



TRIBAL CASINOS AND SECOND HAND SMOKE

“We wish to have casinos join the ranks of other businesses and public entities that are completely smoke-free environments. Every individual in our society should have the right to breathe safe, sweet air. That should be our creed”. Jack Lipsman, Director, National Federation of Casino Employees, Casino Support for Smokefree Gambling, Americans for Nonsmokers’ Rights, Oct. 2004

Background and Economic Record

- The California Smoke-free Workplace Law prohibits smoking in enclosed workplaces including *non-tribal gaming clubs and casinos*. If a non-tribal gaming club or casino has employees, smoking is prohibited inside that establishment, just as it is in virtually all other workplaces in California. *CA Labor Code Section 6404.5*
- Smoking prohibitions went into effect for non-tribal gaming clubs in January 1998. *Taxable Sales Figures* from the California Board of Equalization show that revenues in establishments licensed to serve alcohol - including gaming clubs and casinos that serve alcohol - increased by more than 5% for each quarter of 1998 over revenues for each quarter of 1997. Similar revenue increases continue to be reported through 2004. *California Board of Equalization*.
- American Indian gaming facilities i.e. casinos and gaming clubs on tribal land are controlled by sovereign entities – the tribes. Therefore, they are not subject to California state law unless the law is included in an agreement known as a “Compact” between state or local governments and the tribe; OR casino management voluntarily adopts a smoke-free policy.
- Nearly 50 tribal casinos currently operate in 26 California counties. They employ over 40,000 workers. At current rates of expansion, the number of employees in tribal gaming and resort facilities is estimated to reach over 75,000 within two years. Just less than twenty percent (20%) of these employees are enrolled members of tribes.
- Current expansion of tribal casinos into tribal gaming resorts is greatly increasing the number of workers on sovereign properties who are unprotected by the California Smoke-free Workplace Law. For instance, when hotel, restaurant and theatre facilities built by the Rumsey Band in Capay Valley were completed in the summer of 2004, the Cache Creek Casino and Resort became the largest employer in Yolo County, surpassing UC Davis in number of employees.
- **Smoke-free casinos in other locations have a proven track record of economic success, such as the Dover Downs Gaming and Entertainment Company, which reported a 13.8% increase in gaming revenue since Delaware went smoke-free in 2003.** *Americans for Nonsmokers’ Rights Update, Winter 2004.*

Demonstrated Health Hazard and Cost to Taxpayers

- The World Health Organization, U.S. Environmental Protection Agency, US Surgeon General and the California Environmental Protection Agency have **all certified second hand tobacco smoke to be a Class A Carcinogen to which there is no safe level of exposure.** *EPA Respiratory Health Effects of Passive Smoking, Dec. 1992, California EPA 1998*
- Exposure on a regular basis to second hand smoke at work can cause a 91% increase in coronary heart disease. *James Repace, Smoke-Free Casino Advocacy Guide, American Indian Tobacco Education Partnership, April 2004.*

- Smoky casinos contain up to 50 times more cancer-causing airborne particles than highways and city streets clogged with diesel trucks at rush hour. This cancer-causing particulate is virtually eliminated when indoor smoking bans are instituted. *James Repace, Journal of Occupational and Environmental Medicine, September, 2004.*
- “Designated ‘no smoking areas’ in Australian gaming clubs were found typically to provide 50% reduction in exposure to second hand smoke. The protection afforded is not comparable with the protection afforded by prohibiting smoking on the premises.” *T.Cains, S. Cannata, R. Poulos et al. Tobacco Control Journal, 2004.*
- Scientific study has revealed that casino workers in a “well ventilated” casino had cotinine (metabolized nicotine) levels 300-600% higher than in other workplaces during a work shift. *D. Trout, J. Decker et al. Journal of Occupational and Environmental Medicine, March 1998. Americans for Nonsmokers’ Rights (ANR), Secondhand Smoke and Casinos, Oct. 2004.*
- The American Society of Heating Refrigeration and Air Conditioning Engineers (ASHRAE) acknowledge the finding of the California EPA that no current air conditioning technology can adequately remove cancer-causing particulate from the air. Therefore, ASHRAE’s ventilation standards address only odor and haze, not health. “ANSI Upholds Approval of ASHRAE Smoking Addendum” www.csemaq.com, Sept.29, 2003. *ANR, Secondhand Smoke and Casinos, Oct. 2004.*
- **The economic burden of smoking in California in 1999 amounted to \$15.8 billion dollars. The cost of smoking was \$475 per Californian and \$3,331 per smoker. The cost of smoking to individual California counties ranges from \$392 per resident in Santa Clara County to \$1,022 per resident in Trinity County.** *The Cost of Smoking In California, W. Max, D. Rice et al; December 2002.*

“A few hours in a casino may cost you more than your paycheck. According to a new study, the amount of secondhand cigarette smoke in a casino may present a substantial cancer risk to nonsmokers. Researchers at the University of Minnesota, found elevated levels of a cancer-causing agent, NNAL, in the urine of nonsmokers after they spent just four hours in a commercial casino. They also found elevated levels of cotinine, a byproduct of nicotine in the samples. Both NNAL and cotinine are specific to tobacco and were not found in the nonsmokers’ urine before their casino visit.” *Secondhand Smoke is a Real Cancer Risk, Casino Study Shows -- ABC News Dec.2003, Smoke-Free Casino Advocacy Guide, American Indian Tobacco Education Partnership, April 2004*

Support for Smoke-free Tribal Casinos

- **A survey of tribal casino guests and staff in California revealed that 80%, including 98% of non-smokers, prefer to play or work in a smoke-free environment.** *American Indian Tobacco Education Network, 2003.*
- 88.7% of all Californians agree that all indoor workplaces should be smoke-free. *California Adult Tobacco Survey, 1997.*

“It [going smokefree] is just good business,” *Mitchell Etess, Executive Vice President of the Mohegan Sun Casino - Associated Press, April 17, 2001; Casino Support for Smokefree Gambling, Americans for Nonsmokers’ Rights 2004.*

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