



The Enterprise and Business Sub-Committee and the Health and Social Care Sub-Committee on The Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012

Written evidence from BHF Cymru
January 2013

British Heart Foundation (BHF) Cymru is the nation's leading heart charity. We are fighting against heart and circulatory disease – Wales' biggest killer claiming over 11,000 lives each year, around a third of all deaths.

While we welcome the opportunity to respond to the two sub-Committees' call for evidence, we are extremely concerned at the Welsh Government's proposals to exempt film and television productions from Wales' smoke-free legislation. Weakening this legislation would needlessly expose those that work in film and television production to second-hand smoke and is also wholly unnecessary.

In addition to this response, we are also supportive of the evidence provided to the Committee by ASH Wales.

Q: What health policy considerations are relevant to this amendment?

There is clear evidence that passive smoking increases the risk of developing Coronary Heart Disease (CHD).¹ A number of studies have shown an elevated risk of heart disease in people regularly exposed to passive smoke. For example, non-smokers living with smokers have a 30 per cent increased risk of developing the disease.² A study of young adults generated suggestions that non-smokers at risk of CHD should avoid all indoor environments that allow smoking.³

Further, a study published in the British Medical Journal suggests that previous studies of the effect of passive smoking on the risk of heart disease may have been underestimated. The researchers found that blood cotinine levels among non-smokers exposed to passive smoke were associated with a 50-60 per cent increase risk of heart disease.⁴

The successful implementation of smoke-free legislation across the UK has significantly reduced public exposure to passive smoke. The immediate health benefits of this legislation have been highlighted in the UK, with one study for example showing that between 2007

¹ *The health consequences of involuntary exposure to tobacco smoke: a report of the Surgeon General*. Atlanta, USA: US Department of Health and Human Services; 2009. Available at: <http://www.surgeongeneral.gov/library/secondhandsmoke/>

² Law MR, Morris JK, Wald NJ. Environmental tobacco smoke exposure and ischaemic heart disease: an evaluation of the evidence. *BMJ* 1997 Oct 18;315(7114):973-80. Available at: <http://www.ncbi.nlm.nih.gov/pubmed/9365294>

³ Pechacek TF, Babb S. Commentary: How acute and reversible are the cardiovascular risks of secondhand smoke? *BMJ*. 2004 Apr 24;328(7446):980-3. Available at: <http://www.ncbi.nlm.nih.gov/pubmed/15105323>

⁴ Whincup PH, Gilg JA, Emberson JR, Jarvis MJ, Feyerabend C, Bryant A, Walker M, Cook DG. Passive smoking and risk of coronary heart disease and stroke: prospective study with cotinine measurement. *BMJ*. 2004 Jul 24;329(7459):200-5. Available at: <http://www.ncbi.nlm.nih.gov/pubmed/15229131>

and 2008 there was a drop of 2.4 per cent in the number of emergency admissions for heart attack in England.⁵

Wales's smoke-free premises legislation is one of the most successful public health measures introduced in Wales to date, protecting all workers in Wales from the harms of second-hand smoke. It is also extremely popular in Wales, with 84 per cent of Welsh adults in support.⁶ The exemption proposed would seriously undermine this legislation, and needlessly expose workers in film and television production to second-hand smoke that they are currently protected from. BHF Cymru also believes that this would set a dangerous precedent, potentially opening the door to additional efforts to undermine the Welsh Government's other tobacco control initiatives.

This legislation was introduced on health grounds in order to protect workers from exposure to second-hand smoke – it is a health issue, not a commercial one. It is also a popular measure, with the Welsh Government's consultation last year highlighting that there was little appetite to amend this – with 75 per cent of respondents opposing the proposed exemption.⁷

The Welsh Government has also set ambitious targets for reducing smoking prevalence in the Wales Tobacco Control Action Plan from 23 per cent to 16 per cent by 2020. Weakening the smoke-free legislation in Wales would call the Welsh Government's commitment to achieve these targets into question.

Q: Is there a commercial need for this amendment to exempt performers from smoke-free requirements?

The exemption suggested in this amendment is wholly unnecessary. There is no suggestion that where a character is stabbed or shot that the artistic integrity of the performance requires they should be stabbed or shot – such activities are capable of being acted using props and special effects.

The same applies to smoking – technical expertise exists in Wales to simulate smoking using special effects. These have been used in recent productions of Doctor Who and Upstairs Downstairs in Cardiff.

Wales is already a competitive location for filming. The Wales Screen Commission estimates that film and TV companies spent more than £22 million in Wales last year – it is extremely unlikely that the issue of whether production companies were able to portray smoking using a cigarette was a major issue in their decision to choose Wales as their location for production.

In addition, Northern Ireland (which similarly does not have this exemption for their smoke-free laws) was only last year highlighted by the British Film Industry as a case study for

⁵ Sims M, Maxwell R, Bauld L, Gilmore A. Short term impact of smoke-free legislation in England: retrospective analysis of hospital admissions for myocardial infarction. *BMJ*. 2010 Jun 8;340:c2161. doi: 10.1136/bmj.c2161. Available at: <http://www.ncbi.nlm.nih.gov/pubmed/20530563>

⁶ <http://wales.gov.uk/smokingbanwalessub/home/smokefreelawoutcomes/?lang=en>

⁷ Summary of responses from the public consultation on creating an exemption for performers within The Smoke Free Premises Etc. (Wales) Regulations 2007. Welsh Government; 2012.

increased film investment.⁸ Wales should therefore not need an exemption to this legislation in order to remain a competitive location.

Q: Do the conditions offer adequate protection to other performers, production staff and members of the public.

As stated above, the exemption would remove the existing protection to performers and crew present, exposing them to the harmful effects of second-hand smoke. All workers should remain protected by the current legislation from second-hand smoke.

Q: Might there be any unintended consequences of introducing this exemption?

Any exemption on commercial grounds would set a dangerous precedent for public health legislation in Wales. This would not only undermine the Welsh Government's efforts on tobacco control and tackling ill health, but would likely also lead to future challenges to this and other legislation on tobacco control from industries that claim they are damaging their profits.

If you would like any further information about this response please contact Delyth Lloyd, Press and Public Affairs Manager on 02920 382406 or lloyd@bhf.org.uk

⁸ Oxford Economics. *The Economic Impact of the UK Film Industry*. British Film Industry; 2012. Available at: <http://film.britishcouncil.org/about-us/the-economic-impact-of-the-uk-film-industry>