

# The New York Times

August 14, 2006

## **Skin Cancer Is Up; Tanning Industry a Target**

By PAUL VITELLO

Copyright The New York Times

Even the most conscientious health officials cannot keep the sun from rising; so in response to an unexplained increase in skin cancer among young people, some have fixed their sights on a more governable suspect: the \$5 billion-a-year indoor tanning industry.

Since 2003, 19 states have passed laws restricting access to tanning salons among those under 18. State laws have been adopted in the past year in New York and New Jersey, as have local laws in Westchester, Nassau, Suffolk and Rockland Counties.

Though less stringent than some health advocates would like, the new legislation reflects a growing sense of alarm among public health organizations about unregulated use of tanning beds by young people, especially teenage girls.

In the last two years, the World Health Organization, the American Medical Association and the American Academy of Dermatology have labeled tanning beds as the health-peril equivalent of cigarettes. All have urged prohibiting their use by minors.

"If adults want to make the decision to use tanning beds, fine," said Dr. James M. Spencer, clinical professor of dermatology at the Mt. Sinai School of Medicine and a co-author of a 2004 paper published by the Academy of Dermatology proposing regulations to bar minors in tanning salons. "But we don't sell cigarettes to minors, and indoor tanning is similar — we know it will cause cancer. Not maybe. Not might. It's going to cause cancer. No one under 18 should be allowed to use those things."

There has been contradictory evidence about the relationship between skin cancer and ultraviolet light. In 2002, the federal government's National Toxicology Program listed broad-spectrum ultraviolet radiation, whether from sunlight or sun lamps, as a known cause of both melanoma and the less lethal forms of skin cancer in humans.

Some studies, however, including one conducted by the Food and Drug Administration's Working Group on Sunlamps, suggest a more ambiguous linkage.

The working group's study said that while it was suggestive of a link, the evidence that ultraviolet light causes skin cancer was inconclusive. And, while the reported incidence of skin cancer has been on the rise, some cancer researchers have suggested that greater vigilance in cancer screening may be part of the reason.

In response to the broadside against it by various medical organizations, the tanning industry has mounted a vigorous counteroffensive to persuade lawmakers to circumscribe the regulation of an industry that until recently was virtually free to serve clients of any age. Since 2001, the Indoor Tanning Association has retained the services of Akin, Gump, Strauss, Hauer & Feld, a Washington lobbying firm.

Claiming that 30 million people safely use tanning facilities each year in the United States, industry representatives have argued their case against age-limit bills in state capitols across the country.

"The dermatologists have been trying to link indoor tanning to skin cancer for 20 years, and there is no proof," said John Overstreet, executive director of the tanning association, which represents several thousand tanning parlor owners and equipment distributors nationally. "Melanoma takes years to develop," he said. "So for them to say that we are causing an increase in melanoma among young people — well, it's the opposite of the truth."

Melanoma, the most lethal form of skin cancer, claims an estimated 8,000 lives annually in the United States. It is the most common cancer in young women aged 25 to 29, according to recent dermatological studies.

Despite the lack of indisputable evidence of the cause, however, dermatologists have taken a hard line against tanning. They point to three intersecting reasons for concern — the rising number of melanomas being diagnosed, studies indicating possible links between melanomas and sunburning in early life, and the popularity of tanning among teenage girls — to support their proposal to bar those under 18 from indoor tanning parlors.

While it has been unable to stop a tide of new restrictions, the tanning lobby has consistently fought to limit outright prohibitions against serving minors, and so far, none of the laws ban all people under 18. Most set the minimum age requirement at 14.

"Personally, I don't think they go far enough," said Dr. Darrell S. Rigel, past president of the American Academy of Dermatology and a professor of dermatology at N.Y.U. Medical Center. "But there are 60,000 tanning salons in this country, and only 8,000 of us practicing dermatologists. So the reality is our proposals will get watered down."

The Texas Dermatological Association pushed for a bill to bar those under 18 from tanning salons, but settled for a law passed in 2001 that set the cutoff at 13.

"We wanted to have photos posted in every tanning parlor, showing the different types of skin cancer," said Dr. Shelley Sekula-Gibbs, who was then president of the Texas Dermatological Association and is now a member of the Houston City Council.

"That was shot down, too."

The new laws in New York and New Jersey, which ban all children under 14, are among the toughest in the nation. Only California's law is as strict. In Massachusetts, Texas, Tennessee, Illinois, Florida and Louisiana, for example, children under 14 are allowed to visit tanning salons accompanied by a parent. In Michigan, the statute only suggests parental consent.

"We're very grateful for the law passed in the New York State Legislature," said Colette Coyne of New Hyde Park, the mother of a 30-year-old woman who died of melanoma and one of a cadre of private citizens lobbying for restrictions around the country. "But in order to get these bills passed, you have to accept certain limits."

Mr. Overstreet, the industry lobbyist, traveled to Albany to meet with the sponsor of the New York bill, Senator Charles J. Fuschillo Jr., a Republican from Long Island. "He was very receptive to what we had to say," Mr. Overstreet said.

He said he made a pitch for what he termed "a parent's right to decide," and argued against any law that restricted it. "I contend that very few youngsters are using our facilities anyway, and that making these laws — there's no point to it," he said.

Mr. Fuschillo said he never considered a bill to bar all minors from tanning salons. He said no one suggested one, including Ms. Coyne, with whom he also met. "Our purpose was to protect children from excessive exposure to ultraviolet rays, not to put anybody out of business," he said.

In the suburbs around New York City, where a fad in indoor tanning has taken hold among children of high school age, local laws have been adopted during the past year in Nassau, Suffolk, Westchester and Rockland Counties that in some cases are slightly stricter than the state laws.

In Suffolk County, for example, the law passed in June prohibits anyone under 14 from using a tanning bed, just as the state law does, but adds the requirement that the parents of those 14 to 17 must sign a consent form in the presence of the tanning operator, renewable every six months.

"I was a high school teacher, and I remember sending one girl to the school nurse because her skin was so leathery I thought she had a condition of some sort," said Vivian Vilorio-Fisher, the Suffolk County legislator who sponsored the measure. "The nurse just said, 'Oh, she's just been tanning at a salon.'"

In Rockland County, after a heated debate involving lawmakers, industry representatives and local members of the American Cancer Society, the County Legislature passed one of the strictest laws in the country earlier this month. It bans children under 16 from using tanning beds. For 16- and 17-year-olds, a parent has to be present during the first session and then sign a consent form that must be renewed every month.

"This is one of the most obnoxious laws I ever saw," said one of the legislators, Patrick J. Moroney of Pearl River, during the public hearing on Aug. 1. "So a teenager

can have an abortion but not get a tan without her parent's consent?"

In the audience, a small group of owners and distributors softly applauded the remark. One of them, Louis DiGioia, who identified himself as a distributor of tanning beds, later addressed the lawmakers, saying, "What you're doing with this legislation is telling people how to raise their kids."

Alden H. Wolfe, the Suffern lawmaker who introduced the bill, said its intent was the opposite: "to put parents back into the equation."

Although various studies have shown steady increases in skin cancer, including melanoma, dermatologists are most troubled by a jump in its incidence among the young.

"The tanning industry will say there is no study that says if you go to tanning salons you will get cancer, and they're right; we're all exposed to sun from the day we're born," said Robin Ashinoff, the director of dermatologic Mohs and laser surgery at Hackensack University Medical Center in New Jersey. To her and other advocates, though, the possibility that using sunlamps increases the risk of skin cancer is enough reason to seek protections for children.

Representative Carolyn B. Maloney, a Democrat from New York City, has sponsored a bill requiring that a clearly legible sign be prominently posted on all tanning beds citing the National Toxicology Report listing of ultraviolet light as a known carcinogen. "In my view, this is a women's issue," she said. "It is women who are using these tanning facilities, and they who are the most at risk."

She cited a study by the American Academy of Dermatology last year indicating that Caucasian women between age 16 and 49 make up 70 percent of those who regularly visit tanning salons.

One such woman, Emily Konesky, 20, who lives near Buffalo and has been a regular indoor tanner from the age of 15, was found to have melanoma last year, three days after her 19th birthday.

"My friends and I started using tanning beds in our freshman year," she said. "There were always coupons for free visits circulating around the high school — 'bring a friend, get one free' — and by the time I was 16 I was going about three times a week."

Melanoma has occurred before in her extended family, and she suspects that there is a genetic factor in her illness. "But I never thought it would happen at 19," she said. "I can't help thinking there was a connection to my tanning."

Mr. Overstreet, the lobbyist, would disagree.

"There may be an increase in skin cancer," he said, "but there are many complex factors that could be involved, including climate change and the ozone. The fact is, medical science has no idea why there is an increase in skin cancer. No idea."

