



The African American Tobacco Control Leadership Council

February 29, 2020

To: Mayor Barbara Halliday, Mayor Pro Tempore Francisco Zemen, Councilmember Al Mendall, Councilmember Sara Lamnin, Councilmember Elisa Marquez, Councilmember Mark Salinas and Councilmember Aisha Wahab

From: The African American Tobacco Control Leadership Council

Re: Prohibit the Sale of Menthol and all Other Flavored Tobacco Products, Including Flavored E-Juices, with no Adult exemptions in the City of Hayward

The African American Tobacco Control Leadership Council (AATCLC) strongly encourages the Hayward City Council to remove the menthol exemption that currently exists in your Tobacco Retail Ordinance (TRL). We were happy to hear that the Council is considering strengthening restrictions on tobacco sales in Hayward, however all and any new and or amended ordinance must include the restriction of menthol flavored cigarettes and flavored little cigars. Moreover, with vaping rates skyrocketing (CDC, 2019) and the accompanying lung disease crises upon us, it is clear that menthol and the 1000's of other kid-friendly flavors are the real pushers of this epidemic. We already know that 80% of youth's 12-17 start smoking using flavored cigarettes (Ambrose et al., 2015). If the Council truly wants a healthier Hayward, and we believe that you do, then it is imperative that the sale of menthol and all other flavored tobacco products be prevented and that the predatory marketing of these products be stopped and recognized as a social injustice issue, an issue that disproportionately impacts poorer communities, marginalized groups, youths and communities of color.

This is no minor matter. Menthol and flavored tobacco products are driving tobacco-caused deaths and diseases nation-wide. While the use of non-flavored tobacco cigarettes has been decreasing, the use of menthol cigarettes is on the rise, among youth and adults; among Latinos, Blacks, and Whites (Villanti, 2016). Let's be clear, the majority of women smokers smoke menthol cigarettes; folks from the LGBTQ community disproportionately smoke these products; 47% of Latino smokers prefer menthol cigarettes, with 62% of Puerto Rican smokers using menthol; nearly 80% of Native Hawaiians; a majority of Filipinos; and a majority of smokers with behavioral health issues smoke menthol cigarettes. Frankly, the most marginalized groups disproportionately use these "minty" products (CDC, 2010; Fallin, 2015; Forbes, 2013; Delnevo, 2011; Hawaii State Dept. of Health, 2009; Euromonitor, 2008; Hickman, 2015).

Be appraised that 85% African American adults and 94% of Black youth who smoke are using menthol products (Giovino, 2013). These striking statistics arise from the predatory marketing of

these products in the Black Community, where there are more advertisements, more lucrative promotions, and *cheaper prices* for menthol cigarettes compared to other communities (Henriksen et al., 2011; Seidenberg et al., 2010). These predacious practices for the past 50 years have led to Blacks folks dying disproportionately from heart attacks, lung cancer, strokes and other tobacco related diseases (RSG, 2014).

The Council should be aware that menthol, as if to add insult to injury, masks the harsh taste of tobacco and allows for deeper inhalation of toxins and greater amounts of nicotine. The greater the nicotine intake, the greater the addiction. Hence, it is no surprise menthol cigarette users find it harder to quit than non-menthol cigarette users (Ton et al., 2015; Levy et al., 2011). The “cool refreshing taste of menthol” heralded by the tobacco industry is just a guise; ultimately, menthol and all flavors allows the poisons in cigarettes and cigarillos “to go down easier!”

We all have been reading in the papers about the vaping lung disease crises sweeping the nation. This health crises was pushed and undergirded by the “JUUL Explosion,” where a little thumb drive looking device is used more than regular cigarettes among today’s youth (CDC, 2018). Frankly, the “JUUL Explosion” is really a “Flavors Explosion” given the fact that there are now over 15,000 kid friendly flavors available in the marketplace! (<https://www.flavorshookkids.org/> 2018). While there has not been a definitive cause of the deaths and hospitalizations associated with the e-cigarette lung disease outbreak, (could be multiple sources), the vaporist community would like you to believe that aerosol inhaled by e-cigarette users is only water vapor – nothing could be further from the truth. And while THC has been implicated in many of the cases, let’s really look at what the CDC has said:

“Vitamin E acetate was detected in all 29 patient BAL [bronchial alveolar lavage, which yields information of what is deep in the tiny air sacks in the lungs] samples... Among 23 patients for whom self-reported THC use information was available, 20 reported using THC-containing products. THC or its metabolites were detected in 23 of 28 patient BAL samples, **including in those of three patients who said they did not use THC products. Nicotine metabolites were detected in 16 of 26 patient BAL specimens.**” [Emphasis added] (CDC. 2019)

Here are some facts concerning E-Cigarettes that we should lose sight of:

1. E-cigarettes are tobacco products that deliver nicotine, an addictive substance that especially in youth can compromise the brains executive functioning (Report of the Surgeon General, 2014).
2. The propylene glycol (PG) and vegetable glycerin (VG) that constitute a large portion of the e-juice and the resulting vapor **are not FDA approved for inhalation.**
3. PG and VG in electronic cigarettes disrupt lung lipid homeostasis and innate immunity independent of nicotine (Madison et al., 2019)
4. The 15,000+ flavors available on the market may be Generally Recognized as Safe (GRAS) for **ingestion**, but they are not GRAS for **inhalation.**
5. There are as many, if not more, metals in the vapor of e-cigarettes than found in cigarette smoke (Williams et al., 2013).

6. Many of the same toxins and carcinogens found in regular cigarettes, like benzene, formaldehyde, and tobacco specific nitrosamines, can be found in e-cigarette vapor (Goniewicz et al., 2013). And yes, these toxins and carcinogens are at lower levels than in a regular cigarette; while these lower levels may be safer, this does not mean that e-cigarettes are **safe!**
7. The vapor from e-cigarettes activates platelet formation just like regular cigarettes; such platelet activity leads to arterial blockages (Hom et al., 2016).
8. E-cigarette aerosol consists of ultrafine particles at levels comparable to or higher than cigarettes. These particles can cause cardiovascular and pulmonary disease. In addition, the particle size in e-cigarettes is often smaller, and thus more dangerous, than those generated by cigarettes (Fuoco FC, Buonanno G, Stabile L, Vigo P. 2014).
9. Kids who start with e-cigarettes are more likely to become regular cigarette users, and unfortunately, in many cases dual users (Piper et al., 2019).
10. Carcinogens have been found in mint and menthol e-cigarettes. The substance, pulegone, which the FDA banned as a food additive in 2018, was found to be 100-1000 times higher in concentrations than what is considered safe for ingestion! (Jabba and Jordt, 2019)
11. Flavors (aldehydes) are respiratory irritants by definition; **Cinnamaldehyde** suppresses bronchial epithelial cell ciliary motility (Clapp et al., 2019)
12. Here is a link to the European Public Health Association: Fact or Fiction on E-cigs: https://eupha.org/repository/advocacy/EUPHA_facts_and_fiction_on_e-cigs.pdf

The AATCLC is calling upon the Hayward City Council to join a growing number of cities, counties and states around the country that are prohibiting, jurisdiction-wide, the sales of menthol cigarettes and all other flavored tobacco products, including flavored e-juices. In June 2018, San Francisco voters passed the first ever citywide restriction on the sales of all flavored tobacco products, including menthol cigarettes and flavored e-cigarette juices. This “strongest flavor ban law ever” was rapidly replicated in the City of Richmond the following month. Within weeks, Beverly Hills followed suit, with their own city-wide restrictions. Since November of 2018 a number of cities have adopted city-wide restrictions including Alameda, Santa Cruz, San Pablo, Albany, Lafayette, Livermore, Fremont, Sacramento, Culver City, Los Angeles County and Aspen Colorado to mention a few. Just two weeks ago, the City of Pleasanton took the first steps to prohibit the sale menthol and all flavors in their city; indeed, dozens of parents and their kids pushed this forward. On the other hand, Juul and other members of the tobacco industry have lobbied hard in Washington, resulting in half-steps on the part of the FDA to restrict the sale of only some flavored products, but certainly not all. This is the same mistake the Congress made in 2009 when it removed 13 flavors from tobacco products, but exempted menthol. Hence, it is imperative that cities like Hayward take the lead and join the growing movement to remove *all* flavored tobacco products, especially menthol cigarettes, flavored little cigars and flavored e-juices, from the market place by removing the current menthol exemption.

We should note that some groups, spurred on and funded by the tobacco industry, have been spreading falsehoods, stating that restricting the sale of menthol and flavored tobacco products,

including flavored e-juices will lead to the “criminalization” of particularly young Black men. Nothing could be further from the truth. All ordinances adopted around the country would **prohibit the sale** of flavored products, it would **not prohibit the possession** of these products. The facts are that the adoption of menthol restrictions will not lead to police having any greater interaction with any youth; it won’t be illegal to possess these products, just retailers cannot sale them. Indeed, when these ordinances were passed in Oakland and San Francisco, the Police Chiefs stood with us and said there would be no arrest for possession of these products

Formed in 2008, the African American Tobacco Control Leadership Council is composed of a cadre of dedicated community activists, academics, public health advocates and researchers. Even though based in California, we are national in our scope and reach. We have partnered with community stakeholders, elected officials, and public health agencies, from Chicago, Boston and Minneapolis to Berkeley and San Francisco. Our work has shaped the national discussion and direction of tobacco control policy, practices, and priorities, especially as they affect the lives of Black Americans, African immigrant populations and ultimately all smokers. The AATCLC has been at the forefront in elevating the regulation of mentholated and other flavored tobacco products on the national tobacco control agenda, including testifying at the FDA hearings when the agency was first considering the removal of menthol cigarettes from the marketplace and most recently at the Pallone hearings, a national bill that would prohibit the manufacturing of menthol and all flavored tobacco products..


We here at the AATCLC recognize that the Council is and will be under extraordinary pressure from the tobacco industry, its apologists and the vaporist community to put profits above human life by limiting or curtailing restrictions on menthol and flavored tobacco products. Please join your sister cities and stand up to the tobacco industry and their allies and remove the menthol exemption from the TRL. Call for: **No Selling of Menthol Cigarettes and All Other Flavored Tobacco Products, including Flavored E-Juices in Hayward!** Say “No” to the continued predatory marketing of menthol flavored tobacco products to our youth and say “Yes” to the health and welfare of our kids, who are the most vulnerable. In fact, say “Yes” to the protection for **all** residents of Hayward.

We are all counting on you!

Sincerely,



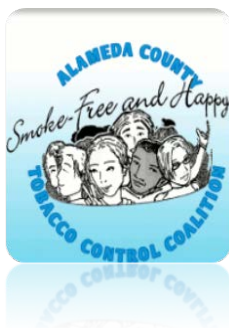
Phillip Gardiner, Dr. P.H. Co-Chair AATCLC www.savingblacklives.org



Carol McGruder, Co-Chair AATCLC

A handwritten signature in black ink that reads "Dr. Valerie Yerger". The signature is written in a cursive, flowing style.

Valerie Yerger, N.D., Co-Chair AATCLC



Direct Inquiries to
ACTCC Co- Chairs to:
Alameda County Public
Health Department,
Tobacco Control Prgm
1000 Broadway, 5th Fl.
Oakland, CA 94607

Phone (510) 268-2030
Fax (510) 208-5935

Executive Leadership

Co-Chairs:

Scott Gerbert

Rosalyn Moya



Mission Statement:

"Our mission is to promote health equity and social justice by supporting a diverse alliance of partnerships to help protect Alameda County residents by eliminating the threats of tobacco use and exposure."

Visit our Coalition website at:
www.tobaccofreealamedacounty.org

February 26, 2020

Mayor Barbara Halliday
Councilmember Sara Lamnin
Councilmember Elisa Márquez
Councilmember Al Mendall
Councilmember Mark Salinas
Councilmember Aisha Wahab
Councilmember Francisco Zermeño

Hayward City Hall

777 B St.

Hayward, CA 94541-5007

Via e-mail: List-Mayor-Council@hayward-ca.gov

RE: Updating City of Hayward’s Tobacco Retail Licensing Ordinance

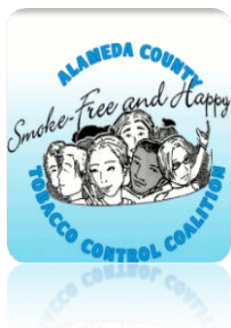
Dear Mayor Halliday and Councilmembers:

The Alameda County Tobacco Control Coalition (ACTCC) supports strengthening Hayward’s existing Tobacco Retail Licensing Ordinance (TRL) to:

- End the sale of all flavored tobacco products, including menthol cigarettes, which target youth of color
- Raise the minimum package size requirements and including minimum price requirements
- End the sale of tobacco in pharmacies and near child-sensitive areas
- End the sale of electronic smoking devices

Thank you for demonstrating leadership in tobacco control policy in 2014 in adopting the TRL. As you know, the best way to prevent tobacco-related illness and death and promote health equity is to prevent youth and vulnerable communities from starting to smoke in the first place.

ACTCC is comprised of over 200 individuals, including organizations that advocate for the prevention, reduction and control of tobacco use. For more than 20 years, the Coalition has been committed to the de-normalization of tobacco use in Alameda County. Tobacco kills nearly 40,000 Californians each year and the state of California spends nearly \$18.1 billion a year in health care bills and lost productivity due to tobacco-related health problems.



Direct Inquiries to
ACTCC Co- Chairs to:
Alameda County Public
Health Department,
Tobacco Control Prgm
1000 Broadway, 5th Fl.
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Phone (510) 268-2030
Fax (510) 208-5935

Executive Leadership
Co-Chairs:

Scott Gerbert

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According to CA Healthy Kids Survey results from Hayward Unified School District (2017-2018):

- 63% of 11th graders believe that it is either very or fairly easy to obtain e-cigarettes or vaping devices
- 49% of 11th graders believe that it is either very or fairly easy to obtain cigarettes
- 47% of 11th graders perceive little to no harm in using e-cigarettes compared to smoking cigarettes
- Almost 1 in 3 (32%) HUSD 11th graders have used electronic cigarettes

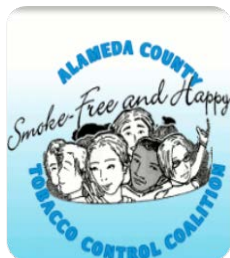
ACTCC supports ending the sale of all flavored tobacco products with no exemptions. Tobacco companies have historically targeted youth, communities of color and the LGBTQ community with aggressive marketing of flavored tobacco products, including menthol. Research shows that 95% of African American teen smokers, 61% of Asian teen smokers, and 58% of Hispanic teen smokers report smoking menthol-flavored cigarettes.¹ Flavors including menthol, grape, cotton candy, bubble gum and gummy bear mask the harsh taste of tobacco and are highly appealing to youth, encouraging a new generation of smokers. Four out of 5 kids who have used tobacco started with a flavored product. Youth who smoke menthol are more likely to become addicted to nicotine than their peers that smoke non-menthol. As a result, vulnerable communities bear a disproportionate burden of tobacco-related disease and death; for example, 47,000 African Americans die annually from smoking-related illnesses, making tobacco use the largest preventable cause of death among African Americans and across the whole population.²

ACTCC supports ending the sale of e-cigarettes. Teen e-cigarette use has surged at alarming rates in recent years. E-cigarettes expose users to often high concentrations of nicotine and many of the same toxic chemicals found in cigarettes which can cause cancer, birth defects, reproductive harm, respiratory illness and can impede brain development. National data show that 1 in 4 high school students have used e-cigarettes. Flavored e-cigarettes are especially enticing to youth to experiment and initiate using tobacco. For every adult who quits smoking using e-cigarettes, 80 youth initiate daily tobacco use through the use of e-cigarettes.

ACTCC supports raising the minimum price and package size requirements to make tobacco products less accessible to youth and low-income communities. When tobacco is cheap and pack-sizes are small, tobacco products are more affordable for youth and low-income populations to buy. In Alameda County, over 77% of tobacco retailers near schools

¹ Giovino GA, Villanti AC, Mowery PD, et al. 2015. Differential trends in cigarette smoking in the USA: is menthol slowing progress? Tobacco Control. 24 (1): 28-37.

² U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. 2003. Pathways to Freedom: Winning the Fight Against Tobacco. Available at: <http://www.fairwarning.org/wp-content/uploads/2015/11/pathways.pdf>



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sell little cigars for less than \$1.00, cheaper than the price of a candy bar. Unfortunately, cheap tobacco products are most available in low-income communities of color and communities with high populations of school-aged youth. Unlike cigarettes, cigars are allowed to contain candy and fruit flavoring. Nearly 1 in 4 (23%) of male high school seniors smoke cigars³ and are largely used by Black high school students.⁴ Raising the minimum price and a stronger pack size requirement for the sale of tobacco products is effective at reducing access and tobacco use among youth and low-income populations.

Additionally, ACTCC supports tobacco-free pharmacies as a health supportive land use strategy. This policy reduces the density of tobacco retailers and establishes pharmacies as places of health. Very few independent pharmacies exist anymore and of those existing, almost all are tobacco-free. Other jurisdictions with tobacco-free pharmacy policies are not observing store closures.

To support public health and equity, ACTCC urges Hayward City Council to adopt a stronger TRL ordinance with no exemptions by ending the sale of all flavored tobacco products in Hayward, including menthol cigarettes, raising the minimum price and package size requirements, ending the sale of tobacco in pharmacies and ending the sale of electronic smoking devices. These policies can protect youth of color from accessing flavored and cheap tobacco products, and are crucial to preventing a lifetime of tobacco addiction.

Thank you for showing continued leadership in tobacco control policy and for ensuring that all of Hayward's youth have the opportunity to lead healthy lives.

Sincerely,

Scott Gerbert, Co-Chair

Rosalyn Moya, Co-Chair

³ Robert Wood Johnson Foundation (RWJF), American Cancer Society Cancer Action Network (ACS CAN), Campaign for Tobacco-Free Kids, American Heart Association, Americans for Nonsmokers' Rights, and American Lung Association. (2014, December). Broken Promises to Our Children: A State-by-State Look at the 1998 State Tobacco Settlement 16 Years Later. Available at tobaccofreekids.org/microsites/statereport2015/. Retrieved March 4, 2015.

⁴ U.S. Department of Health and Human Services (HHS). (2014). The Health Consequences of Smoking-SO Years of Progress: A Report of the Surgeon General. Atlanta, GA: HHS, Centers for Disease Control and Prevention (CDC), National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health (OSH). Printed with corrections. January 2014.

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827 Arlington Ave
Berkeley, CA 94707
crystalpub@aol.com

Community Health Education Institute
827 Arlington Avenue
Berkeley, CA 94707

April 16, 2020

Mayor Barbara Halliday
Councilmember Sara Lamnin
Councilmember Elisa Márquez
Councilmember Al Mendall
Councilmember Mark Salinas
Councilmember Aisha Wahab
Councilmember Francisco Zermeño

Hayward City Hall
777 B St.
Hayward, CA 94541-5007

RE: Updating City of Hayward's Tobacco Retail Licensing Ordinance

Dear Mayor Halliday and Councilmembers:

The Community Health Education Institute (CHEI) supports strengthening Hayward's existing Tobacco Retail Licensing Ordinance (TRL) to conduct the following:

- End the sale of all flavored tobacco products
- End the sale of all menthol cigarettes.
- End the sale of all e-cigarette and vaping devices.
- Raise the minimum package size requirements and include minimum price requirements.

As a nonprofit that was originally created in 1995 to prevent tobacco use in Berkeley and northern Alameda County, and is dedicated to promoting community health through art, CHEI would first like to thank you for adopting the TRL in 2014. As you know, the best way to prevent tobacco-related illness and death and promote health equity is to prevent youth and vulnerable communities from starting to smoke in the first place. CHEI considered the 2014 TRL adoption to be a major win for public health.

However, we believe that a lot more needs to be done in order to protect the health of Hayward's most vulnerable populations. Data from the California Healthy Kids Survey from the Hayward Unified School District (2017-2018) reveal the following:

- 63% of HUSD 11th graders believe that it is either very or fairly easy to obtain e-cigarettes or vaping devices.

Community Health Education Institute
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- Almost 1 in 3 (32%) of HUSD 11th graders have used e-cigarettes.
- 49% of HUSD 11th graders believe that it is either very or fairly easy to obtain conventional cigarettes.

It is no coincidence that tobacco companies aggressively market menthols and flavored products to youth, communities of color, and the LGBTQ+ community. Research shows that 95% of African-American teen smokers, 61% of Asian-American teen smokers, and 58% of Latinx teen smokers report smoking menthols. Flavors such as menthol, grape, and cotton candy are highly appealing to youth, encouraging a new generation of smokers. Furthermore, when tobacco and nicotine products are flavored, cheap, and/or available in small pack sizes, they are more affordable and accessible for youth and vulnerable populations. In Alameda County, over 77% of tobacco retailers near schools sell little cigars for less than \$1.00, cheaper than the price of a candy bar. Such little cigars are most available in low-income communities of color and communities which have high proportions of school-aged youth. Unlike cigarettes, cigars can contain candy and fruit flavoring, which is prohibited in cigarettes. Cigars are used increasingly by certain groups of youth, including African-American high school students.^[3]

To add insult to injury, teen e-cigarette use has surged at alarming rates in recent years. National data show that 1 in 4 high school students have used e-cigarettes. Flavored e-cigarettes are especially enticing to youth to experiment and initiate using tobacco. For every adult who quits smoking using e-cigarettes, 80 youth initiate daily tobacco use through the use of e-cigarettes. Even e-cigarettes by themselves are of concern; they expose the user to high concentrations of nicotine and many of the same toxic chemicals found in cigarettes.

We at CHEI urge you to stay committed to promoting health equity in Hayward. We urge you to strengthen the existing Tobacco Retail Licensing law by prohibiting the sale of all flavored tobacco products in Hayward, including menthols, and raising the minimum price and package size requirements. These are crucial steps to take in preventing a lifetime of tobacco addiction among an entire generation.

Thank you for showing continued leadership in tobacco control policy and for ensuring that everyone in Hayward (and beyond) has the opportunity to lead a healthy life

Sincerely,

Pauline Bondonno
Executive Director,
Community Health Education Institute

^[1] Giovino GA, Villanti AC, Mowery PD, et al. 2015. Differential trends in cigarette smoking in the USA: is menthol slowing progress? *Tobacco Control*. 24 (1): 28-37.

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^[2] U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. 2003. Pathways to Freedom: Winning the Fight Against Tobacco. Available at: <http://www.fairwarning.org/wp-content/uploads/2015/11/pathways.pdf>

^[3] U.S. Department of Health and Human Services (HHS). (2014). The Health Consequences of Smoking-SO Years of Progress: A Report of the Surgeon General. Atlanta, GA: HHS, Centers for Disease Control and Prevention (CDC), National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health (OSH). Printed with corrections. January 2014.

^[4] Robert Wood Johnson Foundation (RWJF), American Cancer Society Cancer Action Network (ACS CAN), Campaign for Tobacco-Free Kids, American Heart Association, Americans for Nonsmokers' Rights, and American Lung Association. (2014, December). Broken Promises to Our Children: A State-by-State Look at the 1998 State Tobacco Settlement 16 Years Later. Available at tobaccofreekids.org/microsites/statereport2015/. Retrieved March 4, 2015.



**Breathe California
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A member of the
Breathe America™
Alliance

March 17, 2020

The Honorable Barbara Halliday, Mayor
And City Council Members
City of Hayward
Hayward City Hall
777 B St.
Hayward, CA 94541-5007
Via e-mail: List-Mayor-Council@hayward-ca.gov

Dear Mayor Halliday and Council Members:

I am writing on behalf of Breathe California to support the strengthening of Hayward's Tobacco Retail License.

Breathe California, serving the Bay Area since 1908, has a mission to fight lung disease in all its forms and works with its communities to promote lung health. Thus, our organization is dedicated to working to eliminate the negative impacts caused by tobacco use, to prevent initiation to tobacco, and to seek protections from secondhand smoke.

We especially urge that Hayward enact the following measures to protect its youth: 1) Ban the sale of all flavored tobacco products, including menthol cigarettes; 2) Ban the sale of electronic smoking devices; 3) Increase the minimum size of a pack and increase the minimum price; 4) Ban the sale of tobacco near child-sensitive areas; and 5) Ban the sale of tobacco in pharmacies.

As you may know, four out of five youth who have tried tobacco started with a flavored product. The tobacco industry uses flavored tobacco products, including menthol and thousands of e-cigarette flavors, to entice vulnerable populations; these products both mask the harshness of tobacco and make it more difficult to quit. I am sure you are aware through national media that vaping (electronic cigarette use) has been declared an epidemic by the US Surgeon General, and that serious lung illnesses and even deaths have resulted.

However, you might not have heard the startling local statistics. The comprehensive California Healthy Kids Survey results from Hayward Unified School District in 2017-2018 (which may be even more serious now) showed that: 63% of 11th graders believe that it is either very or fairly easy to obtain e-cigarettes or vaping devices; 49% of 11th graders believe that it is either very or fairly easy to obtain cigarettes; 47% of 11th graders perceive little to no harm in using e-cigarettes compared to smoking cigarettes; and almost 1 in 3 (32%) HUSD 11th graders have used electronic cigarettes. Alameda County data show that over 77% of tobacco retailers near schools sell little cigars for less than \$1.00, cheaper than the price of a candy bar.

It has been clear for decades that the tobacco industry targets our most vulnerable communities, which has led to increased tobacco use in low-income communities and populations of color, and to the disproportionate number of tobacco-related deaths and disability in those populations.

It is our firm belief that if Hayward strengthens its Tobacco Retail License ordinance by including the above recommended steps, it will make tobacco products less accessible and attractive and will better protect all of Hayward's youth.

Thank you for your consideration and support of public health.

A handwritten signature in blue ink that reads "Margo Sidener". The signature is written in a cursive, flowing style.

Margo Sidener, MS, CHES
Chief Executive Officer

Public Comments in Support of Stronger Regulations

EMAILS

From: Kristie Wang <wangkristie@gmail.com>
Sent: Thursday, February 27, 2020 6:56 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Subject: Tobacco Retail Licensing Ordinance

February 27, 2020

Mayor Barbara Halliday
Councilmember Sara Lamnin
Councilmember Elisa Márquez
Councilmember Al Mendall
Councilmember Mark Salinas
Councilmember Aisha Wahab
Councilmember Francisco Zermeño
Hayward City Hall
777 B Street
Hayward, CA 94541-5007

Via e-mail: List-Mayor-Council@hayward-ca.gov

RE: Updating City of Hayward's Tobacco Retail Licensing Ordinance to Strengthen Restrictions on the Sale of Menthol Cigarettes and Other Flavored Tobacco Products, and Minimum Pricing for Tobacco Products

Dear Mayor Halliday and Councilmembers:

We are writing to express the support of Flavors Addict-Kids Livermore for strengthening Hayward's existing Tobacco Retail Licensing Ordinance to:

-
- End
- the sale of all flavored tobacco products, including menthol cigarettes, which target youth of color
-
-
- Create
- stronger minimum package size requirements and including minimum price requirements
-
-
- End
- the sale of tobacco in pharmacies and near child-sensitive areas, like schools and parks.
-

The best way to prevent tobacco-related illness and death and promote health equity is to prevent youth and vulnerable communities from starting to smoke in the first place.

Flavors Addict Kids-Livermore is a grassroots organization started by three moms to advocate for local policy to address the youth vaping epidemic. We have worked to pass strong Tobacco Retail Ordinances in Livermore, Dublin, and Pleasanton that includes restrictions on the sale of all flavored tobacco products, including menthol, and on electronic smoking devices. Livermore was the second city in the nation to restrict the sale of electronic smoking devices. Only comprehensive policies can make a dent in fighting this health epidemic that has taken over all of our communities.

We especially urge you to include menthol in your restrictions because it is one of the most popular flavors with kids, especially as a starter flavor. Flavors including menthol, grape, cotton candy, bubble gum, and gummy bear mask the harsh taste of tobacco and are highly appealing to youth, encouraging a new generation of smokers. Four out of five kids who have used tobacco started with a flavored product.

In addition, tobacco companies have historically targeted communities of color and the LGBTQ community with aggressive marketing of menthol-flavored tobacco products. Research shows that 95% of African American teen smokers, 61% of Asian teen smokers, and 58% of Hispanic teen smokers report smoking menthol-flavored cigarettes. Youth who smoke menthol are more likely to become addicted to nicotine than their peers that smoke non-menthol. As a result, vulnerable communities bear a disproportionate burden of tobacco-related disease and death. For example, 47,000 African Americans die annually from smoking-related illnesses, making tobacco use the largest preventable cause of death among African Americans and across the whole population.

When tobacco is cheap and pack-sizes are small, tobacco products are more affordable for youth and low-income populations to buy. In Alameda County, over 77% of tobacco retailers near schools sell little cigars for less than \$1.00, cheaper than the price of a candy bar. Unfortunately, cheap prices for tobacco products are most available in low-income communities of color and communities which have high proportions of school-aged youth. Unlike cigarettes, cigars can contain candy and fruit flavoring, which is prohibited in cigarettes. Establishing a minimum price and stronger pack size requirement for the sale of tobacco products is an effective strategy for reducing access and smoking rates among youth and low-income populations. Strengthening the existing Tobacco Retail Licensing law by prohibiting the sale of all flavored tobacco products in Hayward, including menthol flavors; creating a minimum price and increasing package size requirements; and prohibiting the sale of tobacco in pharmacies can protect youth of color from accessing flavored and cheap tobacco products. Youth vaping has reached epidemic proportions, and we must do everything we can to keep these non-FDA approved products out of the hands of our kids and prevent a lifetime of tobacco addiction.

Sincerely,
Jannell Gladen, Paula Campbell, Kristie Wang
Co-founders
Flavors Addict Kids-Livermore

Begin forwarded message sent to Planning Commission members:

From: Rosalyn Moya <rmoya@bacr.org>
Date: May 11, 2020 at 11:23:38 AM PDT

Subject: Protect kids from candy-flavored tobacco

Dear Planning Commissioners-Angela Andrews,

My name is Rosalyn Moya, I'm the Project Director for Asian Pacific Islander -Coalition for Health Against Tobacco (API-CHAT). We work with high school students, schools, parents, and college students, including Chabot College students, to pass health policies to protect our community from the harms of tobacco.

According to the World Health Organization, smokers are likely more vulnerable to severe and potentially life-threatening cases of COVID-19. Preliminary evidence suggests that e-cigarettes may suppress the immune system, making people more susceptible to respiratory infections and delayed recovery. With CDC's announcement of e-cigarettes being a youth epidemic, along with the threat of COVID, protecting our children's lungs are more important than ever.

THE ISSUE: Facts about Hayward and Tobacco

- 63% of Hayward Unified School District 11th graders believe that it is "very" or "fairly" easy to obtain e-cigarettes; 49% believe that it is "very" or "fairly" easy to obtain cigarettes; 47% perceive little to no harm in using e-cigarettes compared to smoking cigarettes. (source: California Healthy Kids Survey)
- Research shows that four out of five (81%) youth tobacco users ages 12-17 initiated with a flavored product, and 80% used a flavored tobacco product in the past month (Source: JAMA)
- In 2019, 24 tobacco retail stores/clerks in Hayward were caught selling tobacco to minors (Source: Tobacco Decoy Ops Statistics)

The best way to prevent tobacco-related illness and death is to keep youth from starting to smoke in the first place. Strong laws that protect youth from accessing flavored tobacco products are crucial to preventing a lifetime of tobacco addiction and ensuring that all of Hayward's children get to have the long and healthy lives they deserve.

Besides API-CHAT, our partners also include other local organizations, such as the Eden Youth and Family Center and The American Heart Association, as well as agencies, such as Alameda County Public Health Department, to provide education on tobacco policies. If you have any questions, please feel free to contact any of us.

For your information I've attached a few useful items:

- Hayward maps of tobacco retailers with youth buffers and sociodemographics Analysis
- KQED news article - Vaping May Increase COVID-19 Risk, Even for the Young and Healthy
- A letter from the Alameda County Tobacco Control Coalition in support of strengthening Hayward's existing TRL
- A letter from the African American Tobacco Control Leadership Council in support of no exemptions for menthol

Rosalyn Moya, MPH
Project Director, API-CHAT
Pronouns: She/Her

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BACR website: www.bacr.org
The BACR mission is to promote healthy development of individuals, families and communities.
