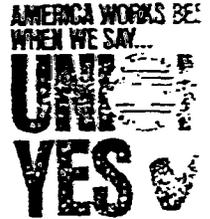




# MARYLAND STATE & D.C. AFL-CIO

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## Statement of

Maryland State and District of Columbia, AFL-CIO

Before the  
Maryland Occupational Safety and Health Advisory Board

Concerning  
Smoking Bans in Places of Employment

December 9, 1993

My name is Margareta A. Crampton here to represent the Maryland State and District of Columbia AFL-CIO. Our position is not tell any person or worker to smoke or not to smoke. That is not the question with this proposed Regulation.

Proposals to ban smoking in the workplace are also increasing. Unions are faced with legislation or unilaterally imposed employer policies that forbid smoking on the job and infringe on the rights of workers who smoke.

Unions have a legal responsibility to represent the interests of all their members--smokers and non-smokers. The AFL-CIO believes that issues related to smoking on the job can best be worked out voluntarily in individual workplaces between labor and management in a manner that protects the interests and rights of all workers and not by legislative mandate.

The AFL-CIO is committed to improving the working conditions and health of all our members. We urge our affiliated unions to continue their efforts to reduce workplace hazards and to provide voluntary assistance and education to workers who smoke as part of ongoing comprehensive programs to improve the health of union members.

The Maryland State and District of Columbia AFL-CIO is pleased that this Advisory Board is turning its attention to the Indoor Air Environment. However, after reviewing this proposed regulation, we have concluded that it does not adequately provide the protection working men and women need in the indoor work environment.

These objections are based on the following:

If the purpose of the proposed regulation is to protect the safety and health of workers in the indoor environment it misses 98 per cent of the problem and should be reconsidered to address the problem in a broader, more comprehensive manner. The average worker spends more than 90 per cent of his or her time indoors. Given this statistic, it is vital to look at the studies conducted by the National Institute of Occupational Safety and Health which reported that only 2% to 4% of indoor air quality problems could be traced to tobacco smoke.

Too many workers spend the better part of the workday exposed to potentially dangerous constituents, such as

formaldehyde-laden particle board, insulation foams and toxic glues. More importantly, NIOSH has found that nearly half the cases of sick building syndrome are caused by inadequately or improperly maintained ventilation systems. These findings argue for the need for a comprehensive "building systems" approach. Such an approach, which the national AFL-CIO is urging federal OSHA to adopt, would not rely on the nearly impossible task of assessing each possible contaminant in the workplace but focus on assuring workers that the overall environment is healthy.

Let me take one moment to further clarify this point. Exposure standards now exist for many of the chemicals found in the air in offices, including many of the constituent elements of tobacco smoke. But in offices, the levels workers are exposed to seldom reach the standards. Instead, because of bad ventilation systems, workers experienced long term, low level exposures, or exposures to combinations of chemicals whose effects are not clearly understood. Rather than try to set a zero exposure standard for each contaminant, a systems approach outlines contaminant control methods and mandates properly designed and maintained ventilation systems which broadly lower risk to workers.

Restricting a regulation to only tobacco smoke ignores the fact that many of our workers are dangerously exposed to a range of hazards and provides no relief to thousands of Maryland working men and women.

This raises two final points for the commission to consider.

At the initiative of the AFL-CIO, federal OSHA is preparing a standard on indoor air quality. Last year the agency accepted more than 1,200 responses to its request for information on the indoor air quality issue. Many of these submissions were from labor organizations and supported a ventilation systems approach rather than a constituent-by-constituent approach.

It is unclear what solution to indoor air quality federal OSHA will propose, but it could preempt a state OSHA standard on indoor air quality. Action by Maryland MOSH on a lesser standard would be premature and create a confusing--possibly even conflicting--approach to the problem. We believe this duplication should be avoided.

Further, we ask you to consider where MOSH has the resources to enforce the regulation as proposed. It would substitute the agency for the enforcement arms of all the counties and municipalities which currently enforce smoking restrictions. We believe this would fatally overburden the agency and discontinue safety inspections which would leave workers in even more dangerous situations, not to mention those members of the public.

We encourage this board to make a real difference for the health and safety of Maryland workers and to undertake a more comprehensive effort to address the entire scope of the indoor

air quality problems while respecting the rights of workers.

Finally, regarding smoking policy, this proposed regulation is an intrusion into the collective bargaining process. Office policies are best set when workers and managers agree on them. This proposed regulation is inflexible and denies the fact that different worksites require different regulations.

Thank you.

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