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Joint Campaign for Clean Indoor and Outdoor Air Scores Victories in South Carolina

Despite tough opposition in the tobacco-growing state of South Carolina, local tobacco-control policies flourish

In 2006, the towns of Sullivan's Island and Liberty and the city of Greenville passed the first three local ordinances in the state prohibiting smoking in all workplaces, including restaurants and bars. Opponents immediately challenged the Sullivan's Island and Greenville ordinances in court, effectively putting at risk any local efforts to go smoke-free. They did so on the basis of existing state legislation that prohibited localities from enacting laws that vary from state law or are more stringent.

Despite this challenge, the South Carolina African American Tobacco Control Network worked to pass local ordinances throughout the state. In so doing, the network joined with an unusual ally—an environmental group concerned about air pollution around the Port of Charleston—to push for policies to clean up indoor and outdoor air.

Starting With Education

The network's early efforts focused on education—specifically, working with Black-owned businesses to go smoke free voluntarily. However, by 2004, with funding from *Tobacco Policy Change*, a national program of the Robert Wood Johnson Foundation (RWJF), and support and assistance from sophisticated advocacy groups such as Americans for Nonsmokers' Rights and the Campaign for Tobacco-Free Kids, the network began to pursue policies to make whole cities and counties smoke-free.[1]

"We saw that it would be far more effective to support not only African-American businesses smoke free but help all businesses become smoke-free," said Dan Carrigan, project director of the network's clean indoor air effort and now program manager at Americans for Nonsmokers' Rights.

But smoke-free opponents had a familiar and potent strategy at the ready to thwart local efforts: preemption.

[1] No RWJF funds were used for lobbying.

If a state preemption law passes, local city councils and boards of health lose the power to enact their own—often stronger—tobacco-control laws. “Once a preemptive law is enacted,” a report from Americans for Nonsmokers’ Rights notes, “it can halt tobacco control efforts throughout the state and it is extraordinarily difficult to restore local control.”

Focusing on Local Smoke-Free Laws

In 2007, the South Carolina African American Tobacco Control Network secured a one-year grant2 from RWJF’s *Tobacco Policy Change* to advance local smoke-free laws in South Carolina, and to block preemption of those already on the books.

The group used the RWJF funds to build capacity and educate the public about the benefits of smoke-free policies, while raising other funds and tapping partnerships to support lobbying activities.

With no well-worn path to follow in South Carolina, the network connected with national tobacco-control experts for advice to navigate the rough terrain of the local legislative process. The network pushed for comprehensive ordinances, and refused to accept compromises that would leave some employees—such as those working in bars and restaurants—exposed to the harms of secondhand smoke.

Strong laws became the network’s “goal post and standard”—a stance that suited Project Director Carrigan, a former salesman, just fine. “In sales you are expected to get results, and that carried into my tobacco work,” he said. “I was out to win.”

In a number of towns, elected officials faced pressure to include broad exemptions in their ordinances. “We would call our advisors, and they would share a national perspective,” Carrigan said, “which was not to be passive, but to take action and make strong position statements. Elected officials need to be reminded that they have to stay strong.”

A Marriage Made in Heaven: Clean Air Indoors and Out

By the end of 2007, the network had helped 12 cities and towns pass strong clean air laws. Then, in the last round of *Tobacco Policy Change*, RWJF asked grantees to apply the skills of tobacco advocacy to another health policy arena. The network partnered with the Coastal Conservation League, a savvy organization fighting its own clean air battle with the Port of Charleston.

The port was building a new facility that would increase by thousands the number of diesel trucks entering the area. “The American Lung Association had given the area an F

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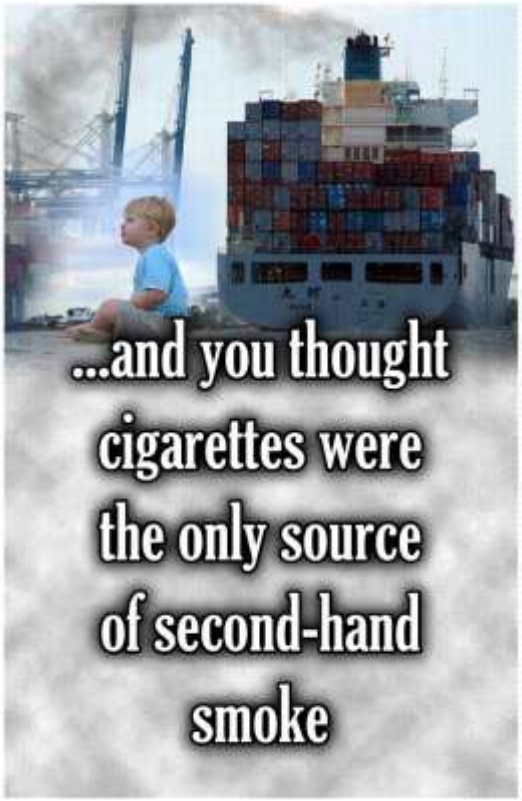
for air quality," Nancy Vinson, program director for the league, recalled, "and no one knew it, and we couldn't get the newspapers to cover it."



Vinson had heard that the network was testing air quality in local bars and restaurants, and asked to use the network's device to test outdoor air at the port. She was surprised to discover that particulates in secondhand smoke were very similar to those in diesel exhaust—and equally hazardous to one's health. The findings inspired a joint public-awareness campaign by the Coastal Conservation League and the South Carolina African American Tobacco Control Network calling for "clean air everywhere"—both indoors and outdoors.

To bolster their case, the Conservation League hired Abt Associates,[3] based in Cambridge, Mass., to do a health impact assessment[4] of the proposed port expansion. The study estimated that pollution from the expansion would add $81 million to local health care costs each year.[5]

Vinson shared the findings—along with the American Lung Association's failing grade—with members of the Charleston County Medical Society. An opinion piece by then-president William Hueston, MD, appeared in the Charleston *Post and Courier* on January 29, 2010, demanding that the port address air quality.

"That was a turning point in our campaign," Vinson said. "It definitely educated the public that we had an air pollution problem, and that it could make people sick. We then educated policy-makers and finally got the attention of the port."

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[3] Abt Associates created the leading computer model—used by the U.S. Environmental Protection Agency, at other ports, and around the world—to predict the health effects and costs of air pollution.

[4] In 2009, RWJF and the Pew Charitable Trusts launched a national initiative to promote the use of health impact assessments in arenas such as transportation, education, and housing. Charleston was the first city in the Southeast to factor health considerations into its port operations.

[5] See the assessment online.

Preemptive Laws: Wolves in Sheep's Clothing

At the same time, the Conservation League, with its long experience and clout at the State House, was helping tobacco-control advocates fight back against a series of preemption efforts by the tobacco industry.

In 2007 and 2008, the legislature considered no fewer than five clean indoor bills that, according to tobacco-control advocates, were wolves in sheep's clothing. As the bills passed through committees, they invariably accumulated amendments that would have eliminated new and existing local laws.

"They wanted us to cut a deal," Carrigan said. "But if we had, we would have discredited ourselves and shut down our ability to mobilize people, and we would have gotten a terrible statewide law. The Conservation League helped us in ways we did not anticipate with their connections at the State House."

Then, on March 31, 2008, help came in the form of a South Carolina Supreme Court on the Sullivan's Island case. It ruled that the existing state preemption law did not prohibit local municipalities from passing ordinances stronger than the state law. This opened the flood gates for local smoke-free laws.

Municipalities Pass Dozens of Laws

By December 31, 2009, 30 local clean indoor air laws had passed, and that number rose to 43 by November 2011. The laws protect some 35 percent of the state's population from secondhand smoke by prohibiting smoking in all indoor workplaces and public places.[6]

"Most remarkable is the comprehensive nature of these ordinances, given the state's status as a top tobacco grower," the network reported. "We promoted a theme of social justice and insisted that all workers should have the right to breathe clean air, no matter where they work."

The State Ports Authority also agreed to significantly reduce particulate air pollution from diesel use linked to all port facilities. A new measure, which went into effect in August 2010, calls for adding rail facilities, which emit far less diesel than trucks; an 85 percent drop in the number of pre-1994 trucks within three years, and air-quality monitoring.

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[6] In June 2009, South Carolina earned the Smoke-free Challenge Award from Americans for Nonsmokers' Rights at the National Conference on Tobacco or Health in Phoenix, after municipalities in the state approved or strengthened 12 laws in 2008—more than in any other state that year. A Smoke-Free Map of the South Carolina Tobacco Collaborative, formed in 2011, tracks cities and counties that have approved regulations.

“We got 90 percent of what we were asking for,” Vinson said. “They would not have agreed to anything if we had not gotten the media to bring pressure to bear and made the public aware of the issue.”

The joint campaign for clean air in South Carolina underscores the potential to marry public health issues and leverage assets and relationships. “RWJF gave us the ability to have creative input into the work,” Carrigan said. “That enabled us to do far more than we anticipated.”

Next Steps

The South Carolina African American Tobacco Control Network continues to help municipalities introduce and advance clean indoor air laws. “Now we know that policy is the way to achieve the necessary change in public perception about the deadly nature of secondhand smoke,” Carrigan said.

For its part, the Conservation League—working with the Charleston County Medical Society and neighborhood groups—is now pushing to require cruise ships to use plug-in electrical power during their 8-to10-hour port stays rather than run their engines and add more harmful emissions to the air.

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