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Press Release

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Ohio County Earns a “B” in Smokefree Regulation In American Lung Association Report Card On Tobacco Control, State Receives All Failing Grades

Mountain State Continues to Receive all “F”’s in Tobacco Control Prevention and Control, Smokefree Air, Cigarette Tax and Cessation, But Gains Ground in Local Smokefree Regulation

Editor’s Note: Complete report including federal and state grades available at www.stateoftobaccocontrol.org

Charleston, WV (January 19, 2011) – In the release today of the *American Lung Association’s State of Tobacco Control 2010* report, West Virginia’s Ohio County received a “B” in the category of Smokefree Air, while the state as a whole – failing to enact much-needed laws to protect its citizens from tobacco-caused illness - received all “F”’s not only in smokefree regulation, but in Tobacco Prevention and Control Spending, Cigarette Tax and Cessation. The *State of Tobacco Control* report tracks key tobacco control policies at the state and federal level.

The American Lung Association report applauds huge strides by the federal government: It started a crackdown on tobacco marketing to kids, banned misleading cigarette labels and greatly expanded benefits for treatments to help people quit smoking.

But most states, specifically West Virginia, lagged far behind, the report says in urging swift and forceful action at the state level to fight the tobacco epidemic.

“West Virginia has one of the highest smoking rates in the U.S. The adult smoking rate at 25.6% is higher than the national average of 20.6%. It is time for West Virginia to move forward with renewed resolve to reduce the devastating levels of death and disease caused by tobacco use,” said Deb Brown, President and CEO of the American Lung Association of the Mid-Atlantic, which includes West Virginia.

“Some of the toughest tobacco control legislation in our history has been enacted with the

Family Smoking Prevention and Tobacco Control Act and the new healthcare law, but it is not enough. States like West Virginia have to seal the deal on tobacco control; it is too vulnerable to the harmful effects of tobacco use.”

Throughout the year, the American Lung Association in West Virginia has continued to make progress in county-level clean indoor air regulations and the use of funding for tobacco prevention and cessation programs. In 2011, the Lung Association in West Virginia will continue to focus on maintaining tobacco prevention and cessation funding as well as advocate for an increase in tobacco tax by \$1.

West Virginia Smokefree Regulation Grades by County

Smokefree regulations in all 55 West Virginia counties were evaluated by the America Lung Association in West Virginia, and assigned letter grades from “A” to “F” based on the strength of the regulation.

Seventeen counties – up from 15 counties from the previous year - earned “A” grades, 21 earned “B” grades, 10 earned “C” grades and the remaining 7 counties earned “F” grades. A grade of “A” means smoking is prohibited in almost all public places and workplaces, and a grade of “F” means protections from secondhand smoke are inadequate.

The counties and grades as displayed in the below chart:

County	Grade	County	Grade	County	Grade
Barbour	B	Kanawha/Charleston	A	Pocahontas	A
Berkeley	B	Lewis	B	Putnam	F
Boone	A	Lincoln	A	Raleigh/Beckley	B
Braxton	A	Logan	C	Randolph	A
Brooke	C	Marion	C	Ritchie	A
Cabell/Huntington	A	Marshall	B	Roane	A
Calhoun	A	Mason	F	Summers	C
Clay	B	McDowell	C	Taylor	F
Doddridge	A	Mercer	C	Tucker	B
Fayette	B	Mineral	B	Tyler	C
Gilmer	F	Mingo	B	Upshur	A
Grant	A	Monongalia	F	Wayne	B
Greenbrier	B	Monroe	B	Webster	B
Hampshire	F	Morgan	B	Wetzel	C
Hancock	F	Nicholas	B	Wirt	A
Hardy	C	Ohio/Wheeling	B	Wood	A
Harrison	A	Pendleton	B	Wyoming	B
Jackson	B	Pleasants	A		

Jefferson	C	Preston	B		
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Detailed Methodology for West Virginia Smokefree Regulation Grading

The grading system used to evaluate West Virginia’s regulations restricting smoking is based on criteria developed by an advisory committee convened by the National Cancer Institute with some modification to reflect the current policy environment. The criteria were presented in the article, “Application of a Rating System to State Clean Indoor Air Laws (USA)” (J.F. Chriqui et al., *Tobacco Control*, 2002; 11:26-34). This approach provides scoring in nine categories: Government Workplaces, Private Workplaces, Schools, Child Care Facilities, Restaurants, Retail Stores, Recreational/Cultural Facilities, Penalties and Enforcement. All laws are open to interpretation and our analysis may differ from other analyses.

Two additional categories for bars/taverns and casinos/gaming establishments has been added to the above scoring system. Adding these categories is necessary because since 2002, a number of communities and states have prohibited smoking in bars and casinos/gaming establishments. And communities and states need to be recognized in the grading system for protecting workers in these establishments from secondhand smoke.

The smokefree air grade for each state is based on a total of all points received in all categories. The grades are based on a high score of 44. The high score of 44 becomes the denominator, and the state’s total points serve as the numerator. The percentage was calculated and grades were assigned following a standard grade school system. States receiving scores in the top 10 percent of the standard (90 to 100 percent) earned an A. Those receiving scores falling between 80 and 89 percent got a grade of B, between 70 and 79 percent a C and between 60 and 69 percent a D. Those that fell below 60 percent received an F. The points break down as follows:

Assigned Grade	Points Earned
A	40 to 44
B	36 to 39
C	31 to 35
D	27 to 30
F	26 and below

Key to Smokefree Laws Ratings by Category

For all categories, laws that require that smoking be permitted or laws without any restrictions for the particular category receive a score of zero (0).

1) **Government Workplaces** (4 points): Target is “local government workplaces are 100 percent smokefree, no exemptions.” Score was lowered if restriction depended on type of ventilation and/or location of smoking area. A bonus point (+1) was available if the laws met the target criteria and required the grounds or a specified distance from entries or exits to be

smokefree.

2) **Private Workplaces** (4 points): Target is “private workplaces are 100 percent smokefree, no exemptions.” Score was lowered if restriction depended on type of ventilation, location of smoking area and/or number of employees. A bonus point (+1) was available if the laws met the target criteria and required the grounds or a specified distance from entries or exits to be smokefree.

3) **Schools** (4 points): Target is “no smoking permitted in public and non-public schools during school hours or while school activities are being conducted.” Score was lowered if restriction depended on school hours, type of ventilation and/or location of smoking area. A bonus point (+1) was available if the laws met the target criteria and extended the law/policy to any time in school facilities, on school grounds, and at school-sponsored activities.

4) **Child Care Facilities** (4 points): Target is “no smoking permitted during operating hours in childcare facilities (explicitly including licensed, home-based facilities).” Score was lowered if restrictions depended on ventilation standards, location of smoking areas and/or exemptions for certain types of facilities.

5) **Restaurants** (4 points): Target is “restaurants (explicitly including bar areas of restaurants) are 100 percent smokefree.” Score was lowered if restriction depended on type of ventilation, location of smoking areas and/or exemptions for some restaurants. A bonus point (+1) was available if the laws met the target criteria and extended the law/policy to outdoor seating areas of restaurants.

6) **Bars/Taverns** (4 points): Target is “bars/taverns and similar types of establishments are 100 percent smokefree.” Score was lowered if restriction depended on ventilation standards and/or location of smoking area and/or if laws only applied to some but not all bars/taverns.

7) **Casinos/Gaming Establishments** (4 points): Target is “casinos/gaming establishments are 100 percent smokefree.” Score was lowered if restriction depended on ventilation standards and/or location of smoking area, and if laws only applied to some but not all casinos/gaming establishments.

8) **Retail Stores** (4 points): Target is “retail stores or retail businesses open to the public are 100 percent smokefree.” Score was lowered if restriction depended on ventilation standards and/or location of smoking area, and if laws only applied to some but not all retail stores or businesses.

9) **Recreational/Cultural Facilities** (4 points): Target is “recreational and cultural facilities are 100 percent smokefree.” Score was lowered if restriction depended on ventilation standards and/or location of smoking area, and if laws only applied to some but not all recreational and/or cultural facilities.

10) **Penalties** (4 points): Target is “penalties or fines, applicable to smokers and to proprietors or employers, for any violation of clean indoor air legislation.” Score was lowered if penalties included possibilities for delay, exceptions for either the smokers or the proprietors/employers, or penalties that only applied to some but not all offenses. Intent requirement or affirmative defenses reduced the score by one (1) point. A bonus point (+1) was available if the laws met the target criteria and the penalties or fines were graduated for repeated violations.

11) **Enforcement** (4 points): Target is “designate an enforcement authority for clean indoor air and require sign posting.” Score was lowered if there was no requirement for sign posting, enforcement authority only applied to some sites, or an enforcement authority or sign requirement existed, but not both.

The American Lung Association report shows vital action on some fronts in the fight against tobacco, yet it also underscores tobacco’s grim national toll. Each year 443,000 people die from tobacco-related illnesses and secondhand smoke exposure, making tobacco the leading cause of preventable death.

“Our latest surgeon general’s report on tobacco use concluded that there is no safe level of exposure to tobacco,” said Brown. “In West Virginia, 3,821 deaths are attributed to smoking. In addition, it costs the state’s economy \$1.7 billion annually in healthcare costs and lost productivity.”

“Failing across the board in all areas of the *State of Tobacco Control 2010* report does very little to protect West Virginians from the very real harmful effects of tobacco use. “In addition, real investment in tobacco cessation would provide economic benefits for the state of West Virginia.”

Another Lung Association study, *Smoking Cessation: The Economic Benefits*, found that if states were to invest in comprehensive smoking cessation benefits, it would receive a return on investment. In West Virginia, for every dollar spent on helping smokers quit, the Mountain State would see on average a return of \$1.25.

It takes combined state and federal resources to reduce tobacco-related diseases, which are the byproduct of an adaptable industry, engaged in deadly deception. In 2010, the industry used new ways to push its products and target kids in a drive to replace dying customers. These tactics ranged from color-coding packaging in order to falsely claim less harmful cigarettes, to pitching smokeless tobacco in order to get more young people hooked.

State Grades

In addition to West Virginia, seven other states – Alabama, Kentucky, Mississippi, Missouri, North Carolina, South Carolina and Virginia– received all “F’s.” No state earned straight “A’s” in State of Tobacco Control 2010.

The 50 states and District of Columbia were graded on tobacco prevention and control program funding; smokefree air laws; cigarette tax rates; and coverage of cessation treatments and services, designed to help smokers quit. These categories draw on four proven policies to save lives and cut health care costs.

For the first time, the report card also provided a more complete picture of a state's cessation efforts by including data about quitlines in the state cessation grade. Quitlines are free, phone-based programs that provide services to help callers quit tobacco use.

A number of states continued in 2010 to rely on cigarette taxes for new revenues to help balance budgets , but they looked the other way rather than use part of the revenues to help smokers quit, according to the American Lung Association report.

Six states raised cigarette excise taxes. Yet most of those smokers who ended up paying more for a cigarette pack got no return at all in terms of help to end their addiction. South Carolina was a notable exception.

Only Kansas passed a strong smokefree air law in 2010. West Virginia is not one of 27 states that have passed comprehensive laws protecting the public and workers from the dangers of secondhand smoke, but has made significant progress on smokefree ordinances at the local level.

The pace for passing such laws has declined sharply since 2006-2007, when 16 states and the District of Columbia met the American Lung Association's Smokefree Air Challenge, a nationwide campaign to eliminate exposure to secondhand smoke in all work and public places.

Federal Grades

The federal government received all passing grades. It drew an "A" for FDA regulation of tobacco products; a "C" for cessation coverage provided under four major federal health care programs; a "D" for the federal cigarette tax; and a "D" for failure to ratify the Framework Convention on Tobacco Control, an international treaty.

"To finally break tobacco's grip on America's health, it takes a harnessing of resources by every other state as well as by the federal government," said Charles D. Connor, president and CEO of the American Lung Association. "The annual report card spells out what we're doing right and where we must work harder to achieve that vision."

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