

New York State Public Health Council  
Public Hearing - November 3, 1986

Ray Schuler - President, NY Business Council, Inc. (2:00-2:22)

- 3,300 member companies
- 200 Chambers of Commerce
- Group analyzes regulations
- Necessary, appropriate in scope
- Insufficient demonstration of needs
- Too inflexible, difficult to enforce
- Regulatory overkill
- History - Clean Indoor Act Bill: introduced 1976, Assembly passed 1979-1983 (not Senate action), Assembly defeated 1984-1986
- Voluntary, flexible, works better than government regulation
- What is extent of ETS problem - don't know
- Shouldn't set restrictions without this knowledge
- Big economic disruptions
- Regulations assume employers aren't addressing issue at all
- 60% of U.S. employers are addressing issue
- 8 of NY State's 9 largest employers have adopted smoking policies
- Meet needs of its employees
- Smoking %: 20% accountants, 50% mechanics (unworkable)
- Non-smokers - "New privileged class of employee"

Senator Tom Bartosiewicz (2:23-2:31)

- Strenuous objection to manner of handling issue
- Legislator has addressed
- Resent fact that legislators were never notified
- Meetings have been held since legislature adjourned
- Usurpation of legislative prerogative
- Wants to end meeting now - or
- Bartosiewicz will introduce bill to abolish NY State Health Council
- Timed hearing day before election
- Sat. 11/1 NY Post (quoted)
- Mon., 11/3 NY Daily News (quoted)
- Adjourn this meeting or will introduce bill to abolish PHC
- Dr. Sidel - Pete Grannis wants to proceed

Steve Cleary NY State AFL-CIO (2:35-2:39)

- 2.1 million AFL-CIO members in NY State
- Draft was for discussion (draft supposedly addressed Nassau County rules according to Codes Committee Chairman Dowling)

Dr. Marvin Khristyne - NY Committee on Smoking or Health 2:43-2:54

- Will protect non-smokers; fair & reasonable
- "Right to smoke is same as right to be a drunken driver"
- "Smoking is not an innocent enjoyment like chewing gum or eating candy"
- "Costs \$60 billion per year, death, pain, suffering in USA"
- "It's tobacco industry -vs- American people and smokers are innocent bystanders"
- "Increasing sign of smoking being socially unacceptable..."
- "Average smoker costs his employer \$1,000 per year"
- "Involuntary smoking research - children of smokers suffer child abuse"

Malcolm Fleisher - NY State Tobacco Dealers (2:54-3:02)

- Cigarette taxes \$437mm - annual taxes
- Lose M's of small business & jobs
- ?? that PHC will address this issue
- No proof ETS is a problem
- Beyond scope of non-elected official
- Present ETS information to state legislature to evaluate
- Prohibition lead to organized crime
- NY Times 10/14/86: Philip Grier

Bernard Green - Eastern Newstand (3:02-3:03)

- Pay heed to Mr. Fleisher's 10/20/86 letter. We have enough devisiveness.

George Elisophon, NY State Tobacco & Candy Distributors (3:03-3:08)

- "Pete Grannis is to tobacco as Hitler is to the Jews"
- 6,000 members - many minorities
- "Misguided do-gooders address because legislature didn't"

Fred Sampson - NY State Restaurant Association (3:08-3:10)

- 6,500 restaurants (total 30,000 restaurants in NY State)
- No consumer demand for non-smoking sections
- 1981 20%, 1985 21% had non-smoking sections
- Business responds because meet demand, not government intrusion (sugar substitutes, decaf coffee, etc)
- Proper ventilation means regs. not needed
- 70% set aside is burdensome - two waiting lines
- This is an emotional response for NY State Public Health Council
- Job-making, risk taking, tax-paying

John Rodway - United NY State Hotel & Motel Operations (3:10-3:18)

- Don't want 70% non-smoking law
- Operate own place
- Each owner establishes his own ambiance
- Government doesn't need to tell me how to run my business

Gene McKenna - Restaurant & Tavern Owners Assn. (3:18-3:23)

- "Don't want to be policeman in a lawless area"
- "Welfare keeps the body alive, but the spirit is long dead"
- Unenforceable law, defeats hope and justice

Alan Rigley - NY State Hotel & Motel Assn. (3:23-3:30)

- Market to tourists
- Impractical, unfeasible, unenforceable
- Threatens tourist & travel industry
- Tourists would select areas outside NY City & State
- "We satisfy real customer wants"
- Leisure, convention business will be uncompetitive
- Owners, workers, government will be hurt
- This regulation will deter business

Harold Melnick for Barry Feinstein, Local 237-Teamsters-150,000 workers (3:30-3:40)

- Peculiar administrative process to a serious issue
- Collective bargaining
- "We protect our workers and their health"
- Productivity and morale will be affected
- Undermines employee rights - will have management being the judge, jury, and executioner
- "Mandated worker sacrifice"
- "Lost productivity"
- 0 cigarettes = 4.3 days absent, 1-15 cigarettes = 2.7 days absent (professor from UCLA)
- Issue is serious

Rhonda - Group Against Smokers Pollution (3:40-3:48)

- NY State has not responded
- Nassau County businesses are doing well
- Gasp of NY - 5,000 members
- 50% non-smoking is same as chlorinating 1/2 swimming pool

Bob Schultz - NY State Assn. of Convention Bureaus (3:48-3:57)

- 12 Convention Bureaus in NY State
- Tourism 2nd largest industry in the state
- Tourism will be hurt a lot

Peter Wong - VP Chinest Restaurant Owner's Assn. (4:00-4:02)

- 16 years, struggle to make a living
- We don't have problems, don't create them now

Dennis Paperman - President (4:03-4:05)

- Brighton Beach Board of Trade (w/3 speakers who lived in Russia)
- Wanted to be free
- How do we differ from Communist Country?

Shirley Scoma - Chairman of Board of Major Company (4:05-4:10)

- Discriminatory
- 30 years ago, 80 people
- 100% employee owned

Speaker from Neighborhood Group (4:11-4:16)

- "Shades of Hitlerism"
- New Gestapo for businesses
- Unenforced laws cause disrespect

Robert Scicilia - Restaurant Owner (4:17-4:18)

Robert Hopp - Vice President Hopp Press Inc. (4:18-4:30)

Other Speakers - Two Bowler Groups (4:30)

Police Officer from Nassau County (4:30-4:35)

- Often called for violation of law
- 911 has been used for Nassau County smoking restrictions
- We police officers are tired of non-elected officials implementing frivolous, largely unenforceable laws

Evangelyn Binder - NY Chamber of Commerce (4:35-4:43)

- 1,700 NY City business
- Unnecessary burden, chaos in workplace
- Morale, inefficient productivity
- \*Trend: companies to adopt a policy based on the needs of their employees

Louis Rosali - NY Hispanic - Chamber of Commerce (4:44-4:48)

- Expensive
- Stores are basis for Hispanic lifestyle
- Smoking regs. disproportionate
- Smoking is freedom, subject to responsibility
- Legislative branch should address instead of Health Council
- This is not Democratic
- Overreaction
- Social matters should be left to the people

NY Bowling Congress (4:48-4:50)

- Non-smoker representation
- Bowling problems
- Mutual respect
- "I don't want the protection as a non-smoker to have smoke free air "if it interferes with friendships"

Joseph Roberts - Uptown Chamber of Commerce (4:50-4:51)

- Oppose

\*Dr. Sigrist - Bronxdale Tenates Assn. (4:51-4:57)

- His associates resent role as policemen
- His associates are afraid of fines, worried
- Unenforceable laws cause graft, racism, public nuisance; law difficult to enforce
- This regulation will lead to non-compliance with other regulations
- Must engender cooperation & trust
- If regulation are considered, must assess:
  1. Abridgement of personal freedom; therefore, must prove its need
  2. Enforcement must be considered
  3. Can't legislate healthy lifestyles; therefore, don't waste time on minor issues

Closed hearing at 4:58 p.m.