

## **CORRESPONDENCE RECEIVED FROM THE PUBLIC**

### **ITEM #7**

- 7. Adoption of Interim Urgency Ordinance Imposing a Temporary Moratorium on the Development, Establishment and Operation of New Small-Format and Large-Scale Tobacco Retailers and all New E-Cigarette Retailers, Electronic Cigarette Lounges, Vapor Bars, and Hookah Bars within the City of Hayward. The Adoption of the Ordinance is Exempt from Environmental Review under the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21065 and State CEQA Guidelines Sections 15061(b)(3), 15306 and 15378**

**From:** Marty Johnson

**Sent:** Monday, January 13, 2014 7:44 AM

**To:** Michael Sweeney; Mark Salinas; Marvin Peixoto; Barbara Halliday; Greg Jones; Al Mendall; David Rizk

**Subject:** OPPOSED to action the City Council might take that would limit adult access to life-saving products.

Elected Official,

Please consider this when acting on e-cig commerce. I was a life-long smoker of forty-plus years, when my son called and said he was sending me something in the mail. The package arrived a few days later containing some objects I wasn't familiar with. I believed they were an electronic cigarette (e-cig), but I didn't know how they worked, it looked complicated and so I dismissed it. Later that day my son called and explained that he and his girlfriend had completely quit smoking after many years when beginning use of the e-cigs and that I could too. I was very skeptical, I never believed I would quit after many times trying. But if he wanted me to try, I would. That was on March 18<sup>th</sup> of 2013 and I haven't smoked cigarettes since I began e-cigs. Thanks to the e-cig industry and thanks to my son, I have hope again to extend my life beyond all expectations. Please also consider the published information below:

Swenor, D., et al., **Tobacco harm reduction: How rational public policy could transform a pandemic**, International Journal of Drug Policy (2007), doi: 10.1016/j.drugpo.2006.11.013

"Nicotine, at the dosage levels smokers seek, is a relatively innocuous drug commonly delivered by a highly harmful device, cigarette smoke. An intensifying pandemic of disease caused or exacerbated by smoking demands more effective policy responses than the current one: demanding that nicotine users abstain. A pragmatic response to the smoking problem is blocked by moralistic campaigns masquerading as public health, by divisions within the community of opponents to present policy, and by the public-health professions antipathy to any tobacco-control endeavors other than smoking cessation. Yet, numerous alternative systems for nicotine delivery exist, many of them far safer than smoking. A pragmatic, public-health approach to tobacco control would recognize a continuum of risk and encourage nicotine users to move themselves down the risk spectrum by choosing safer alternatives to smoking ??? without demanding abstinence."

[http://www.drugpolicy.org/docUploads/DRUPOL\\_633.pdf](http://www.drugpolicy.org/docUploads/DRUPOL_633.pdf)

Thank you for your time and consideration in this matter

Martin Johnson

**From:** brad wager

**Sent:** Monday, January 13, 2014 6:52 AM

**To:** Michael Sweeney; Mark Salinas; Marvin Peixoto; Barbara Halliday; Greg Jones; Al Mendall; David Rizk

**Subject:** vapor ban

I smoked for 40 years and tried over those years to quit, cold turkey, patches, gum, and chantix. Always went back to smoking. I finally quit using an e-cig and vanilla flavored e juice. I am 57 years old and enjoy the many fruity and dessert flavors I can vape. I have found I can climb stairs with getting out of breath and myself, my car and my house do not smell like an ashtray anymore. I agree that children should not be able to purchase these devices but to remove them from adults, is simply the government trying to get back the tax dollars they lost when people started to quit smoking, which is something the government told us to do in the first place. Children through the ages have found ways to get what they want and will continue to do so in spite of the law. Let me as an adult make decisions about what I put into my body. Please educate yourself on the reality of e-cigs before making any decision regarding them.

**I do NOT want to be put in with smokers. I do not smoke. I Vape**

Electronic cigarette use is easy to distinguish from actual smoking. Although some e-cigarettes resemble real cigarettes, many do not. It is easy to tell when someone lights a cigarette from the smell of smoke. E-cigarette vapor is practically odorless, and generally any detectable odor is not unpleasant and smells nothing like smoke. Additionally, e-cigarette users can decide whether to release any vapor ("discreet vaping"). With so little evidence of use, enforcing indoor/outdoor use bans on electronic cigarettes would be nearly impossible. Removing ability to purchase and try E-cigs in Vapor Lounges would be a large disservice to the community!!

**The ability to use electronic cigarettes in public spaces will actually improve public health by inspiring other smokers to switch. Surveys of thousands of users indicate that the majority of those who switch, completely replace tobacco cigarettes with the electronic cigarettes, reducing their health risks by 99%. Are you for Public heath? Or Money?**

**Brad Wager**

**From:** David LeClaire

**Sent:** Monday, January 13, 2014 9:48 AM

**To:** Michael Sweeney; Mark Salinas; Marvin Peixoto; Barbara Halliday; Greg Jones; Al Mendall; David Rizk

**Subject:** Moratorium on E-Cigarette Stores and Lounges

Everyone,

I reside in Union City, California and I support banning sales of e-cigarettes to minors but I OPPOSE any action the City Council might take that would limit adult access to these life-saving products. In addition, I encourage you to review the recent ruling by the South San Francisco Council who saw sense into Not issuing a Moratorium

1. I have been off of Cigarettes for close to 60 Days thanks to my e-cigarette.

2. A moratorium on e-cigarette shops and lounges would work a substantial hardship on consumers. E-cigarette shops and lounges are more than simply stores. They provide an important resource for smokers looking to dramatically reduce their health risks by switching to e-cigarettes, a product that poses an estimated 99% less risk than smoking. These stores offer knowledgeable employees and diverse products to allow adult smokers to make a successful transition from smoking to e-cigarette use.

3. A moratorium would limit Hayward residents' local access to e-cigarettes other than mass-produced products sold in convenience stores and gas stations, products which are generally of a lower quality and satisfaction level than those offered by e-cigarette shops and lounges. (Lower quality and satisfaction mean less chance of successfully making the switch from smoking to e-cigarette use.)

4. California law prohibits sales of e-cigarettes to minors. Rather than limiting adult access to e-cigarettes by imposing a moratorium on e-cigarette shops and lounges, existing laws should be enforced to keep these products from minors.

5. Given the low risk of e-cigarette use, there is no need to impose an "urgency ordinance" which bypasses normal rules regarding public notice and comment.

The low risks of e-cigarettes is supported by research done by Dr. Siegel of Boston University, Dr. Eissenberg of Virginia Commonwealth, Dr Maciej L Goniewicz of the Roswell Park Cancer Institute, Dr. Laugesen of Health New Zealand, Dr. Igor Burstyn of Drexel University, and by the fact that the 2009 FDA testing, in spite of its press statement, failed to find harmful levels of carcinogens or toxic levels of any chemical in the vapor.

A comprehensive review by a Drexel University professor based on over 9,000 observations of e-cigarette liquid and vapor found "no apparent concern" for bystanders exposed to e-cigarette vapor, even under "worst case" assumptions about exposure.

Please make the Informed Decision before you Vote on this Moratorium,

David J. LeClaire

7. Tell them that by switching to a smokeless product, you have greatly reduced your health risks.

**From:** Brian Kain  
**Sent:** Monday, January 13, 2014 9:10 AM  
**To:** List-Mayor-Council; Mark Salinas; Michael Sweeney; David Rizk  
**Subject:** Moratorium on E-Cigarette Stores and Lounges

Dear Council Members,

I am a resident in Walnut Creek and a California citizen, and while I support banning sales of e-cigarettes to minors, I strongly OPPOSE any action the City Council might take that would limit adult access to these life-saving products.

I was a cigarette smoker of 27 years. I smoked about 1 pack a day. 7 months ago I went to my local E-cigarette shop and asked about a products to try and cut down and eventually quit smoking traditional tobacco cigarettes. The staff was extremely helpful and supportive. They directed me to a starter kit that I ended up purchasing. My intentions were to cut down, and eventually quit. My plan was to use the E-cigarette while at work and eventually quit tobacco over a 6 month period. That day, June 17<sup>th</sup> 2013 was the last day that I smoked a tobacco cigarette. The E-cigarette is so effective, I completeley quit using tobacco in under 12 hours. I have greatly improved my quality of life and I have never felt so good.

A moratorium on e-cigarette shops and lounges would work a substantial hardship on consumers. E-cigarette shops and lounges are more than simply stores. They provide an important resource for smokers looking to dramatically reduce their health risks by switching to e-cigarettes, a product that poses an estimated 99% less risk than smoking. These stores offer knowledgeable employees and diverse products to allow adult smokers to make a successful transition from smoking to e-cigarette use.

A moratorium would limit Hayward residents' local access to e-cigarettes other than mass-produced products sold in convenience stores and gas stations, products which are generally of a lower quality and satisfaction level than those offered by e-cigarette shops and lounges. (Lower quality and satisfaction mean less chance of successfully making the switch from smoking to e-cigarette use.) I had tried to quit using an E-cigarette that I purchased from a gas station. It didn't work. I tried several others and they offered no help with my nicotine cravings. The products that are available at convenience stores are not nearly as effective as the ones found at E-cigarette shops.

California law prohibits sales of e-cigarettes to minors. Rather than limiting adult access to e-cigarettes by imposing a moratorium on e-cigarette shops and lounges, existing laws should be enforced to keep these products from minors.

Given the low risk of e-cigarette use, there is no need to impose an "urgency ordinance" which bypasses normal rules regarding public notice and comment.

The low risks of e-cigarettes is supported by research done by Dr. Siegel of Boston University, Dr. Eissenberg of Virginia Commonwealth, Dr Maciej L Goniewicz of the Roswell Park Cancer Institute, Dr. Laugesen of Health New Zealand, Dr. Igor Burstyn of Drexel University, and by the fact that the 2009 FDA testing, in spite of its press statement, failed to find harmful levels of carcinogens or toxic levels of any chemical in the vapor.

A comprehensive review by a Drexel University professor based on over 9,000 observations of e-cigarette liquid and vapor found "no apparent concern" for bystanders exposed to e-cigarette vapor, even under "worst case" assumptions about exposure.

Please review the CASAA.org website, as well as the CASAA Research Library, for more information.

By switching to a smokeless product, I have greatly reduced my health risks. My doctor fully supports my switching to an E-cigarette. Many doctors are in fact recommending them to patients for the cigarette cessation programs.

Thank you for your time.

Sincerely,

Brian Kain

**From:** Kathleen O'Connor

**Sent:** Monday, January 13, 2014 9:23 AM

**To:** Michael Sweeney; Mark Salinas; Marvin Peixoto; Barbara Halliday; Francisco Zermeno; Greg Jones; Al Mendall; David Rizk

**Subject:** Urgency Item on the 1/14/2014 Agenda

To the Hayward City Council and others involved with developing the zoning decisions regarding vaping (AKA e-cigarettes) and stores that sell vaping gear.

to wit;

"The health effects of inhaled vapor, with or without nicotine, and second-hand vapor are unknown"

Not so.

The study referred to as footnote 1 specifies water pipes for tobacco, not nicotine only devices:

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3407543/#R>

**Does switching to a tobacco-free waterpipe product reduce toxicant intake? A crossover study comparing CO, NO, PAH, volatile aldehydes, tar and nicotine yields**

I do hope that while your governing body develops zoning policies and restrictions, please keep in mind the distinctions.

1. Vaping (AKA e-cigarettes) do not create second-hand smoke.
2. Vaping device sellers voluntarily limit sales to those 18 years old and above.
3. Vaping device users are often folks who started smoking at puberty and are now in their 30's, 40's + and are looking for harm reduction and more control over their nicotine delivery system. The vaping experience does not require nicotine in the fluid to be satisfying.

Too much of anything is not healthy. Vaping has proved to be a viable alternative for me and others like me. It also has opened up a whole new market for small businesses.

Please explore our advocate agency, CASAA.org and for the e-liquid Standards Agency AEMSA.

I hope you find these links to current information useful:

On how vaping works and what it is:

<http://imgur.com/5s8ScEK>

[http://www.prnewswire.com/news-releases/casaa-new-study-confirms-that-chemicals-in-electronic-cigarettes-  
pose-minimal-health-risk-218843731.html](http://www.prnewswire.com/news-releases/casaa-new-study-confirms-that-chemicals-in-electronic-cigarettes-pose-minimal-health-risk-218843731.html)

Thank you for your time,  
Kathleen O'Connor

From: Michael Mullins

Sent: Monday, January 13, 2014 11:02 AM

To: Michael Sweeney; Mark Salinas; Marvin Peixoto; Barbara Halliday; Greg Jones; Al Mendall; David Rizk; List-Mayor-Council

Subject: Regarding Moratorium on Electronic Cigarette Stores In Hayward VOTE NO

Dear Council Members,

I am writing you today to encourage you to vote NO regarding a temporary Moratorium on Electronic Cigarette Store wishing to open in your area.

The Electronic Cigarette or E-Cig is a fast growing alternative to smoking that does not produce second hand smoke and uses non carcinogenic e-liquid. This product has been changing smokers lives since 2007 and has become a truly viable option for smokers across the united states.

I encourage you to speak to existing owners and customers of existing shops in your area, people who actually use the product and have quit smoking cigarettes because of the e-cig before you make your decision to ban to opening of new stores. I think that you will find that the people who own these shops and the customers who use these products instead of smoking cigarettes are normal people just like you and me, looking to get away from cigarettes.

The e-cig shops in your area and ones wishing to open in the future are creating jobs, and also contributing to state taxes and federal as well.

I am currently located in Sonoma County and I employ 15 people full time at my stores, and plan to hire more this year as my company grows.

I contribute each quarter more than 40k in sales tax dues and the number is growing.

I encourage you to do further research into the industry that you are considering banning before you vote. Talk with the customers, and talk with the current owners of these establishments.

Respectfully,

Michael Mullins  
Digital Ciggz  
Sonoma County  
Santa Rosa.

**From:** whentheworldends

**Sent:** Monday, January 13, 2014 9:05 PM

**To:** Michael Sweeney; Mark Salinas; Marvin Peixoto; Barbara Halliday; Francisco Zermeno; Greg Jones; Al Mendall; David Rizk

**Subject:** Proposed E-cigarette Moratorium

Dear Folks,

I am a lifelong resident of Northern California. I am urging you NOT to pass the ordinance for a moratorium on e-cigarette vendors.

I was a lifelong (42 years) cigarette smoker who has been able to stop smoking cigarettes completely, thereby massively reducing the harm I was doing to myself and the risk to others. I did this using e-cigarette products (a personal vaporizer and liquids containing nicotine). No other method has ever allowed me to be successful, and I tried them all.

I was able to do this solely because these products were available to me locally. I was NOT able to do this previously with lower quality products available at convenience stores or gas stations. They are not comparable.

I know there is a lot of conflicting information on the products out there, and a lot of concern for minors. I support the laws in place to prevent sales to minors, and support enforcement of these laws. I would also urge you to read and consider ALL the studies and information available before passing any legislation. Many viable studies support the facts of harm/risk reduction for all through this method of nicotine replacement.

Further information is available to you at the website of the Consumer Advocates for Smoking Alternatives website, [http://casaa.org/Home\\_Page.php](http://casaa.org/Home_Page.php) . Some of the studies are linked on their documents library, <http://casaa.org/Documents.html> .

Please don't ignore the simple truth: this is a better way. Limiting access to it means lowering the chances that people like me will be able to stop smoking using these methods.

Thank you,

Carla Flaherty  
California Resident/Voter

**From:** Jason Stribling \_\_\_

**Sent:** Monday, January 13, 2014 7:01 PM

**To:** Michael Sweeney; Mark Salinas; Marvin Peixoto; Barbara Halliday; Francisco Zermeno; Greg Jones; Al Mendall; David Rizk

**Subject:** Hayward proposed moratorium on vapor shops

Dear esteemed Hayward City Council members,

I am a California/Hayward area citizen. While I support banning sales of e-cigarettes to minors, I OPPOSE any action the City Council might take that would limit adult access to these life-saving products. 17 months ago my partner, who has suffered from asthma her whole life, was able to quit her 30 cigarette per day habit because of a friend's passion to help others quit through the use of electronic cigarettes. 8 months ago I tried e-cigarettes and have also quit smoking. We have both since started running every other day, and joined a choir... both of which we could not have done while smoking regular cigarettes. We are both firm believers that switching to these smokeless products has greatly reduce our health risks.

A moratorium on e-cigarette shops and lounges will work a substantial hardship on consumers. E-cigarette shops and lounges are more than simply stores. They provide an important resource for smokers looking to dramatically reduce their health risks by switching to e-cigarettes, a product that poses an estimated 99% less risk than smoking. These stores offer knowledgeable employees and diverse products to allow adult smokers to make a successful transition from smoking to e-cigarette use. This industry is creating hundreds of jobs for good people all over the Bay, and successful entrepreneurs of this product are responsible for stimulating local economies all over the world. A moratorium would limit Hayward residents' local access to e-cigarettes other than mass-produced products sold in convenience stores and gas stations, products which are generally of a lower quality and satisfaction level than those offered by e-cigarette shops and lounges. (Lower quality and satisfaction mean less chance of successfully making the switch from smoking to e-cigarette use.)

California law prohibits sales of e-cigarettes to minors. Rather than limiting adult access to e-cigarettes by imposing a moratorium on e-cigarette shops and lounges, existing laws should be enforced to keep these products from minors. Given the low risk of e-cigarette use, there is no need to impose an "urgency ordinance" which bypasses normal rules regarding public notice and comment. The low risks of e-cigarettes is supported by research done by Dr. Siegel of Boston University, Dr. Eissenberg of Virginia Commonwealth, Dr Maciej L Goniewicz of the Roswell Park Cancer Institute, Dr. Laugesen of Health New Zealand, Dr. Igor Burstyn of Drexel University, and by the fact that the 2009 FDA testing, in spite of its press statement, failed to find harmful levels of carcinogens or toxic levels of any chemical in the vapor. A comprehensive review by a Drexel University professor based on over 9,000 observations of e-cigarette liquid and vapor found "no apparent concern" for bystanders exposed to e-cigarette vapor, even under "worst case" assumptions about exposure.

For more information, studies, and health benefits, please visit [CASAA Research Library](#).

Best Regards,  
Jason Stribling

**From:** Mo

**Sent:** Monday, January 13, 2014 8:15 PM

**To:** David Rizk

**Subject:** Fwd: Re-E-CIGS

Hi,

I am asking you to reconsider, your decision on,E-cigs.theycause no harm to the general public,family members,etc. they only one getting nicotine is ME. nicotine in itself is harmless,it's the chemicals in regular cigarettes that's the problem. E-cigs have have no chemicals. I have done a lot of research on this. There is no health related problems. E-cigs have no smell,no ashes. The smoke you see is vapor(harmless). I vape everywhere no one seems to mind,I have vaped in restaurants,casinos,homes. Once they know what is,it's ok. I'm 73yrs old,have smoked for 65yrs,I can honestly say,I don't use regular cigarettes near as much as I used to. I believe this legislation is without merit. Whom ever is sponsoring this did not do any research,or this bill would not exist. I think some one is just plain against smoking in general. E-cigs are way different. For the reasons stated,I'm asking you to reconsider.

Thank you  
Maureen

**From:** uma

**Date:** January 14, 2014 at 4:53:45 PM PST

**To:** "[michael.sweeney@hayward-ca.gov](mailto:michael.sweeney@hayward-ca.gov)" <[michael.sweeney@hayward-ca.gov](mailto:michael.sweeney@hayward-ca.gov)>, "[mark.salinas@hayward-ca.gov](mailto:mark.salinas@hayward-ca.gov)" <[mark.salinas@hayward-ca.gov](mailto:mark.salinas@hayward-ca.gov)>, "[marvin.peixoto@hayward-ca.gov](mailto:marvin.peixoto@hayward-ca.gov)" <[marvin.peixoto@hayward-ca.gov](mailto:marvin.peixoto@hayward-ca.gov)>, "[barbara.halliday@hayward-ca.gov](mailto:barbara.halliday@hayward-ca.gov)" <[barbara.halliday@hayward-ca.gov](mailto:barbara.halliday@hayward-ca.gov)>, "[greg.jones@hayward-ca.gov](mailto:greg.jones@hayward-ca.gov)" <[greg.jones@hayward-ca.gov](mailto:greg.jones@hayward-ca.gov)>, "[al.mendall@hayward-ca.gov](mailto:al.mendall@hayward-ca.gov)" <[al.mendall@hayward-ca.gov](mailto:al.mendall@hayward-ca.gov)>, "[david.rizk@hayward-ca.gov](mailto:david.rizk@hayward-ca.gov)" <[david.rizk@hayward-ca.gov](mailto:david.rizk@hayward-ca.gov)>

**Subject:** "Urgent" meeting on the eCig Micro Businesses

Dear Representatives of Hayward,

It has come to my attention there will be an "urgent" meeting tonight, to ban Micro Businesses & Small Businesses from stirring the economy, as well as helping smokers switch over to a safer alternative to smoking while they continue their difficult journey towards a smoke free life. This will be a hardship on the Businesses, the Consumers, the employees, as well as the tourists & visitors who will need to replenish their consumer goods.

It's been proven that the electronic cigarette is magnitudes safer than a real cigarette. There is absolutely no tar, or stink. There is no toxins or carcinogen Traces worth jotting down let alone being considered of threshold importance.

The low risks of e-cigarettes is supported by research done by Dr. Siegel of Boston University, Dr. Eissenberg of Virginia Commonwealth, Dr Maciej L Goniewicz of the Roswell Park Cancer Institute, Dr. Laugesen of Health New Zealand, Dr. Igor Burstyn of Drexel University, and by the fact that the 2009 FDA testing, in spite of its press statement, failed to find harmful levels of carcinogens or toxic levels of any chemical in the vapor.

A comprehensive review by a Dréxel University professor based on over 9,000 observations of e-cigarette liquid and vapor found "no apparent concern" for bystanders exposed to e-cigarette vapor, even under "worst case" assumptions about exposure. <http://publichealth.drexel.edu/~media/Files/publichealth/ms08.pdf>

The propaganda attacking the safer alternatives is just that, propaganda. I trust you will research ([CASAA.org](http://CASAA.org) has a nice collection of credible info) & put the health and economy of your area in the top position of priorities. The long term values are extraordinary. I realize it must be difficult to turn down the grant monies available from the anti-ecig crusaders who are desperately trying to ban the only competition that real smokes have ever had. Everyone from TSET to Pfizer (aka RWJ foundation) are in a state of panic about the smoke funds depleting. I celebrate this! I hope you will too.

Sincerely,  
Uma Kirk