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Proposal of Smoking Ban Stirs a Sense of Tolerance

By [ANEMONA HARTOCOLLIS](#)

We've come such a long way that in New York City, even many smokers feel guilty about smoking these days — if a walk through City Hall Park on Tuesday was any indication.

But what of the city health commissioner's proposal on Monday to ban smoking in public parks? In a city where people — tall, short, fat, thin, rich, poor, pregnant, stinky, perfumed — have turned peaceful coexistence in crowded quarters like subways and sidewalks into an art, there was a widespread feeling that public parks should also be a place of tolerance.

Banning smoking in bars, restaurants and workplaces is one thing, people said, but banning cigarettes in parks and on beaches might be going just a step too far — except near children — on the road to a nanny state.

"It's a real quandary," said Jared Hayley, 37, a nonsmoker who was reading the paper during a break from teaching English as an adjunct professor at nearby [Pace University](#). "This is a public space. What if somebody is eating a food that the odor is offensive to me?"

Asked about the proposed ban, Almash M. Bux, 53, an electronics technician, who was smoking to calm his nerves before an appointment for Section 8 housing, said, "I think that's very ridiculous."

"Where else are people going to go where they can enjoy themselves because it's free? Except the jail or the park, that's it," Mr. Bux said, sitting in the shade of sweet-smelling trees and bushes, a large fountain burbling 10 feet away. "Rich people, they go to the club."

The city's health commissioner, Thomas A. Farley, said Monday that he would seek to [ban smoking at city parks and beaches](#). On Tuesday, the proposal seemed to have roused many people's inner civil libertarian.

Not far from Mr. Bux, eight construction workers, hard hats in hand, sat in a row on several benches, talking. None of them were smoking, but they defended the right of others to do so.

"Pretty soon they're going to start charging us to breathe the air," said one of the workers, Emilio Cuomo.

"When I was smoking, they got rid of smoking in bars, and I thought that was great," Mr. Cuomo said.

"But parks?" a coworker, Sam Mele, said incredulously.

“What — are they talking about having a body-odor ticket?” Mr. Cuomo said. “I think they should do that.”

“Excessive perfume too, it’s a killer,” said Richie Skeans, another of the construction workers. “On a man or a woman.”

Patrick Langworthy, 26, who was sitting on a bench reading an espionage novel during a work break, said he sympathized with the goal of reducing smoking. But he added: “How do you regulate the air around you? Everyone has the freedom to be outside. I don’t understand how you can enforce that.”

Edward Dixon, 61, a marketing manager who does not smoke, said the proposal sounded awfully close to Prohibition, and, he added, look how well that worked. He imagined a future city in which people might be arrested for having nicotine-stained fingers. “Get out of the car!” he barked, enacting the scene.

Still, Mr. Dixon said he thought smoking should be prohibited near children, and some parkgoers suggested that a designated smoking area or benches in parks might be more reasonable than a ban.

In fact, smoking has been prohibited in playgrounds and at a small number of other enclosed outdoor areas, like pools and ice-skating rinks, since 1995, Jessica Scaperotti, a spokeswoman for the city’s Department of Health and Mental Hygiene, said Tuesday. A city law passed in 2002 has banned smoking in virtually all workplaces, including most bars.

Mayor [Michael R. Bloomberg](#) acknowledged on Tuesday that enforcement of a ban in parks might be hard, and suggested a nuanced approach.

“Look, nobody is more of a believer in saving lives and stopping smoking,” the mayor said during an event at [Columbia University](#) to promote tourism.

“The real issue is, if you’re sitting in the middle of Sheep Meadow and you’re the only one there, are you doing any damage to anybody other than killing yourself? Probably not.”

But Mr. Bloomberg said that in a crowded park, “yes, you are hurting other people.”

He also cited the “practical aspect” of enforcing such a law, saying that the police and park rangers already “have a lot of things to do.”

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