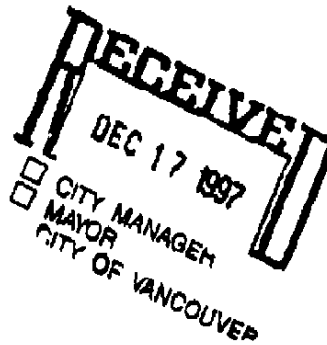




Greg Nickels
Metropolitan King County Council
District Eight

December 11, 1997

The Honorable Jim Moeller
Chair, Southwest Washington Health Dist. BOH
PO Box 1995
Vancouver, WA 98660-1995



Dear Mr. Moeller:

I am writing to suggest that boards of health in our state work together to overcome state preemption problems which thwart us from protecting the public's health through further tobacco control action at the local level.

This year, our Board undertook a tobacco control agenda to protect youth from the influence of tobacco advertising and protect restaurant workers and patrons from second-hand smoke. While we were able to enact a public health regulation restricting tobacco billboard advertising and are now moving to address other forms of outdoor advertising, our initiatives to restrict self-serve tobacco product displays and to ban smoking in restaurants are blocked by state preemption. Until state law is changed, we will be unable to proceed with either type of regulation to protect the health of our community.

Our preemption problems represent a strategy used by the tobacco industry to eliminate the authority of local jurisdictions to adopt their own measures to control the dangers that tobacco poses to their citizens. Despite the industry's relative success in using state preemption to insulate itself from strong local laws, we refuse to allow our local initiatives to be undermined by the tobacco industry.

Last year, both Governors Lowry and Locke proposed removal of preemption barriers. The express preemption language in the Youth Tobacco Access law would have been eliminated and "anti-preemption" language would have been added to both that law and the Washington Clean Indoor Air Act. Sadly, these amendments died in committee. I urge all boards of health to communicate with their legislators to bring this back in the 1998 session. It is critical for local boards of health work to educate legislators about the degree of support in our communities for local control over youth tobacco access and second-hand smoke.

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If we cannot succeed in the legislative arena, it may be necessary to consider a statewide initiative to free local health boards and local governments from the stranglehold of state preemption. But first, we must attempt to educate our lawmakers on the public health significance of this issue.

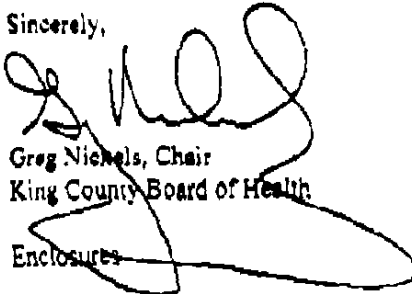
For your reference, I am enclosing copies of the two state laws that have a preemptive effect and a JAMA article presenting an overview of state preemption issues in the area of tobacco control. The JAMA article is excellent, although it erroneously omits notation of the preemptive effects of Washington's Clean Air Act on local clean air measures from its chart on page 860.

I would very much appreciate hearing from you as to whether state preemption is, or could become, a legislative priority for your board of health and if so, what strategies your board would recommend. For example, would your board be willing to adopt a resolution supporting the elimination of the preemption barriers the tobacco industry has built into our state laws? Would your board be willing to educate your legislative delegation on this issue? Would you consider enlisting others in your communities to send the same message?

I believe we could unite with a strong and effective voice to speak up for the need for local control on tobacco issues and communicate a powerful message about the public health costs of allowing preemption to tie the hands of local governments to protect their citizens.

I look forward to hearing from you by letter, phone (206-296-1008) or email (greg.nickels@metrokc.gov).

Sincerely,



Greg Nickels, Chair
King County Board of Health

Enclosures

cc: Thomas Milne, Executive Director
Karen Steingard, MD, MPH, Health Officer
Vicki Kirkpatrick, Executive Director, WSALPHO
Carl Osaki, President, WSALPHO

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