

**PARKS AND RECREATION COMMISSION  
STAFF REPORT**

**MEETING DATE:** August 5, 2014

**AGENDA ITEM NUMBER:** 3D

**APPLICANT:** Sean Lehmann, Chair  
Roger Moellendorf, Parks & Recreation Director

**REQUEST:** Discussion only regarding the feasibility of an ordinance that bans smoking from all parks and recreation facilities.

**GENERAL DISCUSSION:** Chair Sean Lehmann requested that this item be placed on the agenda for discussion only. Attached is an article from NRPA Express regarding a recent smoking ban that is being enacted in Houston, Texas. This issue has been before the Parks and Recreation Commission in the past, and primarily because a concern by the Sheriff's Department that the ban would increase their workload. Sheriff's Department feels enforcement would be difficult; therefore, a ban on smoking has never been pursued. In place of a ban the Department working with the Health Department has placed signs around park playgrounds asking for voluntary conformance to "no smoking" around playgrounds in parks. An especially problematic site for enforcement will most likely be at the east entrance to Mills Park. High school students routinely congregate at this site and smoke since smoking is prohibited on school grounds.

**RECOMMENDED ACTION:** This is a discussion only item; therefore, no action can be taken.

## The Woodlands



## Morning Edition

Jul 24, 2014, 8:41am CDT Updated: Jul 24, 2014, 8:56am CDT

# Houston extends smoking ban to parks, outside libraries



**Josh Cain**

Associate editor- *Houston Business Journal*

[Email](#) | [Twitter](#)

Houston's parks will soon become no-smoking areas, once a new city rule takes effect next month.

In a July 23 meeting, staff from the Houston Parks and Recreation Department and the Houston Public Library announced that a rule banning smoking inside libraries would be extended to outdoor areas around all libraries and at all city parks.

Houston Parks Director Joe Turner said at the meeting that the ban would address both public health concerns and litter problems over discarded cigarettes.

Mayor [Annise Parker](#) also spoke at the meeting, saying residents deserved unfiltered access to smoke-free parks and public employees healthy work environments.

Houston was the largest city in the U.S. that still allowed smoking in parks, and 36 other Texas cities already had their own bans.

Smoking is already banned within 25 feet of the entrances to libraries, but the rule would extend that to all library property, including parking lots and plazas.

The rule will first take effect at downtown locations, the Central Library and the Julia Ideson Building on July 24. By Sept. 2, the full ban at libraries and parks will take effect.

Activists in Texas have been trying to pass a [statewide workplace smoking ban for years, to no avail](#). The latest attempt in 2013 failed [for the fourth year in a row](#).

### Do you agree with Houston's new smoking ban?

Do you agree with Houston banning smoking in parks and outside libraries?

 Yes
   
 No
   
 Not sure
   
 Other (share your response in the comments)

Submit your vote

This survey is not a scientific sampling, but offers a quick view of what readers are thinking.

Josh Cain is associate editor for the Houston Business Journal.

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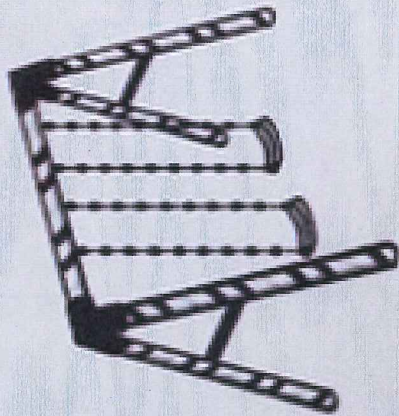
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### From Around The Web





**PLEASE DON'T  
SMOKE HERE**



**Young Lungs are Working**

S.E. Green 2003

*Cannon City Parks & Recreation Department*

Carson City Parks and Recreation Commission  
Discussion Points for July 1, 2008 Meeting  
Agenda Item No. 4(A): Smoke-Free Playground Areas

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PARENTS

Prepared by Kathryn Shabi

The attached news articles discuss the concerns and steps communities across the nation are taking to ban smoking in and around children's playgrounds and other outdoor areas where children may be present.

I have personally observed congested playgrounds in Carson City where adults are smoking in close proximity to children, presenting several problems which could be mitigated by the implementation of a smoke-free playground policy to:

1. Prevent children from being inadvertently burned by lit cigarettes in someone's hand or on the ground
2. Model healthy adult behavior – one of the most effective methods for preventing children from becoming adult smokers
3. Reduce young children's health risks associated with second hand smoke exposure
4. Reduce toxic litter (cigarette butts) in children's play areas, where young children tend to play with and/or eat such items.
5. Reduce fire hazard resulting from burning cigarette butts or matches dropped in ground cover.

While the limited resources of the Parks and Recreation Department may currently preclude the active enforcement of such a ban, the adoption of a smoke-free playground policy and corresponding signage in as many playgrounds as possible would be a positive and inexpensive step forward in fulfilling the Parks and Recreation Department's mission "... to provide a clean, safe, positive environment to facilitate the development of body and mind to all citizens of Carson City .... "

Accordingly, I am requesting the following *action* item be placed on the next regularly scheduled Parks and Recreation Commission meeting agenda:

***Action to submit to the Board of supervisors a resolution to implement a policy prohibiting smoking in playgrounds maintained by the Carson City Parks and Recreation Department.***



## Pools, playground in Schenectady now smoke-free areas

Wednesday, April 16, 2008

By [Kathleen Moore](#) ([Contact](#))

Gazette Reporter

SCHENECTADY — Smoking has now been banned at all of the city's pools and Central Park's playground for young children.

The Schenectady City Council agreed Monday to a smoking ban that may be extended to the city's other playgrounds by the end of the summer.

"Let's start with Tiny Tots Land and the pools and revisit it as we go forward in the season," said Councilman Mark Blanchfield, who proposed the ban.

For now, smokers must snuff out their cigarettes at Tiny Tots Land in Central Park as well as the city's outdoor pools at Hillhurst, Quackenbush and Front Street. Blanchfield had discussed banning smoking in every playground. But when the issue came before the council, some members hesitated, saying they were afraid it would be impossible to enforce the ban and difficult to delineate restricted areas in playgrounds.

Blanchfield argued that police enforcement wouldn't be needed. He said most smokers would obey signs telling them not to smoke near playgrounds.

"Let's phase it in with signs, see if smokers obey," he said.

The Capital District Tobacco-Free Coalition has offered to provide the signs, which would read in part, "Young Lungs At Play."

Coalition Project Coordinator Jeanie Orr told the council that smokers have generally obeyed the signs in other cities.

"The signage really makes a big difference," she said. "Most smokers are very good about that. And as a mother, if there was a sign, I'd feel much more comfortable saying, 'Oh, can you move away? This is a no-smoking area.' □"

One pool had a ban last year. Although the council didn't know about it, the Boys and Girls Clubs of Schenectady banned smoking at Quackenbush Pool last summer when they ran the facility. Officials told the city council that smokers gave them no trouble when they were told to put out their cigarettes.

But Councilwoman Denise Brucker said she didn't want police to have to track down smokers on top of everything else they do.

"Is there a way to do this without creating a law for it? That would take enforcement right off the table," she said. "Limit it to Tiny Tots Land and the pools."

Councilman Gary McCarthy added that the resolution was "feel-good legislation."

Councilman Joseph Allen said he doesn't want smokers to end up being kicked out of the parks altogether.

"I don't want to ban it in the parks. But play areas — but all means they should not be smoking in Tiny Tots Land or any other play areas in the city," Allen said.

Blanchfield said Tiny Tots Land would be a perfect place to start, since it is fenced, unlike many of the city's playgrounds, and caters to the city's youngest children.

"It's so directed to kids who are 5 and under," Blanchfield said. "Let's start with Tiny Tots Land and see the reaction."

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## Highland Park Bans Most Outdoor Smoking

HIGHLAND PARK, Ill. (UPI) —

North suburban Highland Park has passed a sweeping smoking ban that prohibits anybody from lighting up just about anywhere outside.

On Jan. 1, the Illinois Smoke Free Act, which bans smoking in all public places in the state, goes into effect.

The act bans smoking in all hospitals, restaurants, bars, taverns, retail stores, offices, elevators, indoor theaters, libraries, museums, concert halls, educational facilities, nursing homes, auditoriums, schools, meeting rooms, exhibit halls, convention facilities, private clubs, lobbies, bowling alleys, skating rinks and student dormitories, as well as a 15-foot area surrounding each building. The 15-foot area includes all doors, windows and intake vents located on the buildings.

But that's not enough for Highland Park.

The North Shore suburb passed an ordinance that goes even further than the state's smoking ban.

The Highland Park smoking ban, which was passed on Dec. 10, bans smoking not only in enclosed public areas, but unenclosed areas, as well, including parking lots, golf courses and truck and railroad loading docks and platforms.

According to the ordinance, as of Jan. 1, 2008, no one will be allowed to smoke in outdoor venues, park grounds, school grounds, public golf driving ranges, miniature golf courses, the City Hall and Highland Park Public Library campuses, city-owned parking lots, outdoor eating areas (unless the person is walking through the eating area), beaches, the unenclosed areas of Renaissance Place and gas stations.

Additionally, "no person shall smoke in, or **within 25 feet of, an outdoor venue** during the time that an outdoor event is taking place in that outdoor venue." So, no smoking in or near Ravinia. And no smoking in any common areas of any condominium, dormitory building, nursing home, longterm care facility or apartment building.

Smoking will also be prohibited in all retail tobacco stores, unless the store has an incidental smoking area which was in existence prior to April 25, 2005.

Fines range from \$100 to \$750 for a first offense and can be as much as \$3,000 for a third offense within a 12-month period.

The purpose of the ordinance, it states, is "to protect the public health, comfort and environment by prohibiting smoking in all enclosed public areas, all places of employment, and in certain unenclosed public areas, in order to ensure that nonsmokers may breathe air free from the hazardous effects of secondhand smoke."

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## Beaches, Parks, Playgrounds May Go Smoke-Free

### Chicago Park District Considering Ban

Reporting

By Mike Parker

CHICAGO (UPI) — Smokers may soon have to stamp out their cigarettes at some of the city's most popular outdoor destinations.

As CBS 2's Mike Parker reports, the Chicago Park District is considering a smoking ban that would clear the air at every park, playground and beach in Chicago.

The proposed ordinance says that anyone caught smoking in those areas could be fined \$500.

The park district board is expected to approve it at Wednesday's meeting.

"I have a lot of sympathy for smokers, but not when second-hand smoke affects the health of other people," Park District Superintendent Tim Mitchell said.

Proponents also say cigarette butts and filters damage the environment. During a three hour cleanup of city beaches last month, they say they found some 35,000 butts in the sand.

"One small thing we can do, that is not small for people using the beaches, is stop using them as ashtrays," Joel Brammier of the Alliance For Great Lakes said.

A young mother, who often visits city play lots, is all for the ban.

"Especially with a toddler who picks up everything and puts it a lot of times, in his mouth," Susan Sholty said.

Even one smoker CBS 2 talked to goes along with the idea of yet another place he can't light up.

"I don't smoke in front of children. When I walk by children, I cup my cigarette in my hand. I don't want them to see it," Daniel Young said.

If the park district board approves the ban it would take effect immediately.

Mayor Daley called the proposal, "a well intentioned" effort to protect children and the environment.

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## **The Wall Street Journal**

### **Officials in California Town Say Smoking Ban Is Working**

By SHEARON ROBERTS  
*May 30, 2006*

Ten weeks after they enacted the most draconian smoking ban in the nation, city officials in Calabasas, Calif., say the rules are having the desired impact -- reducing exposure to the secondhand smoke that can accumulate when smokers congregate outdoors and near building entrances.

No citations have been issued over the rule, which bans all smoking outdoors except in designated areas. And business leaders are cooperating, with the city approving 16 permits so far for businesses wanting to have smoking areas designated nearby, the officials say.

"The response we have heard thus far is mostly positive," said Stephanie Warren, chairman of the Calabasas Chamber of Commerce. "Most of our members are for anything that maintains our standard of living."

Some smokers are bristling: Robert Best, California state coordinator for the Smokers Club Inc., an international smokers-rights coalition, says his group is waging a grass-roots boycott. Mr. Best says so far close to 100 commuters who drive through Calabasas, about 10 miles west of Los Angeles, have signed on and suspended dining or shopping there in protest.

Smokers' rights groups contend that no scientific or medical data indicate that curbs on outdoor smoking are effective or necessary. "We all know that smoke dissipates," says Mr. Best.

The tobacco industry also isn't enthusiastic about the initiative. "Complete bans on outdoor smoking go too far," said Jennifer Golisch, a spokeswoman for Philip Morris USA, part of Altria Group Inc. the world's largest cigarette maker by sales. "Smoking should be permitted outdoors except in very particular circumstances, such as outdoor areas primarily designed for children." Ms. Golisch said Altria, whose brands include Marlboro, didn't get involved in the Calabasas ordinance.



The federal Centers for Disease Control and Prevention says that second-hand smoke indoors causes respiratory illness in millions of children annually and may contribute to as many as 3,000 deaths from lung cancer and 62,000 deaths from heart disease among adults each year.

Studies also show that while smokers develop habits that allow them to cough and free their lungs of inhaled tobacco, nonsmokers are less aware of the volume of smoke in the atmosphere and unconsciously breathe in secondhand smoke at higher degrees than smokers.

But researchers haven't been able to pinpoint at what level a concentration of smoke outdoors increases a person's risk of disease, says Derek Raghavan, director of the Cleveland Clinic/Taussig Cancer Center in Ohio. Studies haven't indicated how many smokers could, during a given time period, accumulate a concentration of smoke that might endanger a nonsmoker's health.

The lack of hard data hasn't stopped lawmakers from banning smoking to accommodate nonsmoker comfort inside public and private places or to reduce litter from cigarette buds on the streets, parks or on beaches.

Thirty-one states ban smoking indoors at work places, and 12 prohibit smoking in public places, including restaurants, bars, clubs and some casinos. California, the first state to ban smoking inside public places, also leads the nation in outdoor restrictions.

More than a dozen cities and towns along the California coast prohibit smoking on beaches, with varying degrees of enforcement. And earlier this year, California declared secondhand smoke to be a toxic air pollutant. That means that, as with other designated toxins, such as vehicle exhaust and industrial air pollutants, the California Environmental Protection Agency must work with the state, local governments or industries to reduce public exposure. It's unclear what measures the state will take, but the process of coming up with a strategy to reduce nonsmoker risk could take two or three years.

"So far it's really had the desired effect," says Barry Groveman, the former Calabasas mayor who pushed for the legislation, and who now sits on the city council. He said officials elsewhere in California and in other states have contacted Calabasas to study the effect of the ordinance.

Write to Shearon Roberts at [shearon.roberts@wsj.com](mailto:shearon.roberts@wsj.com)

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## The New York Times

By JOHN M. BRODER

Published: March 19, 2006

CALABASAS, Calif., March 17 — One of the toughest antismoking laws in the nation took effect here Friday, the same day that a satirical movie about a reptilian tobacco lobbyist, "Thank You for Smoking," opened across the country.

"Pure serendipity," said Barry Groveman, the earnest environmental lawyer who also serves as mayor of Calabasas, a well-to-do community of 25,000 people on the western fringe of Los Angeles. Mr. Groveman said he was glad that the coincidence would help draw attention to his city's efforts to limit the harmful effects of secondhand smoke.

The smoking ordinance, which was unanimously passed by the five-member Calabasas City Council last month, prohibits smoking in all public places, indoor or outdoor, where anyone might be exposed to secondhand smoke. The ban includes outdoor cafes, bus stops, soccer fields, condominium pool decks, parks and sidewalks. Smoking in one's car is allowed, unless the windows are open and someone nearby might be affected.

Smoking scofflaws face warnings, fines of up to \$500 for repeat offenses, and misdemeanor charges.

City officials and antismoking activists describe the ordinance as one of the most comprehensive efforts to regulate secondhand smoke anywhere in the world. It comes just weeks after the California Air Resources Board declared secondhand smoke to be a toxic air contaminant that can lead to respiratory infections, asthma, lung cancer, heart disease and death.

California, ever in the forefront of social trends, has been a leader in limiting when and where people can smoke. Cities and towns around the state began banning smoking in offices and restaurants more than 15 years ago, and lawmakers enacted a statewide ban on smoking in restaurants, workplaces and public venues in the mid-1990's. Smoking has been prohibited on most Southern California beaches and piers since 2003.

The movement has spread nationwide. More than 700 cities around the country have enacted ordinances placing some limits on outdoor smoking, according to the American Nonsmokers' Rights Foundation, a research and advocacy group that supports antismoking legislation.

Calabasas wants to "push the envelope," Mr. Groveman said, adding, "This is clearly a groundbreaking public health law."

"This is the right time and the right place to take this step," he said. "We hope it will be the way things are done all over the country and all around the world."

The ordinance encountered little resistance. The Chamber of Commerce and the city's restaurant association supported it, as did virtually every citizen who appeared at public hearings. Tobacco lobbyists never weighed in, Mr. Groveman said, and a spokesman for Philip Morris, the nation's largest cigarette maker, did not return a reporter's telephone calls Friday.

It was tough to find an aggrieved smoker at the Calabasas Commons outdoor mall Friday morning, particularly after it started raining. In fact, television crews filming reports on the law outside a Starbucks outnumbered smokers 5 to 0, by actual count.

The nonsmoking citizens appeared delighted by the new law and by the attention it brought to their enclave of gated communities, horse farms and Mediterranean-style condominium complexes.

"The best thing that could have happened was what they did," said Marlene Kolinsky, 63. "The smoking gets right in my eyeballs."

Larry Chambers, 73, who quit smoking 30 years ago, said he was also pleased about the new law, in part because it protects smokers' rights by allowing any business or office building to designate an outdoor smoking area away from foot traffic.

Mr. Chambers said the ordinance enhanced the city's image.

"The good thing is Calabasas gets recognized as a healthy community," he said. "And it helps property values."

The first plume of cigarette smoke spotted in Calabasas on Friday came from, of all places, a fire station a few hundred yards from city hall. Thomas Duda, a Los Angeles County firefighter, was savoring a Marlboro Light on the driveway outside the station.

"We were just talking about this new law," Mr. Duda said. "We're completely in the dark. Who's going to enforce it? Are there going to be designated areas? And what if I'm out front here and someone from the City of Calabasas comes by?"

Have no fear, Mr. Duda, said Michael Hafken, the city's communications director. First offenders will get off with a gentle warning and a breath mint.

# **Stenehjem: Playground smoking ban discussion should include public participation**

**, WDAY-AM**

Published Friday, June 27, 2008

North Dakota's Attorney General is weighing in on a possible playground smoking ban in the city of Fargo.

The Fargo Park Board is considering banning smoking in and around the city's public playgrounds.

Attorney General Wayne Stenehjem told WDAY-AM radio that he's not aware of a state law that would prevent a playground smoking ban.

However, Stenehjem said it should not be approved without public participation.

Park Board Chairman Joel Vettel said it's disturbing to see smoking around children. The board could consider the proposed ban at a July meeting.



## Secondhand Smoke At Sidewalk Cafes And Other Outdoor Settings Is Still Serious, According to Scientists

ScienceDaily (May 3, 2007) — Tens of thousands of Americans die each year from secondhand tobacco smoke, according to a 2006 report by the U.S. Surgeon General. While the health risks associated with indoor secondhand smoke are well documented, little research has been done on exposure to toxic tobacco fumes outdoors.

Now, Stanford University researchers have conducted the first in-depth study on how smoking affects air quality at sidewalk cafés, park benches and other outdoor locations. Writing in the May issue of the *Journal of the Air and Waste Management Association (JAWMA)*, the Stanford team concluded that a non-smoker sitting a few feet downwind from a smoldering cigarette is likely to be exposed to substantial levels of contaminated air for brief periods of time.

"Some folks have expressed the opinion that exposure to outdoor tobacco smoke is insignificant, because it dissipates quickly into the air," said Neil Klepeis, assistant professor (consulting) of civil and environmental engineering at Stanford and lead author of the study. "But our findings show that a person sitting or standing next to a smoker outdoors can breathe in wisps of smoke that are many times more concentrated than normal background air pollution levels."

Klepeis pointed to the 2006 Surgeon General's report, which found that even brief exposures to secondhand smoke may have adverse effects on the heart and respiratory systems and increase the severity of asthma attacks, especially in children.

"We were surprised to discover that being within a few feet of a smoker outdoors may expose you to air pollution levels that are comparable, on average, to indoor levels that we measured in previous studies of homes and taverns," said Wayne Ott, professor (consulting) of civil and environmental engineering at Stanford and co-author of the *JAWMA* study. "For example, if you're 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 secondhand smoke could be the same as if you sat one hour inside a tavern with smokers. Based on our findings, a child in close proximity to adult smokers at a backyard party also could receive substantial exposure to secondhand smoke."

Unlike indoor tobacco smoke, which can persist for hours, the researchers found that outdoor smoke disappears rapidly when a cigarette is extinguished. "Our data also show that if you move about six feet away from an outdoor smoker, your exposure levels are much lower," Klepeis added.

The public has become increasingly concerned about the effects of outdoor smoking, Ott noted. More than 700 state and local governments have passed laws restricting outdoor smoking at playgrounds, building entrances and other public areas, according to the American Nonsmokers' Rights Foundation.

Some of the strictest ordinances are in California. The city of Santa Monica, for example, recently banned smoking at parks, beaches, ATM machines, theater lines, open-air restaurants and other outdoor locations.

"Throughout the country, cities and counties are looking at various laws against outdoor smoking, and some of the proposals are pretty drastic," Ott said. "The problem is that until now, there have been virtually no scientific data to justify such restrictions. In fact, our paper is the first study on outdoor smoking to be published in a peer-reviewed scientific journal."

### **Particulate matter**

In the study, the researchers used portable electronic monitors to make precise measurements of toxic airborne particles emitted from cigarettes at 10 sites near the Stanford campus. "We wanted to quantify the potential level of exposure to outdoor tobacco smoke that could occur in everyday settings," Klepeis said. "To do this, we used five different, state-of-the-art instruments to measure secondhand smoke at parks, open-air cafes, sidewalks and outdoor pubs where smokers were present."

Each instrument was calibrated to measure an airborne pollutant known as particulate matter-2.5 (PM2.5), which consists of thousands of microscopic particles that are less than 2.5 micrometers in width--about 30 times narrower than a human hair.

"PM2.5 is a toxic pollutant produced by cigarettes, wood-burning stoves, diesel engines and other forms of combustion," Ott explained. "It contains benzo(a)pyrene, a carcinogen, and many other toxic chemicals that can penetrate deep inside the lungs."

According to the Environmental Protection Agency, exposure to PM2.5 can lead to serious health problems, including asthma attacks, chronic bronchitis, irregular heartbeat, nonfatal heart attacks and even premature death in people with heart or lung disease. The current EPA ambient air standard for PM2.5 is 35 micrograms per cubic meter of air averaged over 24 hours. Levels that exceed 35 micrograms are considered unhealthy "However, since tobacco smoke contains many toxic components, including carcinogens, it may be even less healthy than typical ambient air pollution," Klepeis noted.

### **Test results**

To measure PM2.5 levels in secondhand smoke, the researchers placed the instruments near actual smokers in different open-air environments. "We also performed controlled experiments with burning cigarettes, which allowed us to make precise measurements of PM2.5 levels at different distances," Klepeis said.

The results were clear: The closer you are to an outdoor smoker, the higher your risk of exposure.

"A typical cigarette lasts about 10 minutes," Klepeis said. "We found that if you're within two feet downwind of a smoker, you may be exposed to pollutant concentrations that exceed 500 micrograms of PM2.5 over that 10-minute period. If you're exposed multiple times to multiple cigarettes over several hours in an outdoor pub, it would be possible to get a daily average of 35 micrograms or more, which exceeds the current EPA outdoor standard."

Outdoor tobacco smoke consists of brief plumes that sometimes exceed 1,000 micrograms, Klepeis added. "On the other hand, clean air typically contains less than 20 micrograms of PM2.5," he said. "Therefore, a person near an outdoor smoker might inhale a breath with 50 times more toxic material

than in the surrounding unpolluted air."

However, the researchers found that air quality improved as they moved away from the smoker. "These results show what common sense would suggest--when you're within a few feet downwind of a smoker, you get exposed," Ott explained. "But likewise, when you go a little distance or stay upwind, the exposure goes way down. If there's just one smoker, and you can sit six feet away, you would have little problem. At the same time, if there are a lot of smokers nearby, you may be exposed to very high levels of secondhand smoke. So this thing that critics have been dismissing as trivial is not."

Added Klepeis: "If people realize that being near outdoor smokers can result in potentially large exposures to toxic air pollution, they may decide they do not wish to be exposed in a variety of outdoor settings. This realization may lead to an increased number of smoking bans in public locations."

The study, "Real-Time Measurement of Outdoor Tobacco Smoke Particles," by N. Klepeis, et al, appears in the May issue of the Journal of the Air & Waste Management Association.

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*Adapted from materials provided by [Stanford University](#), via [EurekAlert!](#), a service of AAAS.*

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