



AMERICAN PUBLIC HEALTH ASSOCIATION

*For science. For action. For health.*

January 14, 2016

Ms. Lourdes Castro Ramírez  
Principal Deputy Assistant Secretary for Public and Indian Housing  
Regulations Division, Office of General Counsel  
Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW, Room 10276  
Washington, DC 20410-0500

Attention: RIN 2577-AC97

Subject: Comments on Proposed Rulemaking Regarding Smoke-free Policy in Public Housing

Dear Ms. Castro Ramírez:

The American Public Health Association is a diverse community of public health professionals who champion the health of all people and communities. We appreciate the opportunity to comment on the implementation of the Department of Housing and Urban Development's smoke-free policy for public housing. We urge HUD to include electronic nicotine delivery systems and waterpipe tobacco in the final rule and to focus enforcement efforts of the rule on smoking and tobacco cessation. Additionally, we urge HUD to adopt a final rule as soon as possible and extend the smoke-free policy to all federally supported housing.

HUD's smoke-free public housing policy will improve health and equity. For over 50 years, APHA has warned of the dangers of smoking.<sup>1</sup> The negative health effects<sup>2</sup> and high costs<sup>3</sup> to the health system of smoking, including secondhand smoke, are well-known. Additionally, housing is a critical social determinant of health due to its impacts on child development and the fact that people often spend more time in their homes than any other place.<sup>4</sup> Exposure to smoke, mold, lead and a variety of other environmental triggers in a home harm health.<sup>5</sup> Unhealthy conditions in public housing have a disproportionately negative health effect on racially and ethnically diverse populations, given blacks and Hispanics are overrepresented among public housing

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<sup>1</sup> American Public Health Association Policy Statement. *Cigarette Smoking and Health*. January 1, 1963. Retrieved from <http://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/22/14/39/cigarette-smoking-and-health>

<sup>2</sup> U.S. Department of Health and Human Services. *Healthy People 2020 Leading Health Indicator Topics: Tobacco Use*. 2015. Retrieved from <http://www.healthypeople.gov/2020/topics-objectives/topic/tobacco-use>

<sup>3</sup> Centers for Disease Control and Prevention. *Smoking & Tobacco Use: Fast Facts*. 2015. Retrieved from [http://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/fast\\_facts/](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/)

<sup>4</sup> U.S. Department of Health and Human Services. *Healthy People 2020 Leading Health Indicator Topics: Social determinants of health*. 2015. Retrieved from <http://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-health>

<sup>5</sup> Centers for Disease Control and Prevention. *A Healthy Home for Everyone: The Guide for Families and Individuals*. 2010. Retrieved from: [http://www.cdc.gov/nceh/lead/publications/final\\_companion\\_piece.pdf](http://www.cdc.gov/nceh/lead/publications/final_companion_piece.pdf)

residents in comparison to residents of all households in the U.S.<sup>6</sup> Additionally, many racially and ethnically diverse communities experience higher rates of asthma and other health issues exacerbated by secondhand smoke.<sup>7</sup> Implementing a smoke-free policy in public housing is a positive health equity measure, as healthy, smoke-free housing should be available to everyone, regardless of income. APHA applauds HUD's proposed smoke-free policy.

### **ENDS and Waterpipe Smoking Should be Included in the Final Rule**

APHA supports the regulation of ENDS as tobacco products and continued research on their health effects.<sup>8</sup> ENDS were first sold in the U.S. in 2007 and their contents differ by brand; as a result, researchers have not yet been able to conduct long-term studies on their health effects. They share many important similarities with cigarettes, however. Analyses of ENDS aerosols have found some of the same carcinogenic substances found in cigarette smoke.<sup>9</sup> Given their similar use and contents, the smoke-free policy should extend the prohibition of lit tobacco products to include ENDS.

Including ENDS in the smoke-free policy is likely to help achieve HUD's stated goals of improving the indoor air quality of public housing and the health of residents and staff. Users of ENDS exhale an aerosol which contains nicotine and probable carcinogens.<sup>10</sup> While aerosol from ENDS may contain less nicotine and probable carcinogens than cigarettes, any exposure to these substances is likely to be harmful. The World Health Organization explains:

“It is unknown if the increased exposure to toxicants and particles in exhaled aerosol will lead to an increased risk of disease and death among bystanders as does the exposure to tobacco smoke. However, epidemiological evidence from environmental studies shows adverse effects of particulate matter from any source following both short-term and long-term exposures. The low end of the range of concentrations at which adverse health effects has been demonstrated is not greatly above the background concentration, which for particles smaller than 2.5  $\mu\text{m}$  has been estimated to be 3-5  $\mu\text{m}/\text{m}^3$  and increases with dose, which means there is no threshold for harm and that public health measures should aim at achieving the lowest concentrations possible.”<sup>11</sup>

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<sup>6</sup> National Low Income Housing Coalition. *Housing Spotlight*. Who Lives in Federally Assisted Housing? Characteristics of Households Assisted by HUD Programs. Volume 2, Issue 2. November 2012. Retrieved from <http://nlihc.org/sites/default/files/HousingSpotlight2-2.pdf>

<sup>7</sup> Centers for Disease Control and Prevention. *A Practitioner's Guide for Advancing Health Equity: Community Strategies for Preventing Chronic Disease*. 2013. Retrieved from <http://www.cdc.gov/nccdphp/dch/health-equity-guide/>

<sup>8</sup> American Public Health Association. Policy Statement. *Supporting Regulation of Electronic Cigarettes*. November 18, 2014. Retrieved from <http://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2015/01/05/12/58/supporting-regulation-of-electronic-cigarettes>

<sup>9</sup> World Health Organization Framework Convention on Tobacco Control. *Electronic Nicotine Delivery Systems*. September 1, 2014. Retrieved from [http://apps.who.int/gb/fctc/PDF/cop6/FCTC\\_COP6\\_10Rev1-en.pdf](http://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6_10Rev1-en.pdf)

<sup>10</sup> Id. and American Public Health Association. Policy Statement. *Supporting Regulation of Electronic Cigarettes*.

<sup>11</sup> World Health Organization. *Electronic Nicotine Delivery Systems*.

The notice of proposed rulemaking correctly notes eliminating exposure to secondhand smoke “can only be accomplished by eliminating smoking from indoor spaces.”<sup>12</sup> Due to the exposure to harmful aerosol they create, HUD should extend the smoke-free policy to cover ENDS.

In addition to ENDS, APHA supports the regulation of all tobacco and nicotine products, including waterpipe tobacco.<sup>13</sup> Waterpipe smoking is harmful to the smoker<sup>14</sup> and people exposed to its secondhand smoke.<sup>15</sup> Like ENDS, smoke from waterpipes contains harmful substances known to cause cancer.<sup>16</sup> According to the Surgeon General, there is no risk free level of secondhand smoke exposure.<sup>17</sup> In order to fully address the dangers of secondhand smoke and implement the most comprehensive rule possible, HUD should recognize the smoke-free policy includes waterpipes.

### **Enforcement Should Emphasize Smoking Cessation**

Access to safe, affordable housing is crucial to maintaining health.<sup>18</sup> Enforcement of the smoke-free initiative should emphasize smoking cessation, and eviction should only be a last resort. Implementing the smoke-free policy is a good opportunity to introduce public housing residents to smoking cessation programs. Public housing agencies should provide smoking cessation resources and information to residents alongside the notice of the smoke-free policy. To ease the burden on public housing agencies, HUD should provide cessation resources or, if possible, funding for resources they can use to help residents stop smoking.

Resources are available to public housing agencies and residents to aid smoking cessation. Inviting health insurance navigators to help qualified residents enroll in Medicaid, which provides smoking cessation services in most states, is one option.<sup>19</sup> Federally qualified health centers, which specialize in treating medically underserved populations, can provide valuable assistance, as well.<sup>20</sup> Public housing agencies can also partner with local community-based organizations and schools on their smoking cessation efforts and host health fairs. For example,

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<sup>12</sup> Department of Housing and Urban Development. *Instituting Smoke-Free Public Housing*. RIN 2577-AC97. November 2015.

<sup>13</sup> American Public Health Association. Policy Statement. *National Tobacco Control Legislation*. January 1, 1998. Retrieved from <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/10/10/41/national-tobacco-control-legislation>

<sup>14</sup> Cobb C, et al. *American Journal of Health Behavior*. Waterpipe Tobacco Smoking: An Emerging Health Crisis in the United States. 34(3):275–85. 2010. Retrieved from <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3215592/>

<sup>15</sup> Cobb C, et al. *Tobacco Control*. Indoor Air Quality in Virginia Waterpipe Cafés. March 2012. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/22447194>

<sup>16</sup> Centers for Disease Control and Prevention. *Hookahs*. September 2015. Retrieved from [http://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/tobacco\\_industry/hookahs/](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/tobacco_industry/hookahs/)

<sup>17</sup> Department of Health and Human Services. *The Health Consequences of Smoking - 50 Years of Progress: A Report from the Surgeon General*. 2014. Retrieved from [http://www.cdc.gov/tobacco/data\\_statistics/sgr/50th-anniversary/index.htm](http://www.cdc.gov/tobacco/data_statistics/sgr/50th-anniversary/index.htm)

<sup>18</sup> National Health Care for the Homeless Council. *Homelessness and Health: What's the Connection?* June 2011. Retrieved from [http://www.nhchc.org/wp-content/uploads/2011/09/Hln\\_health\\_factsheet\\_Jan10.pdf](http://www.nhchc.org/wp-content/uploads/2011/09/Hln_health_factsheet_Jan10.pdf)

<sup>19</sup> Kaiser Family Foundation. *State Health Facts: State Medicaid Program Coverage of Tobacco Dependence Treatments by Type of Coverage*. 2014. Retrieved from <http://kff.org/medicaid/state-indicator/cessation-treatment-under-medicare/#>

<sup>20</sup> Health Resources and Services Administration. *What are Federally Qualified Health Centers?* Retrieved from <http://www.hrsa.gov/healthit/toolbox/RuralHealthITtoolbox/Introduction/qualified.html>

the city of San Antonio, Texas implemented a smoke-free policy with the assistance of the American Cancer Society.<sup>21</sup>

HUD should encourage public housing agencies to collaborate with the local branch of their public health department when implementing the smoke-free policy. Many state health departments offer quit lines<sup>22</sup> to help people to stop smoking and provide cessation resources and funding to local health departments.<sup>23</sup> Local health departments can use this funding to offer cessation counseling and form smoke-free coalitions to encourage and provide technical assistance to communities to create and implement tobacco and smoke-free policies.

APHA recognizes that the proposed policy is only for public housing, but we support smoking cessation efforts in subsidized housing and mixed-finance developments and the extension of the smoke-free policy to these settings. As stated above, any exposure to secondhand smoke and aerosols from ENDS harms health. To have the most positive health impact, HUD should extend the policy to subsidized housing and mixed-finance developments. In the absence of such a policy, HUD should continue to promote smoking cessation efforts in all forms of housing it supports.

APHA looks forward to the implementation of the smoke-free policy and its potential to reduce the use of all tobacco and nicotine products and create healthy housing for some of the most vulnerable people in the country. Thank you for your consideration of our comments. If you have any questions, please contact Jason Coates at 202-777-2502.

Sincerely,

A handwritten signature in black ink that reads "Georges C. Benjamin". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Georges C. Benjamin, MD  
Executive Director

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<sup>21</sup> Centers for Disease Control and Prevention. *A Practitioner's Guide for Advancing Health Equity*

<sup>22</sup> See Washington State Department of Health. *Tobacco Cessation Resources for Healthcare Providers*. Retrieved from

<http://www.doh.wa.gov/ForPublicHealthandHealthcareProviders/HealthcareProfessionsandFacilities/ProfessionalResources/TobaccoCessationResources>

<sup>23</sup> See Ohio Department of Health. *Promoting Tobacco Cessation in Ohio*. June 2015. Retrieved from

<http://www.odh.ohio.gov/odhprograms/eh/quitnow/Tobacco/Cessation/Initiation%20Landing%20Page.aspx>