

If it looks like a cigarette and acts like a cigarette ...

Property owners, managers shouldn't fear to rule on e-cigarettes

There can be a fine line in the workplace and in public spaces between respecting an individual's rights, and protecting the interests of the majority.

This has proven to be the case in recent months with the growing use of electronic cigarettes (e-cigs). These devices are touted as a safer alternative to typical tobacco products. They are often used in smoking-cessation programs for those who are attempting to butt out.

Individuals who are taking positive steps to improve their health should of course be supported and encouraged by their friends, family and co-workers. But just because there is some perception that e-cigs are "safer" than traditional cigarettes, are they safe enough to be free of the same restrictions on where and when they can be used?

What is an e-cigarette?

Let's start with what this device is. An e-cig is a battery-powered electronic nicotine delivery system (ENDS). It uses a flavoured liquid that may, or may not, contain nicotine that is derived from natural tobacco. The liquid is heated and inhaled as an aerosol. This practice is often referred to as "vaping."

The global market for e-cigs is already measured in the billions of dollars. And yet, their health benefits, and the relative safety when used with nicotine, remain a matter of debate.

We are all familiar with the legislated restrictions on the use of regular cigarettes and other tobacco products in public spaces. E-cigs, however, are not, as of yet, universally subject to such legislation.

This legal grey area leaves property managers and owners in the position to have to decide for themselves if they will, or will not, apply the restrictions that govern regular tobacco use on their premises to e-cigs.

The growing consensus regarding e-cigs

E-cigs are a conundrum. Despite their purported advantages as a "safe" alternative to traditional tobacco, there is little, if any, rigorous scientific data at present to back up these claims.

The key question – does nicotine, free of the stew of harmful chemicals and carcinogens that are also found in tobacco, still pose some degree of health risk to e-cig users – has yet to be answered. Nor is it clear if there is a "second-hand" smoke risk to others. This uncertainty has sparked a growing movement against e-cigs from the three-headed beast of public opinion: government, the public and our industry.

The public's concern

It's fair to say that a growing majority of citizens are worried about the unanswered questions around the possible health risks of using e-cigs or being adjacent to someone who is.

There have also been concerns raised that e-cigs could simply serve as a gateway to full tobacco use by minors.

The government response

The Public Service Commission (PSC), in response to a warning from Health Canada, has already issued the following communiqué to its employees:

“Health Canada is advising Canadians not to purchase or use electronic smoking products, as they may pose health risks and have not been fully evaluated for safety, quality and efficacy.

“Given the lack of data on the long-term effects of electronic smoking products and the existence of a potential risk to others from the vapour they produce, the PSC is prohibiting their use anywhere within the PSC's offices and common areas. “

In August, Toronto Public Health (TPH) also issued a statement against e-cigs, following the lead of the World Health Organization. After its own review of available evidence, TPH identified a number of concerns about “e-cigarette safety, impact on youth smoking initiation, and potential to normalize smoking behaviour and undermine existing tobacco control legislation.” It has recommended that the *Smoke-Free Ontario Act* (SFOA) be amended to include e-cigs.

The government of British Columbia has already stated it will act to regulate e-cig use if the federal government does not, within the next year. Vancouver, the Regional Municipality of York and Red Deer, AB have already restricted e-cig use. Other legislatures (provincial and municipal) are also examining options.

Our industry's stance

A growing number of property owners and managers are taking the initiative ahead of any government action to formally treat e-cigs as they would regular cigarettes. There are legitimate reasons for this:

- To avoid creating confusion in people's minds and having to respond to complaints from tenants, visitors or shoppers
- To avoid unintended consequences to waste management or indoor air quality
- To acknowledge that there is still information needed to understand the real affects of e-cigs

What this means for you

You don't have to wait until federal, provincial, or municipal governments, decide how they will regulate or restrict the use and sale of e-cigs. If you believe it is in the best interests of your tenants and the users of your space, feel free to develop and implement your own policies to restrict e-cig use as if it were a traditional tobacco product.

BOMA International has already stated that it “supports the rights of building owners to establish appropriate policies and procedures, subject to prevailing federal, state and local laws. Until such time as there is generally accepted evidence (as determined by a recognized federal, state, or local agency) regarding the public health effects of electronic cigarettes ... e-cigarettes should be treated similarly to conventional cigarettes and other tobacco products.”

We want to hear from you – how do you and your tenants feel about e-cigs and how, if at all, should their use be restricted on your premises? What steps are you taking, or plan to? Let us know by filling in the [BOMA e-Cigarette Survey](#), it will take you less than a minute and we’ll publish the results in an upcoming BOMA electronic publication.

English Survey: <https://www.surveymonkey.com/s/G3VPKKM>

French Survey: <https://www.surveymonkey.com/r/XMSKCW5>