Author's response to reviews

Title: Implementation of a workplace smoking ban in bars: The limits of local discretion

Authors:

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Author's response to reviews: see over
Dear Dr. Bucceri,

We would like to thank you for this opportunity to revise and resubmit our manuscript, *Implementation of a workplace smoking ban in bars: The limits of local discretion*. The comments of the four reviewers were exceptionally helpful and gave us constructive guidance on how to make our manuscript much stronger and clearer.

Below we provide a point-by-point description of the changes made organized by section of the paper.

1. **Abstract** (page 2)

   A. In the Background section, we changed the purpose of the study (as per Lucia Díez-Gañán).

   B. We changed the final sentence of the abstract (as per Flora Tzelepis).

   C. We changed the Results section to give more explicit details regarding the findings (as per K. Reijula)

2. **Research Question**

Reviewer Lucia Díez-Gañán advised us to formulate our central research question correctly. In response, in the Abstract (page 2) we have changed “The purpose of this study was to determine the best way to implement a smoking ban in bars.” It now reads: “The purpose of this study was to explore the conditions that facilitate or hinder compliance with a smoking ban in bars.” We have also explained the goal of the study in the Background section, making clear that our study is an exploration of the policy process (page 3).
3. Background section

A. We changed the opening paragraph in response to Lucia Díez-Gañán and Flora Tzelepis, who encouraged us to review the history of workplace smoking bans in bars, and K. Reijula, who commented that the introduction was too long and should be focused on the main issue.

B. As per Lucia Díez-Gañán, we added a brief description of the law plus a rendering of the penalties for non-compliance (pp. 3-4). Furthermore, we added an appendix that contains the text of the law -- Appendix A: California Labor Code Section 6404.5.

C. As per Flora Tzelepis, we attached references to statements in paragraphs 2 and 4.

D. As per K. Reijula, we re-worked the introduction so that it is now more focused on the main issue.

4. Methods

A. As per Lucia Díez-Gañán, we noted the time period of the study (page 7).

B. As per Lucia Díez-Gañán, in order to assure our readers that compliance with the law may have affected respondents’ propensity to participate in the study, we clarified the confidentiality protections that we offered participants (pages 7-8).

C. As per Lucia Díez-Gañán and K. Reijula, we attached the interview guides for bar owners, law enforcers, and activists as Appendices B, C, and D.

D. As per Lucia Díez-Gañán, we clarified that how many interviews we audio taped, and for how many we took written notes (p. 13).

E. As per Flora Tzelepis, we added a sentence indicating that all interviews were about an hour to an hour and a half in duration (p. 13).

F. Response Rate

Both Reviewers Lucia Díez-Gañán and Flora Tzelepis expressed major and numerous concerns with how we reported the response rates, and regarding the clarity of the accompanying tables 1 and 2. Guided by their specific comments, we made major revisions to the methods section text describing the response rates (pages 8 to 12), and
edited the tables (p. 44). We believe that it is now clear that the response rates were low, but that our statistical analyses indicates that those that agreed to be interviewed, refused to be interviewed, and did not respond at all are basically the same, except for the bar owners who refused to be interviewed – they were from areas where the businesses were poorer.

G. Reviewer Lucia Díez-Gañán asked that we give more information reporting respondents (both bar owners and local enforcers) attitudes toward the law -- for or against. We did not collect any information on their knowledge, attitudes or beliefs regarding the law. Instead, we studied their actions as they attempted to either comply with the law or get around it.

H. Reviewer Lucia Díez-Gañán asked that we give more information regarding how many bar owners were sanctioned and how many times. We did not collect any information on the bar owners beyond what they offered during the interview. Our human subjects approval prohibited us from collecting any information on potentially illegal activity. We assured bar owners complete confidentiality, so that after they were interviewed we destroyed all information that could possibly identify them, and as we analyzed the data we only used an identifying number to distinguish one interview from another.

5. Results

The quotes presented are the most representative text (from audio taped and transcribed interviews) we could find to illustrate underlying trends and themes that appeared across the interviews. Sarah McGhee queried whether certain issues were present in the data, specifically:

A. Whether bar owners expanded their business by attracting more non-smokers—yes, as per quote on page 15 ("I have friends that don't smoke--those people would consciously not go to a bar where they knew there was going to be a lot of smoking. We probably had a return of those people.")

B. That smoking should not be “near the food” – we added a footnote to that quote because we agree, it is an extraordinary concern. (page 15)

C. The factor of fear of attention to other more heavily regulated/more extremely penalized areas (underage drinking, exceeding maximum capacity, or drug trafficking) that a smoking violation can draw – see quote page 16 ("And, it just doesn't make sense for me to allow anything that's illegal because the police will use that as a means to harass me.")
D. Reviewer Sarah McGhee advises us that the comments about Cal OSHA are parochial, so we have edited that section so that is shorter.
6. Discussion

A. As per Lucia Díez-Gañán and K. Reijula, we moved a majority of the Conclusions section into a newly inserted Discussion section.

B. As per Lucia Díez-Gañán, the discussion section now opens with a table of the main findings (p. 32).

C. Reviewers Lucia Díez-Gañán and Flora Tzelepis asked us to comment on various quantitative studies. However estimating the rate of compliance, public support for this law, the economic impact of the law, and the impact on patronage is beyond the scope of this project, which was a research study of the policy process to get bar owners to comply with a workers’ protection law.

Our findings, especially the testimony of the bar owners and the local enforcers, suggest that it is empirically difficult to estimate compliance. Researchers who used telephone survey methodology (Wingo et al. 2001) found that California bar owners of bars attached to restaurants self reported a smoking ban compliance rate of 90%. In this study, we interviewed bar owners who operated freestanding bars (12% of all bars in California). During interviews, when asked if they were in compliance with the smoking ban in bars, bar owners consistently gave the socially desirable response: they reported that they were in compliance with the law, even if the interview was taking place in their bar while patrons were smoking there at the time. It was only in response to follow up questions that bar owners elaborated that they were not in full compliance as compliance was legally defined. Our findings demonstrate the value of verifying brief closed-ended survey questions with in-depth open-ended interviews.

Other researchers have used site inspections to estimate compliance (Weber et al. 2003). In the three years after the law took effect, site inspectors visited bars in the county of Los Angeles. They observed that by 2002 freestanding bars were in compliance 76% of the time. Our findings suggest that this could be a slight overestimate given the strategy of “modified compliance” that we found in this study – that is, that bar owners discouraged smoking during the workweek of local enforcement agents – 9 am to 5 pm Monday to Friday. In addition, bar owners in our study reported organizing phone trees to alert neighbors when inspectors were in their area.

Yet other researchers have taken individual bar workers, rather than bars, as their unit of analysis. Eisner et al. (1998) assessed the respiratory health of San Francisco bartenders before and after the smoking ban in California bars. They found that after the implementation of the law, the bartenders’ respiratory health improved rapidly. Researchers in Ireland, Northern Ireland, and New York City have
also used the bartender as unit of analysis and have found that in general, bar workers’ exposure to smoke decreases after enactment of a smoking ban (Allwright et al. 2005; Farrelly et al. 2005; Mulcahy et al. 2005).

In sum, getting a valid quantitative estimate of compliance poses challenges. However, the convergence of different studies using different methodological approaches seems to indicate that after the implementation of a smoking bans in bars, over time the level of smoke in bars decreases as well as the bar workers’ exposure to smoke.

D. Reviewer Sarah McGhee asked us to reconsider, “A popular advocacy position is that local discretion is good, desirable, and effective…” We have reworded this sentence and attached references (p. 34).

E. Reviewers Lucia Díez-Gañán, Flora Tzelepis, and K. Reijula encourage us to state the limitation of our low response rates. We have added this after the discussion section (p. 35).

7. Miscellaneous: Reviewer Lucia Díez-Gañán did not have page numbers because we formatted the article for the British A4 paper. We reformatted the manuscript for shorter paper, and the page numbers should now be visible for all.

We hope that these changes and explanations satisfy the concerns and comments of the peer reviewers. Again, we thank you for this opportunity to improve our manuscript.

Sincerely,

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Amer Society of Law, Medicine & Ethics

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