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Panel One:† Congressman Charlie Rose (D-NC) opened his remarks by telling the Board that many Members have "serious problems" with the proposed rules and will appear on February 27. Rose said that people who would change reasonable rules already in place "have strange notions about public freedoms" and how people run their lives. Rose asked the Board to consider the safety problems caused by a smoking ban on flights of 2 hours or less because people would go to the lavatory to smoke. When asked by the Board how he feels about a ban on flights of one hour, Rose asked, "Why draw the line there?" He said that to ban smoking on aircrafts is "a foot in the door" toward banning smoking everywhere.

A member of Congressman Robert J. Mrazek's (D-NY) staff said Mrazek supports the "strictest ban" on smoking in aircraft because of the health risks associated with smoking.

Panel Two: A representative of the Air Transport Association (ATA) testified that the ATA does not believe the regulations are needed. As the "party in the middle," the carriers want to provide reasonable accomodation to both smoking and nonsmoking passengers. She questioned the wisdom of the Board's consideration of revised regulations in view of CAB sunset at the end of the year. The ATA maintains that aircraft ventilation systems are adequate and that exposure to cigarette smoking by nonsmoking passengers does not present health problems.

John Banzhof of ASH (Action on Smoking and Health) testified that smoking on airlines causes serious, documented health problems for many passengers and it is therefore both necessary and appropriate to limit smoking wherever feasible. Banzhof supports a ban on flights of 2 hours or less because he believes that airlines could avoid a ban on flights of one hour or less by adding a few minutes to the flight. Banzhof discussed the inadequacies of airline ventilation systems, that smoking is a major fire hazard aboard aircraft, and the health risks created by the crew inhaling cigarette smoke.

Banzhof claims that the Tobacco Institute's survey, which found that the majority of airline passengers are satisfied with the existing arrangements, does not provide a basis for the CAB not to act on the proposals. He told the Board that three recent independent surveys conducted by Midway Airlines, Air Alaska, and Newsweek demonstrate that airline passengers "overwhelmingly prefer a total smoking ban, at least on short flights."

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Calvin Davison, representing the Regional Airline Association (RAA), told the Board that the arrangement of smoking preferences should be governed by the marketplace and that any further regulations should be based solely on smoking and health issues. The RAA believes that health evidence does not support a ban on smoking aboard aircraft. He said that there is no basis for more stringent regulations on small aircraft than large aircraft because the data supports the position that ventilation aboard small aircraft is at least as good as on larger planes.

Richard Kingham and Judith Hope, counsel representing The Tobacco Institute, urged rejection of the pending proposals which are not supported by public demand or health or safety considerations, and because the proposals infringe on consumers rights. The matter should be decided by the marketplace, Kingham said. Surveys indicate that smoking is not a major problem aboard aircraft and that passengers are satisfied with the current situation. Professor Sterling discussed the unfounded health claims regarding the health risks associated with ambient cigarette smoke.

Dr. Charles Tate reviewed the health risks associated with smoking (e.g., heart attacks, sudden death, cancer, emphysema, and stroke). He showed a slide show. His manner of delivery--much like a roadside medicine man--had the press and others laughing and rolling their eyes.

Following the panel's presentation, Chairman Don McKinnon asked Banzhof if there is a right to smoke. Banzhof responded that smoking is not a right but a privilege and a form of pollution that needs to be regulated when the rights of others are infringed.

Panel Three: U.S. Air opposes further regulation of smoking aboard aircraft. The pending revisions would upset the delicate balance that currently exists between smokers and nonsmokers. Frank Cotter told the Board that no party to this proceeding has provided any evidence as to why smoking should be banned on short flights rather than long flights. A ban on flights of one hour or less would create an administrative burden. Smoking would be allowed, for example, on flights in one direction between 2 cities, but banned in the other direction, as well as on different segments of the same connecting flight. A ban could place U.S. Air at a disadvantage to Canadian carriers on U.S./Canada flights. A two hour ban would almost completely ban smoking on U.S. Air since 92 percent of U.S. Air's flight segments are 2 hours or less (55 percent are 1 hour or less).

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Mr. Don Denmark, a flight attendant for United Airlines, spoke of the impact ambient cigarette smoke has on flight attendants. He related several personal horror stories.

Patricia Young and Heather McDowell, flight attendants, support a two hour ban. They discussed the frequent fires aboard aircraft due to smoking and the health problems flight attendants experience in smoke-filled cabins. Alinka Sullivan, representing The Pilots Wives Association, favors a smoking ban on flights of 2 hours or less.

Captain James Murphree, an airline pilot, said, "If smoking will kill you, why put up with it?" He said that cigarette smoke burns his eyes when he is attempting to pilot a plane. At one point he said, "When you have got a tube filled with 150 people and you feed them booze there is no telling what they will do." He said he is a former pilot for RJR.

Dorothy Doyle, an Air Florida flight attendant, opposes the proposals. Ms. Doyle said that enactment of a smoking ban would be disruptive, unsafe and unenforceable.

Panel Four: Captain Fulton, an Eastern pilot, favors a ban on smoking on flights of 2 hours or less because of safety (e.g., fires) and health reasons (e.g., the ventilation systems on newer aircrafts recirculate air, thereby posing an even greater problem due to contaminated air).

Bob Kneisley, of Southwest Airlines, opposes any of the proposed changes to the smoking rules, particularly a 1 hour or 2 hour smoking ban. Such a rule would effectively ban all smoking on Southwest Airlines, placing it at a competitive disadvantage. A demonstrated public need is required to initiate a smoking ban and Kneisley maintains the record does not show such a need. The CAB consumer complaint files indicate that smoking complaints are low and declining in number. The number of smoking complaints has declined from 422 (3.1% of all complaints received) in 1979 to 77 (2.2%) in 1983. Smoking consistently ranks last on Southwest's consumer survey, he said.

Representatives from Air Florida, Transamerica, and Air One testified in opposition to the proposed regulations, particularly the proposed ban on short flights. All of Air One's scheduled flights are less than two hours. If a ban is established, Air One believes it should be an industry wide ban on all flights. Eliot Kaplan of Air One said that of 13,000 responses received on passenger complaint cards, not one has dealt with smoking.

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Dr. Alan Blum represents "DOC", Doctors Ought to Care. He supports a ban on smoking on all flights of 2 hours or less. He discussed the effect of smoking on small children and pregnant women.

Ms. Rita Addison, representing GASP of Massachusetts, spoke in support of a smoking ban based on the present medical and scientific information regarding the known hazards of smoking.

Members of The Bakery, Confectionery and Tobacco Workers International Union appeared in opposition to the proposals, calling them unfair and unnecessary. The Tobacco Workers Union believes that the current arrangement is adequate and that a ban is not justified for health or safety reasons, nor does the public demand a ban.

Panel Five: Piedmont Airlines opposes a ban on smoking on short flights. Mr. Joseph Healy said that less than one-half of one-percent of passenger complaints are related to smoking. He called the existing regulations simple and workable.

The Association of Flight Attendants, the largest flight attendant union in the world, urged the CAB to prohibit smoking aboard aircraft unless the ventilation system is fully functional.

The Coalition on Smoking OR Health supports a smoking ban because it claims there is strong, mounting evidence that exposure to tobacco smoke is harmful to nonsmokers.

Terry Burns of the National Association of Tobacco Distributors (NATD) called the proposals unnecessary and unwarranted. The NATD believes that the existing rules relating to smoking aboard aircraft are adequate for the airlines and the flying public. The NATD believes that the proposed regulations are unlawful restraints of trade. Unless smoking itself is declared illegal, the NATD does not believe that the smoking public should be denied its right to enjoy smoking free from unreasonable harassment and interference. The NATD maintains that there is no reason to single out smoking as a unique problem aboard aircraft. "After all," said Burns, "passengers can order alcoholic drinks aboard aircraft and no one at the CAB has promulgated regulations prohibiting alcohol."

Chairman McKinnon called Burns' statement a "dire comment on the ability of smokers to control themselves."

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Panel Six: The Aviation Consumer Action Project supports a total ban on smoking aboard aircraft due to the associated health hazards, the annoyance and discomfort, and safety concerns resulting from inflight smoking.

Philip Schaenman addressed the fire safety issue of smoking aboard aircraft. He stated he was asked to review the issue for TI. He related that, since 1970, National Transportation Safety Board (NTSB) data indicate that there has been 42 serious fires aboard commercial aircraft, and none of these fires are related to smoking. He said that cigarette smoking is not a significant problem on domestic carriers because it is easily detectable except in lavatories where it could go undetected. Commissioner Diane Morales emphasized that the NTSB files do not include minor or potential fires.

The Association of Professional Flight Attendants supports an immediate ban on flights of 1 hour or less, with a subsequent ban on flights of 2 hours or less within six months.

The Food and Allied Service Trades opposes a ban on inflight smoking. John V. Harvey testified that cigarette smoke does not present a health hazard to nonsmoking passengers, nor are the changes justified because passengers are satisfied with the existing situation.

Panel Seven: Peter Myers, a lawyer and law professor at George Washington University in Washington, D.C., supports a ban on flights of 2 hours or less. While it is true that cigarette smoking is addictive in the sense that it is difficult to give it up, Myers said it is possible, however, for cigarette smokers to temporarily desist from smoking for an hour or two. He said nonsmokers are prevented from using aircraft lavatories because their sensitivity to cigarette smoke disallows them from walking through the smoking section.

Northern Virginia GASP urged the Board to strengthen the smoking regulation because of the health risks associated with "sidestream smoke."

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