



To: Richmond City Council
From: Councillor Ken Johnston, Vice-Chair
Community Safety Committee
Date: December 10, 2008
File: 12-8060-20-8360
Re: **Enhanced Smoking Regulations Exemptions and Recreational Facilities**

The Community Safety Committee, at its meeting held on Tuesday, December 9, 2008, considered the attached report, and recommends as follows:

Committee Recommendation

That the matter be referred back to staff to address concerns related to smoking on outdoor patios of cigar stores.

Councillor Ken Johnston, Vice-Chair
Community Safety Committee

Attach.

VARIANCE

Please note that staff recommended the following:

That Council not grant exemptions to cigar stores or veterans' organizations from the provisions of:

Subdivision Six of the City's Public Health Protection Bylaw No 6989; or
the Municipal Ticket Information Authorization Bylaw 7321;

- (i) Schedule A, Section 9. Public Health Protection Bylaw No 6989; and
- (ii) Schedule B9, Subdivision 6 – Smoking Control & Regulation.



City of Richmond

Report to Committee

To: Community Safety Committee
From: Phyllis L. Carlyle
General Manager, Law & Community Safety
Re: **Enhanced Smoking Regulations
Exemptions and Recreational Facilities**

To Community Safety - Dec 9, 2008
Date: December 3, 2008
File: 12-8060-20-8360
XR:07-3000-02

Staff Recommendation

1. Council not grant exemptions to cigar stores or veterans' organizations from the provisions of:
 - a) Subdivision Six of the City's Public Health Protection Bylaw No 6989; or
 - b) the Municipal Ticket Information Authorization Bylaw 7321:
 - Schedule A, Section 9. Public Health Protection Bylaw No 6989; and
 - Schedule B9, Subdivision 6 – Smoking Control & Regulation.

Phyllis L. Carlyle
General Manager, Law & Community Safety
(604.276.4104)

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Law.....	Y	<input checked="" type="checkbox"/>	N		
Parks Design, Construction & Programs..	Y	<input checked="" type="checkbox"/>	N		
REVIEWED BY TAG	YES	<input checked="" type="checkbox"/>	NO	REVIEWED BY CAO	YES
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Staff Report

Origin

Based on certain amendments to the City's Public Health Protection Bylaw No 6989, which Council adopted to be effective on March 31, 2009, the following resolution was carried during the Regular Council meeting of May 12, 2008,:

That staff investigate the issue of a destination cigar store and World War II veterans' establishments possibly receiving an exemption from Bylaw No. 8361.

It should be noted that Bylaw No. 8361 was, in fact, an Amendment Bylaw to the City's Municipal Ticket Information Authorization Bylaw 7321 and any exemptions under the former would be considered an exemption under the latter.

Further to a letter dated October 21, 2008 from the Richmond Sports Council, the following resolution was carried during the Parks, Recreation and Cultural Services Committee meeting of October 28, 2008:

That staff report back, including a bylaw amendment if necessary, on the implications of prohibiting smoking at all indoor and outdoor sports facilities.

Analysis

Exemptions

The amendments to the City's Public Health Protection Bylaw No 6989, which were adopted by Council on May 12, 2008, include a prohibition of smoking in any customer service area or patio where food or beverages are served or consumed and within 6 meters of customer service areas. The effective date for the customer service areas is March 31, 2009. Any infractions could be subject to the issuance of a Municipal Ticket Information (MTI) violation under the applicable Schedules in the Municipal Ticket Information Authorization Bylaw 7321.

Staff, in concert with Vancouver Coastal Health, have visited the destination cigar store in Richmond and met with their management to discuss their present operations and their compliance with Provincial Regulations as well as the enhanced measures regarding distances from doorways and windows which became effective on November 30, 2008. It is their opinion that their specific business should be exempted from the requirements related to customer service areas due to their main operation – the purchasing and smoking of cigars. There were numerous delegations at the May 12th meeting to support such an exemption and Community Bylaws has received a number of complaints from local residents regarding the negative impact of outdoor cigar smoking.

Based on Community Charter powers, the City is not in a position to exempt a particular business from such regulations but would have to exempt a particular class of businesses. This would mean exempting all cigar smoking locations which would potentially encourage the

establishment of such operations throughout the City to bypass the intention of the enhanced smoking regulations. As such, staff would not recommend an exemption in this particular case.

Staff, in concert with Vancouver Coastal Health, also visited the Army, Navy & Air Force Veterans' clubhouse at 11900 No 1 Road and the Canadian Legion Branch at 11131 Bridgeport Road – the two major establishments catering to veterans of major Canadian military conflicts.

The Army, Navy and Air Force clubhouse is expected to be demolished early in the New Year to make way for a new clubhouse to be built on the same location on No 1 Road. Management of the clubhouse indicated that only a minority of their membership are smokers and plans for the new clubhouse will address any existing Provincial and Municipal regulations. Our latest communication has not identified where they may operate on a temporary basis during redevelopment but we have committed to meet with them at that point to review the regulations in place.

The Canadian Legion Branch has always taken a proactive approach to smoking regulations with input in the past from Vancouver Coastal Health staff on the set up of their operations on Bridgeport Road. We will be meeting with them again in the New Year to address their set up under the enhanced municipal regulations to come into effect at the end of March.

Recreational Facilities

The letter to Council from the Richmond Sports Council proposed a prohibition on smoking in all indoor and outdoor recreational facilities in Richmond.

All indoor facilities are addressed in the amendments that came into effect on November 30, 2008. The amendments read, in part:

“A person must not smoke in a building; other than

- a dwelling unit;
- a hotel or motel room or suite designated for smoking by an operator; or
- enclosed premises:
 - that are not open to the public; and
 - where the only occupants of the building are the owners or owners of the business carried on in the building.

The issue of outdoor recreational facilities was considered with the adoption of amendments to the City's Public Health Protection Bylaw No 6989 on July 23, 2007 to address smoking on the City's expensive artificial turf fields and the review of the effectiveness and cost of enforcement measures. The requirements under the City's Public Health Protection Bylaw No 6989 are enforced under contract with Vancouver Coastal Health through the offices of Richmond Health Services. As identified in previous deliberations, the activity at these outdoor recreational fields is almost all in the evening hours, Monday to Friday, and on the weekends. Presently, enforcement personnel are on duty only during regular business hours, Monday to Friday.

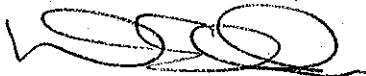
Any change to the present level of regulation on outdoor recreational fields and the provision of enforcement personnel would require further review of the educational and regulatory options and related costs to address the present level of smoking activity.

Financial Impact

No present financial impacts are anticipated.

Conclusion

Based on the authority of the City to grant exemptions and the potential implications of granting a class exemption, staff would recommend that no exemptions be granted. This would maintain the integrity of the amendments to the Public Health Protection Bylaw No 6989 adopted by Council on May 12, 2008.



Wayne G. Mercer
Manager, Community Bylaws
(604.247.4601)

WGM:wgm

January 8, 2009

Mayor and Council
City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 1C2

Dear Mayor and Council:

Re: Exemptions to Public Health Protection By Law, Smoking Control & Regulation

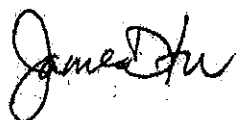
I am providing the attached information to be considered by Mayor and Council at the January 12, 2009 Council Meeting regarding the issue of exempting cigar stores or veterans' organizations from provisions of the City's Public Health Protection Bylaw.

The information provided refutes what I consider to be significant errors in information about the health impacts of cigar smoke contained in a report by Robusto Cigar Store dated December 9, 2008 and originally submitted to the City's Community Safety Committee for consideration at their December 9, 2008 meeting. The Robusto report implies that cigars do not pose the same health risks as cigarettes. This in reality is not the case. Smoke from cigars contain the same toxins and carcinogens as cigarettes however in higher concentrations. As the cause of 30% of all human cancers, tobacco remains by far the single most important preventable cause of cancer.

I fully support the city staff recommendation contained in the Report to Committee dated December 3, 2008, City File 02-0765-03/2008-Vol 01 stating that:

1. Council not grant exemptions to cigar stores or veterans' organizations from the provisions of:
 - a) Subdivision Six of the City's Public Health Protection Bylaw No 6989;
or
 - b) the Municipal Ticket Information Authorization Bylaw 7321;
 - Schedule A, Section 9, Public Health Protection Bylaw No 6989;
and
 - Schedule B9, Subdivision 6 -- Smoking Control & Regulation.

Yours truly,

A handwritten signature in black ink, appearing to read "James D. Lu". The signature is written in a cursive style with a large initial "J".

James D. Lu, MD, MHSc
Medical Health Officer, Richmond
Vancouver Coastal Health

JLU:rl
Enc. 2

Cigars – Still tobacco, still dangerous to your health

**“Smoking a Cigar is like burning a log,
whereas smoking a cigarette is like burning a twig “**

- One large cigar can contain as much tobacco as an entire pack of cigarettes. One cigarette delivers 1-2 mg of nicotine, while most cigars contain 100-200mg of nicotine, and as much as 444mg of nicotine.
- The typical cigar contains 7 times the amount of tobacco compared to an average cigarette.
- Cigar smoking increases your risk of death from many cancers including lung, lip, tongue, mouth, throat, esophagus, and voice box. Regular cigar smokers are 4 to 10 times more likely to die from these cancers. Cigars also increase the risk of emphysema, chronic bronchitis, heart attacks, gum disease, teeth falling out, and erectile dysfunction.
- A new trend among cigar companies is to change the fermenting process to make cigar smoke easier to inhale. Cigar smokers who have smoked cigarettes are more likely to inhale and those who inhale have an 11 times greater risk of death from lung cancer than non-smokers.
- *Cigars give off greater amounts of secondhand smoke than cigarettes because they contain more tobacco and they often burn for much longer.* Secondhand smoke includes both the smoke from the end of the burning cigar and the smoke exhaled by the smoker.

Second-hand Cigar Smoke – “large cigars take between 1-2 hours to smoke”

- Cigars go through a long aging and fermentation process and during fermentation, high concentrations of carcinogenic compounds are produced. These compounds are released when a cigar is smoked.
- Cigar wrappers are less porous than cigarette wrappers and the non-porous cigar wrapper makes the burning of cigarette tobacco less complete than cigarette tobacco. As a result, the concentrations of toxins and irritants are higher in cigar smoke.
- Second-hand smoke from cigars contains many of the same toxins (poisons) and carcinogens (cancer causing agents) as cigarette smoke, but in higher concentrations.
- Toxins in cigar smoke include: carbon monoxide, nicotine, hydrogen cyanide, ammonia, and volatile aldehydes.
- Carcinogens (cancer causing agents) in cigar smoke include benzene, aromatic amines, vinyl chloride, ethylene oxide, arsenic, chromium, cadmium, nitrosamines, and polynuclear aromatic hydrocarbons.
- Cigar tobacco has a high concentration of nitrogen compounds (nitrates and nitrites). When the fermented cigar tobacco is smoked, these compounds give off several tobacco-specific nitrosamines, some of the most potent human carcinogens known.

- According to the American Cancer Society, there is clearly an increased risk of lung cancer and other health problems from long-term exposure to secondhand cigar smoke.
- According to Journal of the American Medical Association, sidestream smoke from cigars contributes more to environmental pollution than sidestream smoke from cigarettes when equal amounts of tobacco are burned.
- *The larger size of most cigars (more tobacco) and longer smoking time produces higher exposures to nonsmokers of many toxic compounds than a cigarette.*

References

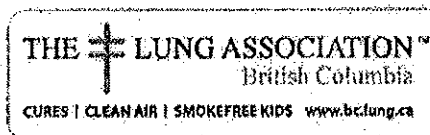
Health Canada

American Cancer Society

National Cancer Institute

Action on Smoking & Health (ASH) – United Kingdom

New York Smoke-Free



January 7, 2009

City of Richmond
Health and Safety Committee
6911 No. 3 Road
Richmond, British Columbia
V6Y 2C1

Attention: Mayor and Councillors

**Re: Request by Robusto Cigar Store for a Patio exemption to the
Public Health Protection Bylaw**

On behalf of the Heart and Stroke Foundation of B.C. & Yukon and the BC Lung Association, which make up the Clean Air Coalition of BC, we want to express our support for the City of Richmond's Public Health Protection Bylaw that bans smoking on outdoor patios in restaurants, bars and pubs. We further encourage you to deny any requests for exemptions to the Bylaw, as requested by Robusto Cigar Store, to ensure the continued safety of all residents of Richmond.

Contrary to what some might believe, cigars contain the same toxic and carcinogenic compounds found in cigarettes. In fact, according to the US National Cancer Institute, compared with cigarette smoke, the concentrations of toxins and irritants are higher in cigar smoke. Regardless of whether smoke comes from a cigar or cigarette, breathing any amount of second-hand smoke can be hazardous to your health. The U.S. Surgeon General concluded in 2006 that second-hand smoke causes cancer, coronary heart disease, and respiratory illnesses. Further, health conditions, such as asthma, emphysema, high blood pressure and diabetes are exacerbated by even brief exposure to second-hand smoke.

While there are still some people who believe that second-hand smoke is just a nuisance to be tolerated, especially in outdoor settings, nothing could be further from the truth. We want to draw your attention to the emerging body of research on outdoor air pollution and second-hand smoke. In the May 2007 issue of the *Journal of the Air and Waste Management Association* (JAWMA), Stanford researchers presented the findings of the first in-depth study on how smoking affects air quality at sidewalk cafés, park benches and other outdoor locations. The researchers concluded that a non-smoker sitting a few feet downwind from a smouldering cigarette is likely to be exposed to substantial levels of contaminated air for brief periods of time.

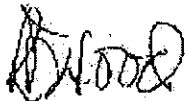
In fact, the study found that the average contamination levels can be comparable to those measured indoors when people smoke. According to one of the authors of the study, if you're sitting at a sidewalk café, and you sit within 18 inches of a person who smokes two cigarettes over the course of an hour, your exposure to second-hand smoke could be the same as if you sat one hour inside a bar with smokers.

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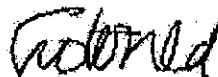
In addition to the serious health hazards of exposing patrons and workers to second-hand smoke in outdoor patios, there is strong public support for increased smoke-free outdoor environments in British Columbia. A BC Stats poll, conducted for the Clean Air Coalition of B.C. in January 2008 for its Imagine! A Smoke-Free BC campaign, found that 73% of British Columbians support smoking bans in outdoor public places, including on outdoor patios of restaurants, bars and pubs.

We trust that the City of Richmond will not place unwarranted business concerns over the health and safety of the residents of Richmond. Weakening the existing legislation to allow smoking in some businesses would be a slippery slope, and would send the wrong message to children and youth that smoking cigars is a safe alternative to cigarettes.

Sincerely,



R.F. Bobbe Wood, MA
President & CEO
Heart and Stroke Foundation
of B.C. & Yukon



Scott McDonald
Executive Director
BC Lung Association

cc. Jack Boomer, Director, Clean Air Coalition of B.C.
Dr. Patricia Daly, Chief Medical Health Officer, Vancouver Coastal Health
Authority