



**Kansas House Health & Human Services Committee
Joseph Levy, American Suntanning Association
House Bill 2435 - January 28, 2014**

Thank you, Mr. Chairman and members of the Committee. I am Joseph Levy, scientific advisor to the American Suntanning Association and executive director of the International Smart Tan Network, the training and educational institute for the North American sunbed community. For 21 years I have developed UV training materials for thousands of professional sunbed centers and state regulators and serve as our chief scientific liaison as a long-time member of the American Society for Photobiology.

ASA is here today to support this bill – but perhaps just as important, we are here today to work with you to restore some balance to the issue of sun care and how it is addressed by legislative bodies. In truth, the scientific community has both proponents of regular non-burning UV exposure and opponents. It is time for all parties to work together to deliver clear messages to the public.

Melanoma researcher and professor of dermatology Dr. Jonathon Rees from Newcastle University once wrote that discussion about UV exposure is an example of politics and science becoming tragically intertwined and that an amicable separation is required.

That's because melanoma is more common in INDOOR workers than it is in OUTDOOR workers, according to the World Health Organization. It is much more common in men than in women. It is increasing much faster in OLDER men than it is in younger women. And it's most common on parts of the body that DON'T get regular UV exposure.

Many proponents of restricting access to sunbeds have not effectively respected that crucial aspect of the science. It is part of the nuance of sun care that is missing in their overall campaign. And while we ALL agree on sunburn prevention, this important caveat about practical sun care is our biggest source of disagreement.

And that's the problem. That's what Rees was talking about.

And THAT's why research dermatologist Dr. Bernard Ackerman -- the man largely credited with founding the field of dermatopathology and who trained more dermatopathologists than anyone else on the planet -- spent his career calling for balance in sun care and in his last monograph he explicitly said that Smart Tan's position on melanoma is right. And he encouraged the American Cancer Society and the American Academy of Dermatology to reconsider their positions and to focus on sunburn prevention rather than encouraging people to over-use sunscreen indoors on cloudy days. Ackerman is considered by many to be the highest-decorated dermatologist in American history. And he promoted sunburn prevention - not sun avoidance - and that suntans are natural. And he's not alone.

That's why Dr. Sam Shuster, a British Professor of Dermatology, has written if you think a tan is "damage" to the skin you should tell that to Charles Darwin: That a tan is part of

nature's intended design to prevent sunburn. Calling it "damage" is like calling exercise "damage" to muscle tissue.

That's why IARC scientist Dr. Sara Gandini has done a meta-analysis of 60 studies showing clearly that the greatest risk factors for melanoma are having more than 40 moles, having red hair and a having family history of melanoma - and that these factors are far greater than any UV associations.

That's why melanoma researcher Dr. Arthur Rhodes, of the Rush University Medical Center in Chicago has written two reports suggesting that we need to focus on THOSE risk factors primarily – not on UV exposure.

That's why research dermatologist Dr. Richard Weller is now getting worldwide press with research suggesting that the benefits of regular non-burning sun exposure may be 80-to-1 what the alleged risks are, and that we need to re-think our approach to sun care. He used a sunbed to prove that UV exposure produces nitric oxide in the skin and lowers blood pressure.

That's why Boston University endocrinologist and worldwide vitamin D pioneer Dr. Michael Holick has published hundreds of papers and books preaching balance because UV exposure is the body's true natural source of vitamin D, and that most Americans don't get enough vitamin D today. There are 33,000 papers on that topic, by the way.

In other words: This ISN'T straightforward. Saying that UV exposure from any source is harmful and should be avoided is like saying that water causes drowning, and therefore we should avoid water. It misrepresents the complex and intended relationship that all living things have with UV light.

Professional sunbed salons are perfectly willing to teach that balanced message. And we do. With warning signs and consent forms that are already part of our standard protocol and which are accepted nationwide. We teach balance and responsibility in a CREDIBLE fashion - one that respects the intelligence of the consumer.

Think of a tanning salon like a public pool. Trained salon operators are the lifeguards at that pool. Our job is to use the best system in the world -- our FDA exposure schedules -- to help prevent sunburn.

What we'd ask you to consider is this: There are many other "pools" available to those who believe that non-burning sun exposure is a responsible choice. Home tanning units. Outdoor pools and backyards. And none of them have lifeguards.

But let's talk about our "pool" again. Many proponents of this bill have failed to disclose a very important caveat about research into the risk of sunbeds -- most of it does NOT actually study tanning salons. Fully HALF of the subjects in the WHO report -- the one they claim showed a 75 percent increase in melanoma risk for under-35 users -- HALF were home unit users or used sunbeds in dermatology offices to treat psoriasis. If you remove the home units and the dermatology units, 75 percent becomes just 6 percent. It's their own data. And I've supplied that to you.

Many proponents of this bill also have misused the word "carcinogen" as it relates to UV exposure and sunbeds and have failed to describe what it actually means to be a "level one carcinogen" according to the federal government and the World Health Organization.

They have said UV is in the same category as tobacco, arsenic and even plutonium to scare you. What they DIDN'T tell you is that, also in that same Level one category, are BIRTH CONTROL PILLS, salted fish, red wine, even sawdust and many other things we DO experience in our daily lives. What they didn't tell you is that, on that list of carcinogens, only ONE stands out as something every human on this planet NEEDS in order to live: UV light.

Comparing UV exposure to cigarettes? Many proponents of age-based restrictions for tanning have crossed the country in the past year stating that "Tanning device usage is as carcinogenic as cigarette smoking." As State Rep. Ed Henry said in a public health committee in Alabama to a dermatologist who said tanning was as dangerous as tobacco, "You don't walk outside and get TOBACCO naturally."

Professional sunbed centers in the U.S. today are trained to use FDA-created exposure schedules to gradually induce a suntan while minimizing the risk of sunburn. This is not a random procedure. Our market has strived to improve that protocol through constructive cooperation with state and federal regulators and, when that isn't present, through even more aggressive self-regulation. Combined, that differentiates us from most of the rest of the world where sunbeds are frequently used in unmonitored settings without trained operators to prevent sunburn.

Bottom line: This legislation is not a perfect solution to teaching teenagers proper sun care. We know this: If teenage access to sunbed salons is unnecessarily restricted, three out of every four teenagers who today use sunbeds in professional tanning centers with their parents' permission will purchase or use unregulated HOME tanning equipment and will simply tan more aggressively outdoors, leading to an INCREASE in injury.

Check EBAY or CRAIGSLIST yourself -- the units are out there. The unintended consequence of this bill is that it will create an underground, unregulated, uncontrolled "garage tanning industry" – home unit use will increase unchecked, and sunburn incidence will go up.

So this bill is not a perfect solution – I am here to support it, but we know there are many in the market who will oppose it because many families DO use sunbeds in salons before tropical vacations and that a tan, in combination with sunscreen usage, does help prevent sunburn better than sunscreen alone. That's why we think, moving forward, teaching sunburn prevention in the real world will be more important than ever. The way to do that, we feel, is teaching the risks of overexposure without telling teens that any tanning is like smoking. It isn't.

In conclusion, we are here to be part of the solution and to discuss this issue constructively and intelligently. The science clearly supports balance. So let's work TOGETHER to send a balanced message to this state and your constituents that sun care is serious business WITHOUT over-reaching and going beyond the data. We're willing to be a constructive player in that equation. I'm happy to take your questions.