



Physicians *for a* Smoke-Free Canada

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Dear Rental Housing Task Force Chair and Members,

Being able to live in a smoke-free home in British Columbia remains a major unmet need and desire for the majority of British Columbians living in multi-unit dwellings (both rental or condominium). We thank you for the opportunity to address this issue, and hope the Task Force will ultimately make meaningful recommendations in relation to it.

Smoking and Secondhand Smoke

Smoking remains the leading preventable cause of death in BC, Canada and worldwide, killing 7 million annually including 45 000 Canadians, costing our nation \$16.2 billion annually. It kills more than alcohol, drugs, car accidents, murder, suicide and AIDS *combined*. As shameful as that is more than two generations after the immense dangers of smoking were made crystal-clear to society, it is the effects that the smoker has on others that are most unambiguously morally unacceptable and in need of legislative response. Secondhand smoke contains over 70 known cancer-causing chemicals, and the Health Canada has determined that no level of exposure to secondhand smoke can be considered safe [1]. Certain individuals are at increased risk, including pregnant women and their fetuses, infants and children, and adults with asthma or pre-existing heart disease. Health Canada estimates *deaths* from secondhand smoke in Canada at 800 annually. Exposure to secondhand smoke causes stillbirth, premature birth, low birth weight, sudden infant death syndrome, ear infections, bronchitis, asthma, pneumonia, emphysema, lung cancer, and heart disease. Of course it shouldn't require fear of death or any lesser health consequences to have the right to be able to keep the air in one's own home clean and fresh.

Secondhand Smoke Exposure in Multi-Unit Dwellings

A majority of British Columbians now live in multi-unit dwellings and are potentially exposed to the secondhand smoke of their neighbors. Indoors, secondhand smoke seeps through connections between units via the ventilation system, electrical outlets, cracks and gaps in the walls and floors, and around sinks, countertops, and radiators, and off-gassing from carpets. Research has shown that up to 65% of the air in a unit can come from other units in the building. A study that looked at gas transfer between units in buildings of various ages before and after careful implementation of best practice air-sealing procedures and ventilation improvements concluded that while transfer was less in newer buildings, and moderately reduced after treatments, it could not be eliminated (including in units meeting LEED [Leadership in Energy and Environmental Design] criteria), and that such modifications were not a practical means of solving secondhand

smoke transmission [2]. Fine particulate matter PM2.5 levels were shown to be nearly double in buildings without a smoke-free policy in the Boston Housing Authority, being much higher even in homes without a resident smoker [3]. Another study showed children in nonsmoking homes living in apartments had 45% higher cotinine levels (a marker of tobacco exposure) than those living in detached houses [4]. Author Dr Jonathan Winickoff commented to the BBC, “If your neighbors are smoking then you are exposed if you live through the wall... in apartment buildings this effect is magnified. Smoke contaminates the whole building”[5]. Of course if you are a baby or child living with parents who smoke in their/your own home then your situation and need for legal protection is that much worse.

Outdoors, secondhand smoke rises from balconies of units below, preventing use of one’s patio and entering the homes of nonsmokers unless windows are always kept shut (especially problematic during summertime). Toxic residues persist on indoor surfaces, such as furniture and flooring, and are later re-emitted, a phenomenon referred to as thirdhand smoke.

Secondhand Smoke Exposure in Multi-Unit Dwellings in British Columbia is a Huge Problem

The scope of the problem is actually rather alarming: a May 2018 survey of apartment-dwelling BC residents [6] showed that 51% are knowingly exposed to secondhand smoke (many others likely fail to detect low, but still unsafe, exposures), up from 34% in a 2008 BC Stats survey, 15% very often or always. Most fail to recognize that they are not alone, and instead suffer the problem in silence. In 2008 BC Stats calculated that up to 100 000 BC renters may move annually over this issue. All surveys have shown that a strong majority of individuals would prefer to live in a 100% smoke-free building, yet only a handful of such exist in BC, regardless of whether one is referring to subsidized or market rental buildings or condominiums at any price level.

The concept that separate smoking and nonsmoking areas are ineffective is already reflected in the 100% smoke-free status of public buildings and hotels, where smoking floors are no longer permitted in much of the world, including here in British Columbia. Ironically, visitors to our cities are better protected against secondhand smoke than our residents.

What about the Smoker's "Right" to Smoke in their Own Home?

The inevitable response of smokers toward any call for increased availability of smoke-free housing is predictable. Tobacco is a legal product, and it is their presumed “right” to be allowed to smoke in their homes. However, multiple legal opinions have concluded that no such right exists, only, for the moment, an unregulated freedom (court cases to date have tended to side with the nonsmoking complainants, but these are time-consuming and expensive—it is currently much easier to move and hope the problem doesn’t recur).

That something is legal does not mean it is unregulated. Multi-unit dwellings represent a conflict of individual freedoms with respect to smoking, and one side must be given precedence over the other. We currently have bylaws prohibiting one from disturbing one’s neighbors in many comparatively minor ways. Prohibiting smoking in multi-unit

dwelling is no different from prohibiting loud music or pets. Approximately two-thirds of BC's smokers already smartly avoid smoking inside their homes [7]. Requiring smokers to keep their smoke out of the homes of others as well is not too much to ask.

It is also very important to remember that smoking itself is just a habit. The actual addiction is to nicotine. The smoker who finds it too troublesome to go outside can get their nicotine "hit" in several other ways that do not affect anyone else. Furthermore nicotine replacement is actually offered free of charge by the BC provincial government!

The smoker can choose where to smoke. Those affected by them cannot choose where to breathe.

Canada is Lagging Behind; British Columbia Can Take the National Lead

A memorandum issued by the USA's Department of Housing and Urban Development on 17 July 2009 stated that it "strongly encourages public housing authorities to implement nonsmoking policies in some or all of their public housing units," an important shift in American federal policy. It since has gone much further, and a 2016 final rule that completely prohibits smoking anywhere in all public housing nationwide goes into effect July 31st, 2018 [8].

Several small cities and counties in California have gone further, with partial or total bans applied to all multi-unit dwellings. BC Stats 2008 survey revealed that most strata corporations and apartment owners/managers recognized that there is a market for smoke-free housing and expected the issue to become more important in the future; however, to date, a combination of inertia and a misplaced fear of transgressing so-called smokers' rights have prevented this from being translated into building policy or governmental legislation. While any strata council or apartment owner can currently convert their building to a smoke-free status, only a very few have done so, despite obvious benefits including decreased maintenance and insurance costs, decreased fire risk, and improved tenants' health.

While BC's past provincial governments have given lip service to this matter, last month's survey of British Columbians commissioned by The Heart and Stroke Foundation, BC Lung Association and Canadian Cancer Society [6], showed 67-88% support for various measures, clearly demonstrating that our public feels that the time for action has come.

On June 21, 2018 the Saskatchewan Housing Corporation announced that a province-wide no smoking policy for all its units would come into force on August 1st. Saskatchewan is the first Canadian province and second Canadian government (after the Yukon Territory) to put this policy in place.

Recommendations

We strongly feel, given all of the above, that a total ban on any sort of smoking inside all multi-unit dwellings, subsidized or market, rental or condominium, is not only justifiable, but necessary and long overdue to protect both the health and comfort of the great majority of British Columbians who want nothing more than the healthful, "quiet enjoyment" of the air in their own homes.

However, if a total ban is currently viewed as politically untenable, there are several less controversial steps that can easily be taken:

- Requiring all future new buildings to be smoke-free (addressing the gross imbalance/social injustice of the current ratio of nonsmokers desiring smoke-free buildings to smoke-free multi-unit dwellings in the province).
- Requiring a contiguous portion of existing buildings to be declared smoke-free (such may require grandfathering, but an effect would be seen over time).
- Requiring leases to state the smoking status of all units and floors.
- Listing secondhand smoke as a nuisance and breach of the “right to quiet enjoyment” in the *Residential Tenancy Act* so that this doesn’t have to be repetitively established in each incident or litigation.
- Various incentives for strata councils and rental building owners to convert to a nonsmoking status.
- An educational campaign aimed both at getting smokers to avoid smoking in their units and informing exposed nonsmokers of their rights and options.

Thank you again for the opportunity to present these concerns.

Dr. Stuart Kreisman
BC Representative
Physicians for a Smoke-Free Canada

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