

TELECOPIER MESSAGE
FROM THE TOBACCO INSTITUTE

Telecopier Number: 202-457-9350



TO: Dennis Dyer
T.I., MA

FROM: Susan Stuntz
T.I., DC

DATE: 10-2-89 Number of Pages Following: 2

If you do not receive any of the pages properly please call Carey Van Scoyoc
800-424-9876 or (202) 457-4800 ext. 823 as soon as possible.

Thank you.

F.Y.I.

ti

SUSAN M. STUNTZ
Vice President
Public Affairs
THE TOBACCO INSTITUTE
202/457-9354 800/424-9876

Telecopy to Dennis Dyer:

David Wilhelm will be flying into Boston Thursday night, and will plan to accompany you that evening. He will call later in the week with flight times. He is trying to book rooms in the Park Plaza, but may be calling you about that as well if the Mass. State Fed. Convention makes room availability a problem.

sms
9/29/89

1875 I Street, N.W. Washington, D.C. 20006

TI17681750

Smoking

IN BOSTON, UNIONS DENOUNCE PLANNED BAN IN WORKPLACES

BOSTON – City councilors on Sept. 14 began debating an ordinance to ban smoking in some Boston workplaces, but the proposal encountered resistance from organized labor.

Under the proposed legislation, all city employers would be required to adopt smoking policies and to respond to complaints of non-smokers: "If an accommodation which is satisfactory to all affected nonsmoking employees cannot be reached in any given workplace, the preference and right of the nonsmoking employees to work in a healthy atmosphere free from the hazards of tobacco smoke shall prevail and the employer must prohibit all smoking in the workplace."

Employers would be prohibited from discriminating against workers who exercised their rights under the act.

Exempted from coverage would be private homes, offices rented by sole independent contractors, and tobacco stores. Penalties would range from \$50 to \$500 a day.

'Conceivably an Unfair Labor Practice'

Frank Gay, representing American Federation of State, County, and Municipal Employees Council 93, said the proposal "shuts us off" from negotiating about smoking and is "conceivably an unfair labor practice." Gay said the union now negotiates side agreements regarding smoking areas.

Joe Joyce, secretary-treasurer of the Greater Boston Labor Council, said the proposed ordinance "limits the elimination of contaminants in the air by banning the most obvious one, visible smoke." A comprehensive clean indoor air statute, pending in the state legislature (IPN, June 1, p. 1), is preferable to a workplace smoking ban, Joyce said.

Two months ago state legislators rejected a workplace smoking bill (H 5315) less stringent than the city proposal. At the urging of the Bakery and Tobacco Workers, the state AFL-CIO lobbied against the bill.

Ed Sweda, lobbyist for the Group Against Smoking Pollution (GASP) of Massachusetts, said the proposed ordinance is modeled after a 1986 Rhode Island measure and is similar to laws in effect in Los Angeles, New York, and San Francisco. Workplace smoking laws are in effect in all five other New England states and in 10 Massachusetts communities, he said.

Contending some employers "have taken the attitude that if the non-smoker doesn't like being exposed to tobacco smoke, he or she can simply go find another job elsewhere," Sweda said, "A non-smoker should never be forced to choose between maintaining one's job or keeping one's health intact."

Backers of the bill concede that it must be modified to have any chance of passage. Council member Maura Hennigan Casey suggested that the measure include an exemption for situations where a collective bargaining agreement is in place.

State, County, and Municipal Employees' Gay said "we need to have that to begin with" in any compromise. GASP's Sweda said he is "not opposed to reasonable exemptions to accommodate the concerns of organized labor."

Smoking bans have become common in state codes (IPN, July 13, p. 3). Smoking restrictions are becoming common as corporate policies also, although collective bargaining issues sometimes make the bans controversial (IPN, June 1, p. 8). □

Smoking

KENTUCKY AGENCY BUCKLES TO INDUSTRY PRESSURE, CRITICS SAY

LOUISVILLE, Ky. – Harry Cowherd, secretary of the Kentucky Cabinet for Human Resources, has declined to set an agencywide smoking policy, bucking national trends and, some critics say, buckling under to state tobacco interests.

Earlier this year a draft smoking policy by the University of Louisville was weakened after input from legislators.

A 1989 employee survey by the Human Resources Cabinet revealed that agency workers desired designation of specific smoking and non-smoking areas by almost two-to-one.

Pressure opposing the cabinet's attempt to set a smoking policy came from Rep. Clay Crupper (D), chairman of the Kentucky House Agricultural Committee, and other members of the state's Tobacco Task Force, said Brad Hughes, a cabinet representative.

"We don't live in an Alice-in-Wonderland world," Hughes said. He said Crupper has the clout to threaten funding of state agencies. "Every agency has to fight tooth and nail for every dollar they can get from the General Assembly," Hughes explained. "You pick and choose your battles."

Crupper said, "I haven't spoken to Dr. Cowherd" about the matter, although he acknowledged asking the University of Louisville to consider both sides in its draft smoking policy. The university's draft originally said rights of non-smokers would prevail when conflicts arose. The final policy opts for mediation to resolve disputes.

"If you're going to ban smoking, you shouldn't get any tax dollars," Crupper said.

Tobacco is big business in the state. Farmers are expected to produce nearly \$1 billion worth of the leaf this year. Tobacco provided 7,700 manufacturing jobs in 1985, producing almost \$2 billion in manufactured product shipments.

The Human Resources Cabinet's policy now calls for shop-by-shop determinations. "I would like to see this handled by employees within each work station . . . rather than to implement a cabinetwide policy," Cowherd said.

Barbara Phillips, assistant professor of medicine at the Pulmonary Medicine Department of the University of Kentucky's College of Medicine and chairperson of the Tobacco Free Young Kentuckians, said the cabinet's action represents "another example of economic concerns triumphing over health concerns within the state of Kentucky." Phillips said the state may be assuming liability for injury due to environmental smoke.

Phillips cited the most recent Centers for Disease Control morbidity and mortality report to show that Kentucky ranks first in number of years of potential life lost to cigarette smoking, third in lung cancer victims, and sixth in chronic obstructive lung disease caused chiefly by cigarette smoke.

She cited a 1983 state study to show how state resources are spent on tobacco use. Dr. Ward Hinds, with the cabinet's Department of Health Services, found that annually eight percent of the state's direct medical care costs – or nearly \$270 million – could be attributed to illnesses due to cigarette smoking. According to Phillips, the Hinds study showed an additional \$435 million spent that year on indirect costs linked to tobacco – productivity losses and expenses. □