



**Kansas Senate Public Health & Welfare Committee  
Joseph Levy, American Suntanning Association  
HB 2369 - Opposition Testimony  
March 15, 2016**

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 24 years I have developed UV training materials for thousands of professional sunbed centers and state regulators, including the Kansas Board of Cosmetology, and serve as our chief scientific liaison as a long-time member of the American Society for Photobiology.

The issue isn't whether or not we should educate teens and their parents — and everyone for that matter — of the risks of overexposure to UV from the sun or from a sunbed. We should. Everyone agrees on that. But what's the best way to go about that? Is it okay to overstate your case in order to promote an agenda? Does the end justify the means?

Professional sunbed salons are perfectly willing to teach a balanced message. And we do. With warning signs and informed 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. The issue is the manner in which proponents of this bill are bulldozing the science to advance their case.

Standard practice already in place in professional suntanning centers today:

- Parental consent forms signed in person in a salon for any tanner under the age of 18. The decision on whether or not a teen-aged client should be able to use a sunbed should remain with the parent or legal guardian.
- Informed consent forms for all clients, teaching sunburn prevention and the risks of overexposure to UV light from any source.

UV exposure is NOT an industrial chemical. UV exposure is an essential component of life. We would be dead without UV exposure. The key is balance. This is not tobacco or plutonium – exposure to which serves no function and only creates risk. The key to UV is balance. The proponents of this legislation are not respecting that balance.

Most importantly: The risks the proponents of this bill ascribe to sunbeds are NOT from studies that isolate professional tanning salons, but rather come from studies where many of those surveyed used HOME tanning units – which are not controlled by a professional operator and are therefore likely to lead to sunburns. It is the home units – and the use of sunbeds in dermatology offices – that lead to the most sunburn. Passage of this legislation would simply divert teens who wish to tan to home tanning units. This is not a solution. It will actually INCREASE risk.

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, according to the National Cancer Institute. 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 one of the highest-decorated dermatologists in American history. And he promoted sunburn prevention - not sun avoidance - and that suntans are natural.

When the man who FOUNDED the field of dermatopathology says we're right, you can't ignore our call to recognize the nuance of the suncare message. Ackerman's biggest concern was that the so-called studies that attempt to say sunbed users are at a higher risk aren't capable, by definition, of isolating usage of a sunbed by those who don't sunburn in a salon or outdoors. The studies are just SURVEYS, and they can't separate the responsible use of sunbeds in a non-burning fashion from those who sunburn in HOME tanning units or in medical units used to treat cosmetic skin conditions in doctors offices. 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 NOT UV related. Having more than 40 moles, having red hair and a having family history of melanoma are greater risk factors than any UV associations.

And Gandini's largest meta-analysis showed clearly that SUNBURN doubles one's risk of melanoma, but that chronic exposure may actually be protective. Again, outdoor workers get FEWER melanomas.

So let's talk about sunburn. According to the U.S. Center's for Disease Control and Prevention, 50 percent of Americans sunburn every year and -- related to our conversation here -- 83 percent of Americans 12-17 sunburn every year. Ask yourself this: If 5 out of 6 teenagers are burning every year, and that DOUBLES one's risk, how can any survey isolate the effects of non-burning exposure? It can't. And that's what the proponents of this bill aren't willing to acknowledge. That's the discussion that we need to have.

Again, the largest risk factors are having more than 40 moles, having red hair and having  
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 – or we miss the opportunity to teach those who are actually at the greatest risk – men over 50 with a family history of skin cancer and more than 40 moles on their bodies – that they are the ones with the biggest risk of melanoma.

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 more than 35,000 papers on that topic, by the way.

That's why the world's leading vitamin D researchers in 2015 held a conference and published a peer-reviewed paper to declare that regular UV exposure IS natural and intended, and that sun care needs to swing back to center.

That's why the same group conducted a survey this year and found that 98 percent of dermatologists say that UV light can be therapeutic and 30 percent of dermatologists actually REFER clients to sunbed salons.

In other words: This ISN'T straightforward. Saying that UV exposure from any source is harmful and should be avoided is like saying that drinking water causes drowning, and therefore we shouldn't drink water. It misrepresents the complex and intended relationship that life has with UV light.

There are many in the medical community, in the suntanning community and in the legislature today who will oppose this bill 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. NOTHING is like smoking.

In conclusion, we are here to be part of the solution and to discuss this issue constructively and intelligently. The science clearly supports balance. And I have respect for those who are here today in support of this bill. No one is saying those groups can't continue to promote their views. But viewed in totality, the science supports balance. And that's why parental consent should continue to be the standard in salons, and we will support any measure to bolster that standard.

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. I'm happy to talk about how professional salons are part of the solution moving forward in fighting sunburn and overexposure. I'm happy to take your questions.