

Messages in Opposition to the Ban Submitted Online via Actnow.io/keywest

In total, 52 people have submitted 252 messages to the Key West City Commissioners. These are the customized messages from Key West residents:

From Alexandra Durso, Key West, 33040

As a student at Key West High, I am very concerned about my skin. In Key West it seems every other person is developing skin cancer. I've had teachers, family, and even friends of mine, as young as I, develop melanoma.

The risk of getting skin damage, such as a sunburn, is so high here. This risk keeps me, and others, unable to leave the house without some kind of sun protection. I have one friend so sensitive to the sun, that him being outside for 30 minutes or more results in a painful sunburn.

Personally, I wear sunscreen every time I go outside. The idea of going outside without sun protection in this climate baffles me. I would rather not risk getting a sunburn while waiting for a ride home, or going on an outing with my friends.

So, if you couldn't tell, I am very passionate about this topic. Banning these ingredients, and making sunscreen harder to find would be almost devastating to Key West citizens.

From Colton Hannah, East Rockland Key, 33040:

If people want to buy it just let them.

I'm asking you to reject a ban on sunscreen ingredients so that I can continue to use the formulas that I prefer and rely on for skin protection.

From Steve McBride, East Rockland Key, 33040

Please don't make it harder for me to buy my favorite sunscreen! I recently learned that you are considering an ordinance that would ban certain sunscreen ingredients.

I'm asking you to reject a ban on sunscreen ingredients som that I can continue to use the formulas that I prefer and rely on for skin protection.

To Everyone Under the Sun in Key West:

In the midst of an epidemic rise in the rate of skin cancer in Florida and Monroe County, the Key West City Council is considering a ban of two important FDA-approved sunscreen ingredients, eliminating 7 out of 10 sunscreens currently available to protect against skin cancer causing UV rays.

We firmly oppose proposed ordinance 18-3253 and think, if passed, it will make it harder to prevent skin cancer, interfere with the practice of medicine and may create significant harm to public health.

Decades of science and published studies confirm that regular sunscreen use reduces skin cancer risk. That's why Florida dermatologists are joining with public health advocates and citizens to express concerns about Key West's proposed ordinance.

This ordinance would require that the citizens of Key West seek a prescription to obtain sunscreen. That could make sunscreens inaccessible for Key West's most vulnerable populations and would require Key West families to schedule additional doctor appointments to get a sunscreen prescription.

Florida has one of the highest skin cancer rates in the country. And in Monroe County, melanoma claims almost twice as many lives on average as elsewhere in Florida. Residents of Key West are exposed to an especially high UV index and therefore have an even greater risk of developing skin cancer than the average Floridian.

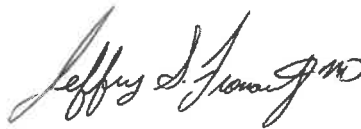
We strongly believe our legislators must prioritize skin cancer protection.

We care about the health of our coral reefs and understand that well-intentioned local councilmembers want to do something to protect this precious resource. But in this case, that "something" is likely to cause harm to the people who live, work and play in the beautiful Key West community.

We the undersigned call on the Key West City Commission to Vote "NO" on this ordinance and protect the health of Key West residents and visitors.



Darel D. Pruett, DO
Key West, FL



Jeffrey Fromowitz, MD, FAAD
Boca Raton, FL



Darrell Rigel, MD, FAAD
New York, NY



Doris Day, MD
New York, NY



Andrew Weinstein, MD, MPH
Boynton Beach, FL



Terrence A. Cronin, Jr. MD
Melbourne, FL



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DERMATOLOGY | ASSOCIATION

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January 5, 2018

Key West City Commission
1300 White St.
Key West, FL 33040

Dear Members of the Key West City Commission:

On behalf of the more than 13,800 U.S. members of the American Academy of Dermatology Association (AADA), we write regarding Ordinance 18-3253, which would prohibit the sale and distribution in Key West of ultraviolet (UV) sun protection factor (SPF) sunscreen personal care products containing oxybenzone and/or octinoxate without a prescription. As dermatologists, we dedicate our lives to promoting habits in our patients that ensure healthy skin. UV radiation damages the skin's DNA, which is the beginning stage of skin cancer. We urge you to strongly consider the broad implications of banning sunscreens containing certain ingredients, and bear in mind the dangers of sun exposure without adequate protection that Key West residents and visitors may face.

Oxybenzone has been approved by the U.S. Food and Drug Administration (FDA) as safe for human use since 1978, making it one of the oldest active ingredients in use today. It is one of the few FDA-approved sunscreen ingredients that provides broad-spectrum protection from the sun's harmful UVA and UVB rays. UVA damages deeper layers of the skin and contributes to the development of melanoma, the deadliest form of skin cancer. UVB is the primary cause of sunburn and plays a key role in the development of skin cancer in the skin's more superficial layers. In addition, both types of rays can cause suppression of the immune system.¹

Unprotected sun exposure is the most preventable risk factor for skin cancer. According to current estimates, at least one in five Americans will develop skin cancer in their lifetime.^{2,3} Melanoma, the deadliest form of skin cancer, is now the second most common form of cancer for females aged 15-29 years old, and Caucasian men over 50 years of age are at a higher risk of developing melanoma than the general population.^{4,5,6} Florida is expected to rank second in the nation for rate

¹ Lim HW, James WD, Rigel DS, Maloney ME, Spencer JM, Bhushan R. Adverse effects of ultraviolet radiation from the use of indoor tanning equipment: time to ban the tan. *Journal of the American Academy of Dermatology*. 2011 Apr 30;64(4):e51-60.

² Stern RS. Prevalence of a history of skin cancer in 2007: results of an incidence-based model. *Arch Dermatol*. 2010 Mar;146(3):279-82.

³ Robinson JK. Sun Exposure, Sun Protection, and Vitamin D. *JAMA* 2005; 294: 1541-43.

⁴ Siegel RL, Miller KD, Jemal A. Cancer statistics, 2017. *CA Cancer J Clin*. 2017; 67:7-30.

⁵ Little EG, Eide MJ. Update on the current state of melanoma incidence. *Dermatol Clin*. 2012;30(3):355-61.

⁶ NAACCR Fast Stats: An interactive quick tool for quick access to key NAACCR cancer statistics. North American Association of Central Cancer Registries. <http://www.naacr.org/>. (Accessed on 3-10-2016).

Suzanne Oibright, MD, FAAD
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Marta J. Van Beek, MD, MPH, FAAD
Assistant Secretary-Treasurer

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of new melanoma cases, with 7,940 new cases of melanoma expected to be diagnosed in 2018.⁷ Further, the annual cost of treating nonmelanoma skin cancer in the U.S. is estimated at \$4.8 billion, while the average annual cost of treating melanoma is estimated at \$3.3 billion.⁸ Due to the prevalence of outdoor activities and latitude, a disproportionate amount of such costs is attributed to skin cancer cases in Florida.

To help prevent skin cancer, the AADA recommends a comprehensive sun protection plan that includes seeking shade; wearing protective clothing, including hats and sunglasses; and generously applying a broad-spectrum, water-resistant sunscreen with an SPF of 30 or higher to exposed skin. Those who are concerned about the reported effects of chemical sunscreen ingredients like oxybenzone and octinoxate can opt for a physical sunscreen containing the active ingredients zinc oxide or titanium dioxide.

Dermatologists have an interest in patient and public access to safe and effective sunscreen ingredients. The FDA is currently considering eight time-and-extent applications (TEAs) for new sunscreen ingredients to be added to the FDA over-the-counter (OTC) sunscreen monograph. This issue highlights the urgent need for new safe and effective ingredients to be introduced in the United States. With the approval of ingredients that utilize alternative UV filters available to sunscreen manufacturers, the public's health will be protected. AADA will continue to take part in the discussion with the FDA and manufacturers regarding adding new ingredients to the monograph.

Please consider the public safety consequences of removing access or attaching stigma to sunscreens containing certain ingredients. We request that the Commission give the FDA more time to add additional sunscreens for public use. We appreciate the opportunity to provide written comments on this important public health issue. For further information, please contact Lisa Albany, director of state policy for the AADA, at LAlbany@aad.org or (202) 712-2615.

Sincerely,



Suzanne Olbricht, MD, FAAD
President
American Academy of Dermatology Association

cc: Florida Society of Dermatology and Dermatologic Surgery

⁷ American Cancer Society. Cancer Facts and Figures 2018. <https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/annual-cancer-facts-and-figures/2018/cancer-facts-and-figures-2018.pdf>

⁸Guy GP, Machlin S, Ekwueme DU, Yabroff KR. Prevalence and costs of skin cancer treatment in the US, 2002–2006 and 2007–2011. *Am J Prev Med.* 2015;48:183–7

Commissioner Jimmy Weekly
Key West City Commission
District 1
City Hall
1300 White Street
Key West, FL 33040

RE: Please OPPOSE a Key West Only Ban on FDA Approved Sunscreen

Dear Commissioner Weekly:

The Florida Chamber of Commerce believes we should support local businesses throughout the Sunshine State by advocating a consistent set of rules, regulations and ordinances for local businesses, their employees and the estimated 125+ million visitors that visit Florida each year. When a local proposal could result in confusion, unnecessary regulatory headaches and an inconsistent experience for visitors, residents, and job creators, the Florida Chamber urges caution and we generally oppose the concept of each city or county having contradictory rules from their neighboring city and/or county. After initial review, my team and I are concerned that a proposed ordinance currently under your consideration has the potential to harm both the economic and health interests of Floridians and those who visit Florida. Today, I am writing you asking you to oppose the "City of Key West only" ban on oxybenzone and octinoxate, two FDA-approved ingredients that appear in more than 70 percent of the sunscreens on shelves today.

Patchwork Regulatory Environment Hurts Local Businesses and Burdens Local Law Enforcement

With approximately 405 municipalities and 67 counties in Florida, the Florida Chamber has consistently opposed local actions that purposely, or inadvertently, create a patchwork of confusing or burdensome regulations under which businesses must navigate. For businesses that have multiple locations, operating in different localities means navigating the laws that come with each location. While some local regulations make sense, others that impact a local business's ability to do business across different locations are problematic. Having one statewide standard gives job creators certainty and consistency, which allows for a greater reinvestment into the business in the form of capital, equipment and more or better jobs. For businesses that sell sunscreen statewide, ingredient-by-ingredient restrictions across different municipality, county or regional lines pose an added compliance cost that distracts from the certainty and consistency that often leads to reinvestment and resultant economic and job growth. Furthermore, by passing more ordinances on residents and our vital visitor base, you are asking your Chief of Police and each law enforcement officer to issue citations to those local businesses offering products that are perfectly legal in every other jurisdiction in Florida and the entire Southeast. Protecting our coral reefs is vital, but this local burden seems more like solution in search of a problem than something that will help create good jobs and protect our environment.

Potential Impact on Visitors to Florida

This “City of Key West only” ban could also impact people visiting the Keys, and their knowledge that they can enjoy the sun and maintain access to the safe protection they are used to and look for. If we require businesses to provide different products city-by-city across Florida, what impact will that have on consumers’ trust in their favorite store when they can’t find the product at the Key West branch that they are used to picking up at the Miami branch? And if we force tour companies, bed and breakfasts, and mom and pop retailers into the role of sunscreen police, what sort of impact will that have on customer loyalty and the tourism revenue we need and want to continue to grow as a state? This proposed ban may give tourists and visitors just one more reason to look elsewhere on their next vacation.

Florida’s tourism industry is big business. On average, out-of-state visitors spend \$300 million per day in Florida. That’s around \$1,000 per visitor to Florida. The FloridaScorecard.org shows \$111.7 billion in visitor spending in 2016. Out-of-state visitors leave \$11.3 billion in state and local taxes – revenue that is used to fund education, health care and transportation needs in our communities. In absence of this state and local tax revenue generated by tourism, each Florida household would need to pay \$1,535 to maintain the current level of government services.

Public Health Concern

What’s more, businesses who depend on workers being outdoors – construction workers, mariners, fishermen, and so forth – will lose important health and safety protections that their employees depend on every day. Years upon years of validated science demonstrates that sunscreens and high SPF sunscreens are a key factor in preventing and reducing the risk of skin cancer. Restricting or banning the use of these ingredients not only restricts the choices available to sunbathers and vacationers, it also takes the choice of maximum health and safety away from hardworking Key West residents who have no choice but to work in the sun.

Conclusion

Florida is blessed with the natural gift of coral reefs, and we share the City Commission’s desire to protect them. They contribute to our vibrant economy, and draw visitors to Florida each year. While we understand the desire to take symbolic policy action, we cannot support policy that does so by creating a burdensome patchwork regulatory structure, endangers further tourism growth and puts employees and visitors alike at health risk.

I urge you to reject the current “City of Key West only” proposed sunscreen ordinance. By outlawing a federally and state approved product in one city, we begin a slippery slope of making Florida less competitive and safe for everyone.

My best,

Mark Wilson
President and CEO
Florida Chamber of Commerce

To whom it may concern:

I wish to state following regarding the proposal to ban sunscreen use by people in the waters around coral reef areas in Key West:

- 1) that climate change is the main threat to corals,
- 2) that sunscreen is unlikely to be a major player,
- 3) that UV is a known carcinogen and sunscreen provides protection (& oxybenzone happens to be a major player because it's one of the only filters that is broad-spectrum), and
- 4) that more study is needed before making policy changes that could impact human health without some certainty that it could help the coral.

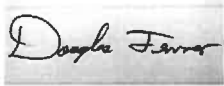
In particular, while there are a very wide range of threats to corals known, the number one threat currently and projected into the future is global warming. In fact, one paper (Brainard et al, 2013) published in a peer-reviewed journal has a list of stressors for corals from the strongest (global warming) to the weakest. Sunscreens are not even on that list. The list was for stressors of the world's corals. However, in a small, enclosed body of water with little or no circulation and very large numbers of tourists applying sunscreen it is conceivable that it might at least make the bottom of a list of stressors. However, I know of no scientific study that has documented a single wild coral dying from sunscreen while living in the ocean. On the other hand, the studies documenting coral death from high water temperatures are too numerous to count, and the numbers of corals that were documented to have died in those studies are basically uncountable, clearly in the billions or more.

The fact that ultraviolet rays from the sun cause skin cancer is well known, there are huge numbers of people who die from it, and there can be no doubt that if effective sunscreens are denied to people who want to get in the water and look at your coral, it would be an appropriate public health measure to ban people from getting into the water there. Perhaps they could wear full sets of clothes, but likely that won't be popular with the tourists which drive your economy.

I often point out to people that if you work in an emergency room and a patient comes in with a gunshot wound to the chest and a small scratch on the hand, and you work to treat the scratch but don't treat the bullet wound, you will lose your patient and be sued and lose your right to practice medicine. So far, sunscreen has not really even been shown to be the equivalent of a scratch on the hand for corals. But global warming has been shown to be the equivalent for corals of a gunshot wound to the chest. Scientists now estimate that if we continue business as usual, over 90% of the world's corals are likely to die from high temperatures, probably within 30 years, perhaps less. There are places in the world where 90% of the corals have already been killed by hot water from global warming. If you don't want to lose your coral reef tourism business, global warming is the real threat to that business. Even fishing does more damage to your coral reef ecosystem than sunscreen, unless you have completely banned fishing from your coral reefs.

Banning sunscreens is a feel-good exercise that will be highly ineffective.

Sincerely,



Douglas Fenner, Ph.D.

Coral reef expert with over 35 years of experience working on coral reefs around the world, and about 50 peer-reviewed scientific publications and book chapters, most on coral reefs, and one book on the corals of Hawaii. Resume available on request.

Coral Reef Consulting, American Samoa

Brainard, R.E., Weijerman, M., Eakin, C.M., McElhany, P., Miller, M.W., Patterson, M., Piniak, G.A., Dunlap, M.J., and Birkeland, C. 2013. Incorporating climate and ocean change into extinction risk assessments for 82 coral species. *Conservation Biology* 27: 1169-1178.

See Table 1 below from this peer-reviewed scientific article.

Table 1. Summary of proximate threats considered in assessing extinction risks to the 82 coral species petitioned for listing under the U.S. Endangered Species Act, ordered on the basis of the Coral Biological Review Team's estimate of the threat's importance for extinction risk.

<i>Scale</i>	<i>Proximate threat</i>	<i>Importance</i>
Global	ocean warming	high
Local	disease	high
Global	ocean acidification	medium-high
Local	reef fishing—trophic effects	medium
Local	sedimentation	low-medium
Local	nutrients	low-medium
Global	sea-level rise	low-medium
Local	toxins	low
Global	changing ocean circulation	low
Global	changing storm tracks and intensities	low
Local	predation	low
Local	reef fishing—habitat effects, destructive fishing practices	low
Local	ornamental trade	low
Local	natural physical damage	low
Local	human-induced physical damage	negligible-low
Local	aquatic invasive species	negligible-low
Local	salinity	negligible
Local	African/Asian dust	negligible
Global	changes in insolation	probably negligible



DR. DORIS DAY
DAY DERMATOLOGY AND AESTHETICS

Dear Mayor Johnston and the Commissioners of Key West,

We the undersigned – dermatologists on the front lines of skin cancer prevention and treatment – are writing to express our opposition to the proposed Ordinance 18-3253 to ban the sale of any “SPF sunscreen protection personal care product” with oxybenzone or octinoxate or both without a prescription due to claims of adverse consequences to coral reefs, and sea life.

We believe this ordinance would create unnecessary risk to public health with no benefit to the marine environment, especially when the science linking coral degradation and sunscreen is unclear. While the threat to the world’s coral reefs is a serious concern, expert assessment of the lab studies cited in the Key West ordinance show the methods were questionable and the data insufficient to draw factual conclusions about the impact on coral reefs. The consensus of global environmental institutions is that coral bleaching is due to global warming, ocean acidification and unsustainable fishing practices – not sunscreen¹.

As dermatologists, we know there are decades of science proving that sunscreens are a key factor in preventing skin cancer. Recent data from the EPA and the Florida Department of Health shows Florida has the highest rate of diagnosed skin cancers in the United States. Furthermore, in recent years, Monroe County has gone from having one of the lowest rates of skin cancer to being among the highest in the state². We are concerned this ordinance could put Key West residents and visitors at even greater risk for skin cancer.

As you may know, skin cancer is the most common form of cancer in the U.S., with more annual cases than breast, prostate, lung and colon cancers combined³. We know that effective sun protection is of paramount importance to public health, particularly in areas like Key West that has a high UV index throughout the year.⁴

Photostable broad spectrum sunscreens help protect skin from damaging UVA and UVB rays, known factors that contribute to premature skin aging and skin cancer. Currently, there are only nine FDA-approved, commonly used sun filters that can prevent these carcinogenic UV rays from damaging skin, including oxybenzone, which plays a critical role in absorbing UVB and short UVA rays. It works along with other filters to help prevent their deterioration under the sun. In fact, you cannot formulate effective, high-SPF, broad-spectrum sunscreens in the U.S. – the sunscreens with the greatest protection – without oxybenzone.

¹ National Oceanic and Atmospheric Administration’s (NOAA) - Coral Reef Conservation Program, Coral Threats; Available at: <https://coralreef.noaa.gov/issues/welcome.html>

² University of Miami Florida Cancer Data System, <https://fcds.med.miami.edu/scripts/fcdspubrates/production/doSelection.aspx?selection=map#>

³ Skin Cancer Facts & Statistics. *Skin Cancer Foundation*. <https://www.skincancer.org/skin-cancer-information/skin-cancer-facts>

⁴ Sun Safety Monthly Average UV Index. US EPA. <https://www.epa.gov/sunsafety/sun-safety-monthly-average-uv-index#tab-6>



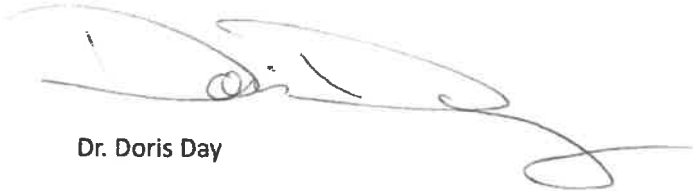
DR. DORIS DAY

DAY DERMATOLOGY AND AESTHETICS

Knowing that the majority of sunscreens on the market contain oxybenzone, we fear the proposed ordinance can further increase the risk of skin cancer in Key West by limiting preferred sun protection options, and discourage travelers from visiting a destination with so much to offer.

While we agree with the urgency to address coral degradation, we urge you to pursue public policy grounded in science, that will affect the true cause of coral degradation while ensuring access to effective sun protection for all residents of and visitors to Key West.

Sincerely,



Dr. Doris Day

Darrell S Rigel, MD MS
Clinical Professor of Dermatology
New York University Medical School

December 19, 2018

Dear Mayor Johnston and the Commissioners of Key West,

As a dermatologist who has been working on the front lines of melanoma prevention and treatment for nearly four decades, I am concerned and opposed to the proposed Ordinance 18-3253 to ban the sale of any "SPF sunscreen protection personal care product" with oxybenzone or octinoxate, without a prescription, due to claims of adverse consequences to coral reefs, and sea life.

Skin cancer is a major proven public health problem. Over 5 million newly diagnosed case of skin cancer will occur in the US in 2019 with Florida having one of the highest rates. Sunscreen usage is a major preventative measure for this cancer. There is a rich database of published studies confirming the ability of sunscreens to protect skin from harmful UV rays, the primary cause of preventable skin cancer. Numerous studies have demonstrated that the usage of sunscreen has a major protective effect from skin cancer thereby lowering the impact these cancers on people and decreasing healthcare costs.

In contrast, there is little definitive scientific research supporting concerns linking the use of sunscreens to any negative impact on coral reefs. While there is some laboratory evidence to suggest oxybenzone could possibly have negative environmental impacts, the experiments are not representative of real-world conditions, and thus the results cannot necessarily be extrapolated to natural reefs. In fact, there are no in-vivo studies that have shown oxybenzone to be directly causative in coral bleaching. Scientists around the globe believe that the most likely cause for the coral bleaching has occurred as a direct result of increased water temperatures from global warming¹ and microbial activity may also be contributing to effects in the Florida Keys.

Given that Florida has one of the highest rates of diagnosed skin cancers in the country, it is very concerning that the city council of Key West is considering a reduction of access to broad-spectrum sunscreen protection. If the proposed ordinance passes, only 30% of current sunscreens will be available to residents and visitors to Key West. Given these studies, this could lead to a potential increased future skin cancer risk for that region and visitors to the area.

Dermatologists know that the best sunscreen is the one that patients will use consistently. By decreasing access and availability of the majority of sunscreens on the market, the council may create unnecessary risk to human health with absolutely no predicted benefit to the marine environment.

I recognize the global problem of coral degradation and but implore the council to address the problem with strategies based in proven science, not theories posed by laboratory experiments not performed in real-world conditions.

I would be happy to discuss this with you further at your convenience. Thank you for your consideration of my comments and concerns.

Sincerely,

A handwritten signature in black ink that reads "Darrell Rigel". The signature is written in a cursive, flowing style.

Darrell S. Rigel, MD MS
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(c) 917 601 1233
Assistant Susan 212 685 3252

¹ Hughes TP, Kerry JY, Baird AH, et al. Global warming transforms coral reef assemblages. *Nature*. 2018;556(7702):492-296