

**Board of Health  
City of Englewood  
RESOLUTION No. R14-07**

**WHEREAS**, the New Jersey Smoke-Free Air Act (N.J.S.A. 26:3D-63) specifically authorizes local restrictions on smoking "equivalent to, or greater than those provided in the NJSFAA for purposes of protecting public health;" and

**WHEREAS**, New Jersey state law N.J.A.C. 8:6-7.2(b)(3) requires that no smoking take place during school-sponsored activities that occur off of school property, including public parks and recreation areas; and

**WHEREAS**, New Jersey state law N.J.A.C. 8:6-2.3(a) prohibits smoking at an exterior area if smoking in the exterior area results in migration, seepage, or recirculation of smoke to an indoor public place or a workplace at which smoking is prohibited; and

**WHEREAS**, 24 Bergen County municipalities have 100% smokefree parks and recreational areas ordinances: Carlstadt, Cliffside Park, Closter, East Rutherford, Elmwood Park, Franklin Lakes, Garfield, Glen Rock, Hackensack, Little Ferry, Mahwah Township, Moonachie, Oradell, Palisades Park, Ridgewood, Ridgewood, River Edge, River Vale, Teaneck, Tenafly, Waldwick, Westwood, Wood-Ridge and Wyckoff; and

**WHEREAS**, the New Jersey State Department of Health, through the Bergen County coalition on smokefree parks, currently has free aluminum signage to provide to New Jersey communities that have 100% smokefree parks and recreational areas ordinances, to help with self-enforcement and education on smokefree parks; and

**WHEREAS**, research indicates that during active smoking outdoors, outdoor SHS levels may be as high as indoor SHS levels creating a health risk for nonsmokers in close proximity to the outdoor SHS, based on study findings of elevated salivary cotinine levels in nonsmokers exposed to outdoor SHS (cotinine is a metabolic byproduct of nicotine); and

**WHEREAS**, on August 6, 2012 the U.S. Centers for Disease Control and Prevention (CDC) launched its "Protecting Your Children from Tobacco" webpage, recommending how parents help children be tobacco-free including a section entitled, "What your Community Can Do to Help Prevent Youth Tobacco Use" that recommends "Ban smoking in public places—such as workplaces, schools... and parks" (see <http://www.cdc.gov/features/BackToSchool/>); and

**WHEREAS**, children may model adult behavior including smoking, so positive role modeling of nonsmoking behavior, including in all public parks and recreation areas, can positively impact youth not to start smoking or use tobacco; and

**WHEREAS**, 90% of adult smokers in the United States indicate that they first started smoking before the age of 18 years, according to the 1994 U.S. Surgeon General's Report, *Preventing tobacco use among young people*; and

**WHEREAS**, scientific evidence indicates that there is no safe level of exposure to secondhand smoke (SHS), a Class A human carcinogen, and that SHS aggravates and increases the risk of chronic diseases including asthma, allergies, heart disease, pneumonia, emphysema, lung cancer, chronic bronchitis, and diabetes, according to the 2006 United States Surgeon General's Report; and

**WHEREAS**, studies have shown that breathing environmental tobacco smoke is a significant health hazard for children, the elderly, and individuals with cardiovascular disease, impaired respiratory function, and asthma; and

**WHEREAS**, the American Academy of Pediatrics published a study in the February 1998 edition of *Pediatrics* that attributes approximately one-half of early childhood cases of asthma, chronic bronchitis and wheezing, to secondhand smoke; and

**WHEREAS**, tobacco waste discarded on the ground in public parks and recreation areas poses a risk of ingestion to small children and animals, based on 2008 data from American Poison Control Centers which received over 7,000 reports of children under age 6 being poisoned by contact with tobacco products; and

**WHEREAS**, tobacco waste ranks as one of the most collected trash by the NJ Clean Ocean Action's New Jersey beach clean-ups, with cigarette butts being the most common trash item, and cigarette butts are not 100% biodegradable, are an environmental pollutant in public parks and recreation areas, leach toxins into our grounds and watersheds, and wash into and pollute our waterways; and

**WHEREAS**, discarded cigarettes and lit tobacco pose a serious preventable fire hazard in public parks and recreation areas which can destroy parks, fields, forests and buildings on public property; and

**WHEREAS**, pursuant to NJSA 26:3A2-21 et seq., local boards of health are empowered to protect and promote the public's health by supporting environmental health ordinances; and

**WHEREAS**, there is no constitutional right to smoke, and smoking is not a protected class under the Equal Protection clauses of the United States or New Jersey Constitutions; and

**WHEREAS**, the Englewood Board of Health encourages protecting the health of children and adults at all of the municipality's outdoor parks and recreation areas, including reducing exposure to SHS by providing an environment that decreases the likelihood of (a) children starting to smoke or use tobacco, (b) of children and small animals ingesting tobacco waste, and (c) of pollution to the environment;

**NOW, THEREFORE, BE IT RESOLVED**, that the Englewood Board of Health supports providing residents and visitors, especially children, their families and senior citizens, with safe, healthful, 100% smokefree outdoor municipal parks and recreational areas; and

**BE IT FURTHER RESOLVED**, that the Englewood Board of Health encourages that the Mayor and Council consider an ordinance to make all outdoor municipal public parks and recreation areas 100% smokefree, and to participate in the free signage program to allow for self-enforcement.

Resolution taken and approved at a regular Meeting of the Board of Health on April 9, 2014.

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James M. Fedorko  
Secretary to the Board