Profile of Local Tobacco Worksite Ordinances in the Absence of State Policy Regulation

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Texas Tobacco Settlement

Texas Tobacco Prevention and Control Pilot Study* Goals:

1. To eliminate exposure to environmental tobacco smoke
2. To promote tobacco cessation among adults and youth
3. To prevent initiation of tobacco use by youth
4. To identify and eliminate disparities among diverse/special populations

*Texas Department of Health,
Office of Tobacco Control and Prevention
http://www.tdh.state.tx.us/otpc/Pilot/default.htm
UH Contributions to the State Research Evaluation Plan

1. Baseline Context and Process Evaluation
   - Schools
   - Communities
   - State and Policy Analysis

2. Post Intervention Analysis
   - Tracking system
   - Follow-up analysis
National Comparisons: Public Worksites

Smokefree Indoor Air Restrictions in State Government Worksites — 2001, 1st Quarter

- Green: No smoking allowed (12 States)
- Blue: Designated smoking areas with separate ventilation (2 States)
- Yellow: Designated smoking areas required or allowed (30 States)
- Cyan: No restrictions (7 States)

Source: Centers for Disease Control and Prevention

http://www2.cdc.gov/nccdphp/osh/state/rpt_map_display.asp?map_id=5
National Comparisons: Private Worksites

Smokefree Indoor Air Restrictions in Private Worksites – 2001, 1st Quarter

- Designated smoking areas with separate ventilation (1 States)
- Designated smoking areas required or allowed (20 States)
- No restrictions (30 States)

Source: Centers for Disease Control and Prevention

http://www2.cdc.gov/nccdphp/osh/state/rpt_map_display.asp?map_id=6
Who regulates exposure to ETS in the workplace for Texans?

- Texas has some of the strongest laws regarding youth access to tobacco, advertising to minors, and tobacco-free schools.
- Some state laws govern ETS in hospitals, sporting arenas, libraries, and theatres.
- No state laws currently govern ETS in worksites (public or private) in Texas.
Objectives of the Study

1. To identify the status of ETS regulation in the private and public worksite in the absence of state regulation.
2. To describe the disparities in the level of restrictiveness in private and public worksites, and
3. To assess the population-based implications of the findings.
Sample
- 201 municipalities identified
- 32% (65) addressed exposure to ETS
- 60% (120) did not address ETS

Method
- Content Analysis
- Interrater Reliability
## Reconciliation of Systems

<table>
<thead>
<tr>
<th>Coding System</th>
<th>CDC (1998)(^1)</th>
<th>NCI (2000)(^2)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>State data only</td>
<td>Local ordinances</td>
</tr>
<tr>
<td></td>
<td>Categorical Data</td>
<td>Ordinal Data</td>
</tr>
<tr>
<td>Coding System</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>No restriction</td>
<td>1. None</td>
</tr>
<tr>
<td>2.</td>
<td>Designated Smoking (DS) areas allowed</td>
<td>2. Weak</td>
</tr>
<tr>
<td>3.</td>
<td>DS with required separate ventilation</td>
<td>3. Moderate</td>
</tr>
<tr>
<td>4.</td>
<td>No smoking – 100% smoke free</td>
<td>4. Strong</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. Smoke-free</td>
</tr>
</tbody>
</table>

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\(^1\) CDC (1998)

\(^2\) NCI (2000)
Criteria for “moderate” rating:
- Nonsmoker preference in disputes
- Designated Office Area as Nonsmoking
- Meeting Rooms
- Common Areas (lunch or break rooms)
- Nonretaliation for Nonsmoking Employees
- Size Exemptions for Companies
Index of Level of Restriction

0 = No municipal restrictions for ETS and the workplace
1 = Weak (if present, no real protection from ETS exposure)
2 = Moderate (some limits to ETS exposure and designation for nonsmoker rights)
3 = Strong (at least separate ventilation and nonsmoker rights if not 100% smoke free)

Separate Ventilation is not enough:
http://tobaccofreekids.org/research/factsheets/index19.shtml
Ordinances providing some level of restriction against ETS exposure in the *private worksite* (n=18).
Private Worksites and “Moderate” Index Rating

Number of ordinances

- **Designated Smoking (DS) (Index = 1)**: 13
- **Vent DS (Index = 2)**: 3
- **Vent DS + Nonsmoker Rights (Index = 3)**: 2
Private Worksite Composite

Number of ordinances

Population Covered (n = 7.9 million)

Designated Smoking (Index = 1)

Vent DS (Index = 2)

Vent DS + Nonsmoker Rights (Index = 3)

13

3

2

59%

<3%

<1%
Geographic Information System

LEVEL OF TOBACCO ORDINANCES IN WORKSITES WITHIN THE TEXAS TOBACCO PILOT STUDY AREA

TEXARKANA
population = 973,725
No tobacco ordinances covering private worksites

TYLER, LONGVIEW, LUFKIN AND NACOGDOCHES
population = 646,860
Limited ordinances that do not address clean air rights

BRYAN-COLLEGE STATION AND WACO
population = 828,442
Limited ordinances that do not address clean air rights

HOUSTON AREA
population = 5,006,796
Limited ordinances that do not address clean air rights

BEAUMONT AND PORT ARTHUR
population = 456,637
No tobacco ordinances covering private worksites

Population information = 2000 Census Data
Analysis based on index of averages
Public (Government) Worksite Findings

Ordinances restricting smoking in government worksites and/or buildings (n=54)

<table>
<thead>
<tr>
<th>Description</th>
<th>Number of Ordinances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designated Smoking (DS)</td>
<td>12</td>
</tr>
<tr>
<td>Vent DS</td>
<td>3</td>
</tr>
<tr>
<td>Vent DS + Nonsmoker Rights</td>
<td>0</td>
</tr>
<tr>
<td>100% Smoke-free</td>
<td>26</td>
</tr>
</tbody>
</table>
Secondary Analysis City Facilities

“100% Smoke-free Variations (n=26)

- 18 provided for all City Buildings, facilities, transit, parks
- 2 covered city buildings and parks
- 4 restricted a small portion of city buildings (council chambers, one convention center)
- 2 restricted only city hall and police departments

Foundations exist for strengthening the level of restriction for exposure to ETS in the public worksite.
Hospitality Industry Worksite

- 24 of the 201 (25%) restricted indoor public air from ETS
  - Restaurants and sports arenas were the most frequently addressed
  - Exemptions existed for those whose alcohol profits exceeded a certain amount
  - Only 2% provided best practice standards
Why is “preemption” a concern?

- Weak preemptive laws have a wide range of negative effects on tobacco control efforts including:
  1. Elimination of local policy development where tobacco industry opposition is least effective
  2. Establishment of weak statewide public health standards which cannot be strengthened at the local level; and
  3. Division of tobacco control advocates & diversion of resources.

Americans for Nonsmokers Rights
http://www.no-smoke.org/preempt.html
State Tracking System established to:

- Assist communities in passing local worksite ordinances
- Strengthen existing local ordinances
- Use GIS to identify strengths and disparities in ordinances
- Aggregate state data to CDC and NCI
- Assist key officials and legislators in resource provision for state and local tobacco coalitions.
- Advance future research, such as, examination of the Hospitality Industry
Conclusion

NCI: the “local level is where the strongest and most comprehensive tobacco control policies are enacted, and is where the greatest progress has been made.” (p.19)²
References
