

TRENDS
CONSUMER ISSUES

Smoke Signals

Congress will soon have to decide again whether smoking should be allowed on flights.

When the Association of Flight Attendants (AFA) and several leading health organizations lobbied Congress two years ago for a smoking ban on all domestic airline flights Congress ultimately did what Congress does best: it compromised and banned smoking on all domestic flights of two hours or less.

All the lobbying and debating, though, is far from over, because the two-hour smoking ban expires next year, and AFA and other flight attendants unions have returned to Capitol Hill. This time, they want a permanent smoking ban on all domestic flights. Allies in the battle include the American Cancer Society, the American Heart Association, and the American Lung Association. Opposing the ban are the Tobacco Institute, two key senators from tobacco-producing states, and some air travelers who dread the thought of flying nonstop from New York to San Francisco without a cigarette.

For years, flight attendants have complained about inflight smoking. Representing 24,000 flight attendants at eighteen airlines, AFA contends that passive smoke on airliners can not only cause acute respiratory problems, but it can also trigger symptoms such as headaches, dizziness, and nausea. In 1986, three scientific reports gave medical credence to the flight attendants' complaints and urged that smoking be banned on airliners. One study was released by Surgeon General Koop; the others were performed by the National Academy of Sciences. The conclusions were similar: in the crowded confines of an airliner cabin, passive cigarette smoke can adversely affect the health of non-smokers. Largely as a result of such studies, Congress enacted a temporary two-hour smoking ban in 1987. To prevent smokers from surrepti-

tiously lighting up, all airplane lavatories are equipped with smoke alarms and automatic fire extinguishers in waste disposal receptacles. Since the new law took effect, only fifty-seven passengers have been charged with smoking in a restroom or tampering with smoke detectors. Only a few dozen air travelers have been cited for smoking elsewhere on nonsmoking flights.

**Ninety percent
of all air travelers
state a preference
for no smoking.**

But even with the two-hour ban, there are still, each day, over 460,000 U.S. air travelers flying aboard aircraft in which smoking occurs. And AFA and its health care allies are citing more recent health research to push for a permanent smoking ban on all domestic flights. According to a February 1989 study published in the *Journal of the American Medical Association*, no effective separation exists between the smoking and nonsmoking sections of airliners. Plus, the number of cigarettes smoked, air flow patterns, and the percentage of recirculated air in cabins are far greater determinants of exposure to passive smoke than the location of passenger seats.

For air travelers who are especially sensitive to cigarette smoke, newer aircraft offer less relief than older jets. On a 727, for example, the ventilation system circulates 100 percent fresh air. But in order to conserve fuel, newer airliners such as the 767 disperse 50 percent fresh air and 50 percent recirculated air, which includes the tars, nicotine, carbon monoxide, and other toxic



Senator Wendell Ford (D-KY)



Senator Orrin Hatch (R-UT) supports the ban on inflight smoking.

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substances from burning cigarettes.

Last April, AFA and anti-smoking health organizations launched a lobbying blitz on Capitol Hill. At that time, five separate bills relating to smoking on airliners had been introduced in the 101st Congress. Three bills call for a total smoking ban, one calls for making the two-hour smoking ban permanent, and another, introduced by Representative James Scheuer (D-NY), would extend the two-hour ban to three hours in 1990 and four hours in 1991. The latter bill is endorsed by groups such as the Airline Passengers Association, which favors a transition period during which addicted smokers can adjust to bans of greater duration.

Predictably, the Tobacco Institute insists all such legislation is unnecessary. According to the cigarette lobby, the existing two-year ban is only a "test" and should not be changed before the results are evaluated. At the very least, says the bills' opponent, lawmakers should withhold action until the Department of Transportation completes in early 1990 its three-part study on the effects of smoking on air travelers' health.

Meanwhile, the anti-smoking groups insist that Congress must take action in 1989 to ensure that the existing ban doesn't lapse on April 23, 1990. Groups such as AFA contend that airliner smoking bans have

widespread support from passengers. They cite a recent study by the International Foundation of Airline Passengers Associations, which shows that 60 percent of smokers support the two-hour ban. A poll conducted by the American Medical Association found that even 40 percent of smokers favor a total ban on smoking. According to Northwest Airlines, 90 percent of all air travelers state a preference for sitting in the nonsmoking section.

Northwest is the only U.S. airline that bans smoking on all flights in North America. According to the carrier, passenger reaction to its smoke-free policy is overwhelmingly favorable, with praise outpacing complaints by a ratio of nine to one. Air Canada and Canadian Airlines International also prohibit smoking on North American flights. Other nations that ban smoking on domestic flights include Ireland, New Zealand, Great Britain, Finland, the Philippines, the Soviet Union, and Australia.

But despite the ever-shrinking size of smoking sections on U.S. airliners, no major carrier has yet to follow Northwest's lead. Carriers serving tobacco-producing states are worried about losing market share to rivals. They fear that giant conglomerates such as Philip Morris and RJR Nabisco might react to an isolated ban by boycotting the airline.

Unilateral bans are another matter. While the Air Transport Association supports a permanent two-hour ban, it also would not object to a total ban if Congress so decreed. Little wonder, since a domestic smoking ban would save the airlines money and generate less hassle. Ventilation filters and cabin interiors would require less cleaning. What's more, seat selection and passenger check-in could be greatly simplified. A smoking ban would also reduce the risk of inflight fires. According to an AFA poll, 75 percent of flight attendants have observed cigarette-related fires or hazardous situations on airliners.

Although support for a total smoking ban on domestic flights is strong in the House, 1990 may not be the year that such a bill gets passed. The chairmen of the Senate commerce committee and aviation subcommittee are both from tobacco-producing states—Senator Ernest Hollings (D-SC) and Senator Wendell Ford (D-KY), respectively—and neither favors restrictions on airline smoking. What's more, as much as AFA and its allies in the health care field would like to see a total smoking ban on domestic flights, privately they concede that they may have to accept yet another compromise: most likely, new legislation that makes the two-hour ban permanent.

—David Marindale

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Anti-smokers get fired up



By Sam Ward USA TODAY

COVER STORY

Workplaces become new battleground

EPA's new report gives movement ammunition; in-flight ban debated, 2A

By Tim Friend and Lisa Collins USA TODAY

A new anti-smoking militancy is growing in the workplace — and it's using an EPA report out this week as ammunition for the battle.

A flood of lawsuits is expected to try and ban indoor smoking after the EPA reported that "passive" smoke from tobacco presents a health hazard to workers and others.

The Environmental Protection Agency report — branding such smoke "a major source of indoor air pollution" — is only the first shot in the government's information on the actual health risk to nonsmokers. A more comprehensive risk assessment is expected by year's end.

The individual battles are already being fought. Anna Carroll, 48, of Alexandria, Va., sued her employer, the Tennessee Valley Authority, in July 1987. She was diagnosed in 1985 with emphysema though she has never smoked. Carroll says she tried for three years to get the authority to ban smoking.

"My bosses didn't take me seriously. People thought I was crazy for claiming secondary smoke was making me sick," says Carroll. She won workers' compensation from the Labor Department, which paid doctors' bills, and settled with TVA when it agreed to ban smoking in May 1988.

Her story is being repeated because bans and restrictions are still so new there's scant basis for tracking trends or reaction to new medical information.

But the course is clear:

► An American Society for Personnel Administration survey of 623 members in late 1987 showed 54 percent of member companies had smoking restriction policies, up from 38 percent in 1986.

► 71 percent of the firms said company concerns about employee health and comfort prompted their policies; 54 percent cited employee complaints; and 39 percent said a state or local law was at least one reason.

► The number of companies that had all smoking at work doubled from 6 percent to 12 percent between 1986 and 1987.

► Various surveys estimate 1 percent to 6 percent of employers refuse to hire smokers.

But businesses are concerned that the EPA report will encourage lawsuits and higher insurance rates.

"The new information about risks will fan the fires of possible litigation," says Anita L. Allen, a Georgetown University law expert.

California Microwave Inc., of Sunnyvale, began restricting smoking in 1986, but is still worried that smokers and nonsmokers will assert conflicting rights.

"We have been discussing installing a ventilation system," says personnel manager Pamela Walls, "and the EPA report will make us think harder about that. We may want to meet with legal counsel to see if we're vulnerable to being sued."

The passive smoking issue began to gather steam in the late 1970s. Donna Shimp was the pioneer.

In 1976, she sued her employer, New Jersey Bell Telephone Co., saying she was allergic to cigarette smoke. The court ruled the evidence was "clear and overwhelming" that cigarette smoke creates a health hazard "not merely to the smoker but to all those around her who must rely on the same air supply."

But scientific proof was lacking. Passive smoke was considered mostly a nuisance.

The most dramatic action was a temporary ban two years ago on airline flights of two hours or less. Hear-

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(Cont'd) ings on legislation to extend that ban open today in Congress.

The Tobacco Institute sees the EPA report as "scientifically unportable." Nonetheless, dozens of new studies show significant harmful effects, particularly on children.

A report by then-Surgeon General C. Everett Koop in 1986 concluded second-hand smoke was responsible for a "substantial number" of the more than 20,000 annual lung cancer deaths among nonsmokers.

Current estimates: Passive smoking results in 5,000 lung cancer deaths a year. Heart disease has been added to the list of dangers, with estimates as high as 32,000 deaths a year.

Those numbers remain controversial. A study funded by the Tobacco Institute estimates lung cancer deaths from passive smoking range from zero to 12.

The EPA's upcoming risk assessments may settle some of the dispute. Moreover, scientists now can measure exposure to tobacco smoke, which strengthens the EPA's case and bolsters smoking bans.

"The fact is, tobacco smoke in many restaurants, bars, offices and public buildings is still so prevalent that very few of us are truly non-smokers," says Bob Anstrud, director of EPA's indoor air office.

Tests measure chemicals left in the urine by inhaled nicotine. In some tests, they appeared in people who never thought they were exposed to tobacco smoke.

Insurance companies are vitally interested in the smoking issue. Many offer discounts of up to 30 percent for non-smokers. But passive smoking is still new to insurers.

Scott Taylor, group vice president of Safeco Life Insurance Co. of Seattle, says, "Common sense would tell you there is some validity to the claim that secondary smoke is hazardous. It probably has some merit but you don't run out and change your rates because of it."

Companies with large office staffs are most likely to ban smoking in at least some areas because workers share open offices.

Manufacturing companies are less likely to ban smoking because unions have negotiated the right to smoke at work into contracts.

But union contracts also are credited with banning smoking in state office buildings in New York, says David R. Rings, director of the state Occupational Safety and Health in Albany. The ban takes effect Aug. 1.

Rings says potential lawsuits were also a concern. Evolving case law "tends to indicate the employer has an obligation to provide a safe work environment. Failure to do so opens you up for deep-pockets litigation."

To ban airline smoking or not



By J. David Aka, UPI

BACKING A BAN: Debbie Corthell, who suffers from asthma, and husband Don take no-smoking flights — to avoid "inhaler time."

Panel to vote on permanency

By Lori Sharn and Chance Conner
USA TODAY

The political fight over smoking on planes is heating up.

"It will be bigger than the last battle," says Rep. Richard Durbin, D-Ill., chief architect of the current ban on flights of two hours or less. "We caught the tobacco lobby by surprise."

The current smoking ban expires in April 1990. But the House Aviation Subcommittee today holds a hearing on making that restriction permanent or banning smoking on all flights.

A total ban can't come soon enough for asthma sufferer Debbie Corthell of Denver. She has trouble just walking through a plane's smoking section.

"It would send me into a coughing spell," says Corthell. "Then it would be inhaler time."

She now makes certain all her flights are non-smoking.

The Tobacco Institute and many lawmakers from tobacco states don't want to rush. They ad-

vocate waiting until a Department of Transportation study is completed. Due in early 1990, the study will examine air samples for smoke and pollutants on 75 to 100 flights.

But Durbin says waiting for the DOT study — and then trying to push a bill through before the ban expires — is too risky.

An April survey shows more than 81 percent of travelers want the two-hour ban made permanent; 63 percent favor banning smoking on all flights.

Dave Breton of the Smoker's Rights Alliance challenges those results. His group collected more than 10,000 signatures on petitions seeking an end to restrictions.

"We've heard from thousands of people, non-smokers and smokers alike, who think it was fine the way it was," Breton says.

Herb Sanders of Mesa, Ariz. — catching a smoke between two flights — says he can go coast to coast without a cigarette.

"But," he says, "I think a total smoking ban would be tough on some smokers."

John F. Banzhaf III, law professor at George Washington University and executive director of Action on Smoking & Health — which sues on behalf of nonsmokers — says, "The EPA report gives us much stronger ammunition."

Philip Morris Cos. Inc. — parent company of cigarette maker Philip Morris USA — has a policy that if any of its 1,200 employees request to work in a smoke-free area, the com-

pany will either move them to a smoke-free office or make smokers use smokeless ashtrays.

Says Philip Morris spokesman Tom Ricks: "We are not recognizing that secondary smoke is hazardous by having this policy. We think that the research done on environmental tobacco smoke is flawed. But we do respect the wishes of our employees and think the issue can be worked out through common sense and courtesy."

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