

Ban the Ban



Myth: Smoking costs the state \$xxx dollars in health care costs. Smoking bans and smoking cessation will save the state money.

The Truth: While smoking cessation may show a short-term economic benefit to the state coffers, the truth of the matter is that after the initial dip, smoking cessation will actually cost the state more. Hard to believe, isn't it? Well, don't take my word for it. Here's what Dutch [economists](#) had to say:

"Preventing obesity and smoking can save lives, but it doesn't save money, researchers reported Monday. It costs more to care for healthy people who live years longer"

Not legit enough? Here's what a study published in the [New England Journal of Medicine](#) says:

"If people stopped smoking, there would be a savings in health care costs, but only in the short term. Eventually, smoking cessation would lead to increased health care costs. "

Yes, this is a real study done by real doctors and published in the NEJM. Here's an excerpt of their analysis:

"Society clearly has an interest in this matter, now that several states are trying to recoup Medicaid expenditures from tobacco firms and the tobacco companies have agreed to a settlement. Yet we believe that in formulating public health policy, whether or not smokers impose a net financial burden ought to be of very limited importance."

But if it's hard math you're looking for, let's take a look into what W. Kip Viscusi, the George G. Allen Professor of Economics at Duke University, has determined regarding the overall cost to society in his article "[Secondhand Smoke: Facts and Fantasy](#)"

"Using the upper-bound EPA estimates of the ETS body counts in conjunction with a figure of \$5 million per life lost, I have estimated that the external cost per pack of cigarettes is as high as 41¢ per pack. Since this amount is also below the taxes smokers pay per pack, even the highest estimate of the smoking externalities that has been put forth by any government agency fails to indicate that smoking is a losing monetary proposition for society."

This figure includes medical-care costs, sick-leave costs, greater life-insurance costs, costs due to fires, and foregone Social Security taxes on their earnings.

Lawmakers take note... The financial element makes for a compelling argument, but it's a complete farce.

Myth: There is no safe level of secondhand smoke exposure.

The Truth: If this statement were indeed true, OSHA would have something to say about workplace exposure. Yet, per 29 CFR 1910.1000 [Standard Interpretations](#) dated 24 February, 2003, the main chemical compounds found in ETS that are covered by OSHA regulations do not exceed permissible exposure limits under normal situations. As with most things, the poison is in the dose. The Surgeon General's report would have you believe that secondhand smoke is more dangerous than plutonium - which sounds much more frightening than the reality behind the claim.

Plutonium has a relatively low level of toxicity since 2.5 µg of inhaled plutonium increases your lifetime risk of developing cancer by 3% and there is no known fatal dose. Most everyday chemicals that we are exposed to are far more toxic, yet plutonium sounds frightening to the average reader and works and works as a useful scare tactic.

But if the poison is in the dose, just what sort of dose are we looking at when it comes to secondhand smoke? According to a Covance Laboratories Department of Air Quality Monitoring [study of nonsmokers' exposure to secondhand smoke](#):

"...based upon median levels of ETS particles and nicotine, no group would potentially inhale or be exposed to more than 10 cigarette equivalents per year..."

[A similar study](#) was performed by the Oak Ridge National Laboratory and the Journal of Exposure Analysis and Environmental Epidemiology, which came to a similar conclusion:

"Researchers recorded a maximum RSP level of 768 micrograms per cubic meter. The OSHA standard for RSP is 5,000 micrograms per cubic meter over eight hours."

Unlike the studies that portray secondhand smoke as deadly, this information comes from actual collected data as opposed to simulation, modeling and assumptions. So how toxic is exposure to 10 CE/y? Ten cigarettes per year equates to .027 cigarettes per 24-hour day, which breaks down to a negligible chemical exposure.

Myth: 4000 Chemicals!

The Truth: Other than working to scare the average reader, what does this mean to us? If you are at all familiar with chemicals and chemical exposure, it means very little. Many of these chemicals are found in everyday life - often times in much greater quantities than you will find in secondhand smoke. An [analysis of secondhand smoke inhalation studies](#) states:

"ETS contains numerous chemicals that are continuously changing both in their absolute concentration, in the ratio of concentration between one and another, and even in their particulate to vapor phase distribution. Moreover, when considering ETS in real-life situations, many of the chemical components of ETS will be present as a result of sources other than tobacco smoking."

What does this mean? It means that anybody who uses the "4000 chemical" argument should rethink their approach. Considering the various decay rates,

disbursement rates, airflow patterns etc, one cannot presume to know that any of the chemical exposure from secondhand smoke is toxic.

Some of the chemicals used in arguments are formaldehyde, cyanide, arsenic, carbon monoxide, methane, and benzene - yet these chemicals are found in everyday life. For instance, formaldehyde resins are used in many construction materials, hence formaldehyde is one of the more common indoor air pollutants. Hydrogen cyanide is naturally occurring in fruits with pits, car exhaust, wood burning and some plastics. It takes 300 mg/m³ of air exposure to be acutely toxic. Arsenic is widely found in drinking water and treated wood. Carbon monoxide is a byproduct of burning any carbon-containing material and is found naturally occurring in the atmosphere. Benzene can be found by burning a candle. Methanol seems to be toxic if ingested, however it burns off in air to form carbon dioxide and water at temperatures far below the burning end of a cigarette.

So how well does the "4000 chemicals" argument really hold up? It's really pretty flimsy.

Myth: "Everybody has the right to breathe clean air."

The Truth: The only place that you have the "right" to breathe clean air is within the confines of your own home. Live in a sterile bubble at home if you'd like, but once you step out your door and through another's, you have no more of a right to clean air as you do to cold filtered water to drink.

The fact of the matter is that we would have to ban cleaning products, plastics, perfume, candles, car exhaust and hundreds of other things if we want to uphold the "right to clean air" argument.

Would you walk into somebody else's business and demand that they provide you with filtered water because the tap water might have toxins in it? Of course not. Now if that is how you choose to run your own business, fine, but to demand that everybody else does it so everybody is "fair" would be ridiculous.

The heart of the matter is [best explained](#) by the University of Missouri School of Law's Thomas Lambert:

"Don't smokers in a public space impose costs on non-smoking patrons, who can't order them to stop? And if that's the case, won't indoor smoking entail both the inefficiency (an excessive level of pollution, since the polluters don't bear all the costs of their activity) and the injustice (an infringement of nonpolluters rights to enjoy clean air) associated with outdoor air pollution? The answer to the latter question is no. There is a crucial difference between outdoor and indoor air, and that difference alleviates the inefficiencies and injustices normally associated with air pollution.

The crucial difference is property rights. Whereas outdoor air is common property (and thus subject to the famous 'Tragedy of the Commons'), the air inside a building is, in essence, 'owned' by the building owner. That means that the building owner, who is in a position to control the amount of smoking (if any) that is permitted in the building, has an incentive to permit the 'right' amount of smoking - that is, the amount that maximizes the welfare of individuals within the building. Depending on the highest and best use of the space and the types of people who patronize the building, the

optimal level of smoking may be zero (as in an art museum), or 'as much as patrons desire' (as in a tobacco lounge), or something in-between (as in most restaurants, which have smoking and non-smoking sections)."

Myth: Environmental Tobacco Smoke is a class-A carcinogen, the EPA says so!

The Truth: The United States Environmental Protection agency did in fact say so; however they were wrong to do so. In 1998, Judge Osteen [ordered](#) the EPA's report that claimed secondhand smoke caused lung cancer and was a class-A carcinogen to be vacated (invalidated) due to questionable practices and claims by the EPA. Among the findings were:

The EPA "publicly committed to a conclusion before research had begun;
"Adjusted established procedure and scientific norms to validate the Agency's public conclusion;"
"aggressively utilized the [Radon] Act's authority to disseminate findings to establish a de facto regulatory scheme intended to restrict Plaintiff's products and to influence public opinion;"
"disregarded information and made findings on selective information;"
"failed to disclose important findings and reasoning;"
"left significant questions without answers;"
"did not disseminate significant epidemiologic information;"
"excluded industry by violating the [Radon] Act's procedural requirements;"
and "deviated from its Risk Assessment Guidelines."

Does this sound like a good source to use when formulating public policy? The Federal judge didn't think so either. Even the EPA's own risk assessment experts told the organization that their data didn't support the claim and yet they moved ahead anyway in an act that the Judge determined was designed to influence the public's opinion. So the next time you hear the claim that secondhand smoke is a class-a carcinogen, remember that it's a claim that was invalidated in Federal District Court by Judge Osteen.