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SAMUEL D. CHILCOTE, JR.
President

June 23, 1989

MEMORANDUM

To: The Members of the Executive Committee

From: Samuel D. Chilcote, Jr. *San*

Re: House Aviation Subcommittee Hearings on Smoking
Aboard Airliners

Summary

This marathon session, scheduled to commence at 10:00 a.m., did not begin until 12:40 p.m. and adjourned at 10:40 p.m. Interruptions for votes on the floor and for other business were frequent. As a result, Gray Robertson of ACVA Atlantic did not conduct his slide presentation until 7:45 p.m. Nonetheless, eight members of the subcommittee were present for part or all of his testimony, and follow-up questions made it clear that members were impressed.

Charlie Whitley and Dr. Larry Holcomb testified last, as scheduled, at 10:00 p.m. before five subcommittee members, including Chairman Oberstar (D-MN) and Rep. Clinger (R-PA) who were present virtually all day.

Chairman Oberstar clearly views this as a workplace issue. The panel of eight flight attendants and their representatives, citing chronic illness and urging an immediate and total ban, clearly had the chairman's attention, sympathy and support.

At the end, Chairman Oberstar announced that the subcommittee would act on an (unspecified) airline smoking ban bill "soon" after the Independence Day Recess (July 1-9).

Special thanks should be directed to Congressmen Lindsay Thomas (D-GA) and Tom DeLay (R-TX), who testified against smoking ban legislation, and to the following members of the subcommittee who asked good questions and supported the industry's position: Tim Valentine (D-NC), L.F. Payne (D-VA), Bob Clement (D-TN), Cass Ballenger (R-NC) and Mel Hancock (R-MO).

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Discussion

Yesterday's hearings were exhaustive. The tobacco industry, the Administration, flight attendants, a litany of anti-smoking groups and Members of Congress testified throughout the interruption-filled day.

Several subcommittee members, through their statements and questions, helped to make the case that it would be premature to act on legislation before the Department of Transportation (DOT) completes its cabin air quality study.

Several members of the subcommittee expressed concern that the DOT study would not be completed in time for Congress to give it full consideration and for subsequent legislative action to run its course before the April 23, 1990 "sunset" of the two-hour ban. In response to questions on this point, the Federal Aviation Administration (FAA) witness stated he felt it would be "reasonable" for the agency to exercise its regulatory authority to extend the two-hour ban for a period of time sufficient for Congress to consider the results of the study and act on legislation.

While media attendance at the hearings was heavy, coverage appears to have been affected by the delays and interruptions. Most reporters were unable to hear and record the testimony, opting instead to work from press materials being distributed and interviews with various witnesses.

Institute media relations staff were on hand during the day to promote our point of view. Gray Robertson's presentation was also promoted to reporters. While CNN's was the only network television camera at the hearings, satellite organizations (Cox, Gannett, Post-Newsweek, Group W) and USA Today-TV also covered the proceedings. Reporters conducted interviews with smoking ban proponents, The Institute's speakers and Gray Robertson. Print and radio coverage was highlighted by the Associated Press and CBS, ABC and Mutual Radio networks.

Press reports we have seen are very balanced, including both sides of the airline issue and featuring The Institute's and Gray Robertson's positions. Attached are two national AP stories. One, focusing solely on Robertson's testimony, reads: "An airline passenger is more likely to get sick from bacteria, fungi and viruses floating in the poorly ventilated air than from cigarette smoke, an expert on indoor air quality told Congress today." The other report provides balanced coverage of most aspects of the witnesses' testimony.

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A copy of The Institute's and Gray Robertson's press packages are attached, along with a witness list and statements available at the hearings.

Twenty-one of the 33 subcommittee members attended the session. In introducing the hearing, Chairman Oberstar indicated his support for an immediate smoking ban on all domestic flights. Due to the delays in starting the hearings, other subcommittee members were not permitted to read their opening statements.

The subcommittee was scheduled to take testimony from eight Members of Congress, but only six appeared. Four Members -- Sen. Lautenberg (D-NJ) and Reps. Young (D-FL), Gilman (D-IL) and Durbin -- testified in support of a total ban, arguing that the evidence on the harmful effects of ETS is clear, and that Congress does not need to wait for the DOT study. Reps. Torricelli (D-NJ) and Scheuer (D-NY), each of whom has introduced total ban legislation, did not appear as scheduled.

Reps. Lindsay Thomas (D-GA) and Tom DeLay (R-TX) testified that the subcommittee should not act before DOT completes the cabin air quality study. Both congressmen are members of the Appropriations Committee, which authorized and set the parameters of the DOT study. Rep. DeLay remained to answer questions and comment on the answers of his colleagues. He made several important and timely observations on opinions offered by those who support immediate action on a total ban.

The Administration was represented by four witnesses, none of whom took a position on the pending legislation. John Kern of the FAA described the agency's experience and records with respect to the two-hour ban. He indicated that the DOT study is proceeding apace and should be completed by January 1990.

Dr. Ron Davis, Director of the Office on Smoking and Health, summarized "the scientific evidence that involuntary smoking is harmful to health." Emphasizing that his testimony had been cleared by OMB and the White House, he concluded that "a ban on smoking on all commercial aircraft flights would result in greater protection of the health of airplane passengers and crew."

Eileen Claussen and Jim Repace of the Environmental Protection Agency (EPA) discussed the findings of ETS research conducted by EPA and others, and of the joint EPA-National Cancer Institute airliner study reported earlier this year in the Journal of the American Medical Association. Taking a page from the "Fact Sheet" EPA released this week, Claussen and Repace also

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emphasized that separation of smokers and nonsmokers does not prevent nonsmoker exposure to tobacco smoke, and that no amount of ventilation can eliminate tobacco smoke from an indoor environment.

A panel of flight attendants, providing moving anecdotal testimony, urged the subcommittee to take immediate action to enact a total ban and not to wait for the study. They were accompanied by a representative from Americans for Nonsmokers' Rights who echoed the call for a total ban. This panel was interrupted by a vote on the House floor and only a few subcommittee members were present for the testimony and the question-and-answer session that followed.

Gray Robertson followed the flight attendants and conducted his full 30-minute slide presentation on cabin air quality. Eight subcommittee members heard all or part of the presentation, which, on the basis of the question-and-answer session, seemed to spark considerable interest among the members. During the testimony of subsequent witnesses, several members referred to Robertson's presentation in posing questions.

Witnesses representing the Coalition on Smoking OR Health and the American Association for Respiratory Care endorsed an immediate total ban, citing likely health benefits and public support. A witness for the American Medical Association was scheduled to testify as part of this panel but did not remain through the delays and interruptions. His written testimony was included in the record.

John Banzhaf of Action on Smoking and Health and Ahron Leichtman of Citizens Against Tobacco Smoke also endorsed an immediate total ban, asserting that only the tobacco industry opposes such an action.

Charlie Whitley, representing The Institute, urged the subcommittee to defer action until DOT completes its study, emphasizing that DOT or FAA could extend the ban administratively to give Congress time to consider the study and proceed accordingly. He also urged subcommittee members to discount "generated" expressions of public opinion and to consider whether there truly is a groundswell of support for a total ban.

In his statement and in response to questions, Larry Holcomb described the details behind the "science" on ETS, the surface of which earlier witnesses had barely scratched. He urged the subcommittee to put ETS into perspective as a potential risk to health and to distinguish between comfort and health issues.

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The Air Transport Association did not testify but sent a letter to Chairman Oberstar outlining the airlines' position. ATA supports legislation to make permanent the two-hour ban and would not oppose total ban legislation. The airlines, however, do not want a ban to extend to international flights.

Similarly, the Smoker's Rights Alliance did not testify but sent a letter to Chairman Oberstar (with copies to all subcommittee members) transmitting petitions with the signatures of 15,155 individuals who support sunset of the two-hour ban. At Rep. Hancock's request, the letter and petitions will be made a part of the hearing record.

Attachments

SDC:jhl

cc: TI Senior Staff
Communications Committee

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