to deploy staff quickly enough to witness the offense. Furthermore, single, non-recurring violations would expend significant resources without having a meaningful impact on the activity.
- **Feasibility of a courtesy and educational campaign.** The goal of such a campaign would be to change social norms around smoking in “high exposure” outdoor places so that this behavior is less acceptable to smokers and non-smokers alike.

The Cambridge Public Health Department is proposing to convene a work group in early 2011 to explore the issues outlined in this memo and to make formal recommendations to the City Manager. Members of the work group would include representatives of the Cambridge Public Health Department, Law Department, License Commission, Cambridge Police Department, Department of Public Works, Inspectional Services Department, and the City Manager’s Office.

The group would meet approximately four times over four months. A final report would be produced in late spring 2011.