



January 10, 2011

Pitt County Board of Health
c/o Dr. John Morrow, Health Director
Pitt County Office Park
201 Government Circle
Greenville, NC 27834

Dear Members of the Pitt County Board of Health:

The American Cancer Society, the American Heart Association, the American Lung Association and the North Carolina Alliance for Health, along with our other coalition partners, advocate for policies that provide strong public health protection and public health promotion in North Carolina.

We respectfully request your support of the Pitt County Health Department in pursuing the appeal to the North Carolina Court of Appeals of the recent Pitt County District Court decision that would allow smoking in four Pitt County establishments [Benjamin Edwards and Lynn Owens et al. v. Pitt County Health Director, John H. Morrow, 10 CVD 1231]. The above mentioned organizations and other health advocacy groups stand ready to assist and support the Board of Health and the Health Department in pursuing this appeal and are prepared to file an amicus brief in support of your appeal when the case comes before the North Carolina Court of Appeals.

As members of the Board of Health, we know you are very aware of the important public health issues at stake in this case. The United States Surgeon General has repeatedly warned that there is no safe level of exposure to second hand smoke, and a recent report of the National Academy of Sciences Institute of Medicine has demonstrated that as little as thirty minutes of exposure can trigger a heart attack in someone with heart disease.

Your appeal of this current case will clarify the private club exemption contained in the smoke-free legislation, will allow the Health Department the opportunity to protect public health, and will reduce the confusion and misinformation among Pitt County bars and restaurants on the exact interpretation of the private club exemption.

The legislature crafted a very narrow private club exemption in the law whereby private not-for-profit clubs and country clubs must meet the same stringent standards in order to qualify for this exemption. The law specifically states that its purpose is to "protect the health of individuals in public places and *places of employment* and riding in state government vehicles from the risks

related to secondhand smoke.” Examples of organizations that generally qualify for this exemption include Moose Lodges, VFW clubs, or other veteran or fraternal organizations.

The smoke-free restaurants and bars law is overwhelmingly popular across the state with close to three-quarters of North Carolinians expressing their approval. Moreover, bar and restaurant smoke-free laws have very strong support in Pitt County. According to the 2008 Behavioral Risk Factor Surveillance Survey, less than 10% of Pitt County residents thought smoking should be allowed anywhere in a bar and less than 2% of Pitt County residents thought that smoking should be allowed anywhere in a restaurant.

As the Pitt County Board of Health, you upheld the initial penalties against these four establishments, and determined that all citizens of Pitt County deserve the protection provided by the North Carolina smoke-free law. Pursuing this next level of appeal is the best way to ensure that the law stays strong and protects your residents from the harmful effects of second-hand smoke.

Sincerely,



Pamela Seamans
Executive Director
NC Alliance for Health



Betsy Vetter
North Carolina Director of Government Relations
American Heart Association



Kimberly Williams
Manager, Advocacy and Communications
American Lung Association



Christine Weason
North Carolina Director of Government Relations
American Cancer Society