

Congress of the United States
House of Representatives
Washington, DC 20515

February 3, 1993

**PROTECT PEOPLE FROM EXPOSURE TO SECONDHAND SMOKE
IN FEDERALLY-FUNDED CHILDREN'S PROGRAMS AND FEDERAL BUILDINGS**

Dear Colleague:

We would like to invite you to cosponsor legislation we have introduced (H.R. 710) to protect children from secondhand smoke while they are participating in federally-funded children's programs and to protect federal employees from secondhand smoke in the federal workplace.

On January 7, after an exhaustive multi-year study, the Environmental Protection Agency formally classified secondhand smoke (environmental tobacco smoke) as a Group A carcinogen. This classification is reserved for substances which are known to cause cancer in humans, and includes asbestos, benzene, and arsenic.

- EPA found that secondhand smoke is responsible for approximately 3,000 lung cancer deaths annually in U.S. nonsmokers.

In addition, EPA concluded that exposure to secondhand smoke is the source of a variety of illnesses in children. Exposure to secondhand smoke:

- Causes 150,000 to 300,000 lower respiratory tract infections such as bronchitis and pneumonia in young children each year.
- Causes additional episodes of asthma and increased severity of asthma symptoms in children who already have asthma.
- May be a risk factor for 8,000 to 26,000 new cases of asthma annually in children who would not otherwise become asthmatic.

Our legislation requires federally-funded children's programs to establish a nonsmoking policy limiting indoor smoking to areas of their facilities which are not normally used to serve the children and which are ventilated separately from the children's areas.

Smoking would also be prohibited in all buildings owned or leased by the executive, judicial, or legislative branches of the federal government, except in areas that are ventilated separately from the rest of the building. The accumulated evidence indicates that smoking should only be allowed if separately ventilated smoking areas are established, because otherwise the smoke will recirculate through the building's ventilation system directly into the rooms used by nonsmokers.

This legislation offers protection to children participating in the programs we fund, including Head Start, WIC, health care, day care, and education programs. It also protects the federal employees who count on us to provide them with a safe environment as they serve the American people.

We hope that you will join us in cosponsoring this measure to bring the smoking policies under our jurisdiction into conformity with the scientific and health findings of the EPA. A detailed summary of the bill appears on the reverse. To cosponsor, please have your staff contact Tom Faletti (Rep. Durbin) at x88271, Laura Winward (Rep. Hansen) at x80483, or David Prock (Rep. Mazzoli) at x33401.

Sincerely yours,


Richard Durbin


James Hansen


Robert Mazzoli

TICT 0004791

**The FHS-KIDS Act (Preventing Our Kids from Inhaling Deadly Smoke)
(H.R. 710, Introduced by Reps. Durbin, Hansen, and Mansell)**

SMOKING IN THE FEDERAL WORKPLACE

1. EPA shall develop, within 100 days, guidelines for instituting and enforcing a nonsmoking policy at each federal agency, which will prohibit smoking except in separately ventilated areas.
2. As soon as is practicable, the head of each Executive agency shall adopt a nonsmoking policy that meets the requirements of the EPA guidelines. The Director of the Administrative Office of the U.S. Courts shall adopt a nonsmoking policy for Judicial Branch buildings. The House Building Commission, the Senate Rules Committee, and the Architect of the Capitol shall adopt nonsmoking policies for Legislative Branch buildings.
3. The Administrator of the General Services Administration shall certify that each Executive agency's policy meets the requirements of the EPA guidelines.
4. Agency heads may publicly petition for a waiver, which may be granted if (1) unusual extenuating circumstances prevent enforcement and the agency establishes and enforces an alternative policy protecting individuals to the maximum extent possible, or (2) the agency establishes an alternative policy that provides protection equal to that of the EPA guidelines.
5. Agencies subject to collective bargaining agreements shall engage in collective bargaining to ensure implementation, and may exempt work areas for up to 1 year that are covered by a previous agreement permitting smoking.

SMOKING IN FEDERALLY-FUNDED CHILDREN'S PROGRAMS

6. Any entity using federal funds to provide health services to children under age 18 or to provide other services primarily to children under age 18 shall establish and make a good-faith effort to enforce a nonsmoking policy that prohibits smoking except in separately-ventilated areas, beginning with the first fiscal year after enactment.
7. Entities may petition the agency funding them for a waiver, which may be granted if the conditions in #4 are met. Entities subject to collective bargaining agreements that permit smoking may request a waiver of up to 1 year.
8. Entities that fail to establish or make a good-faith effort to enforce the nonsmoking requirement are subject to civil penalties of up to \$1,000 per violation per day, which would be assessed by the head of the agency that provided the federal funds, with an opportunity for a hearing. The agency head could reduce or waive the penalty and take into account mitigating factors and the violator's willingness to abide by the law in the future.

TECHNICAL ASSISTANCE AND OUTREACH ACTIVITIES

9. EPA and HHS shall provide technical assistance to agency heads and other persons who request it, including information on smoking cessation programs for employees and information to assist in compliance with this Act.
10. EPA shall establish an Environmental Tobacco Smoke Advisory Office and an outreach program to inform the public of the dangers of secondhand smoke, operate a telephone hotline, and provide information to those requesting it.

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