

January 27, 1988

MEMORANDUM

TO: Susan M. Stantz  
FROM: John Lyons *JL*  
RE: Views of Prospective Members of the Airline Working Group

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I contacted prospective members of the soon-to-be-launched airline working group and elicited their reactions to two questions:

1. Where is the airline smoking issue generally headed?
2. What would you do to ensure the scheduled sunset of the partial ban in 1990?

In answer to the first question, there appears to be a general consensus that the two-year smoking ban on flights of two hours or less is the first phase of a gradual movement toward a permanent and total ban on smoking aboard aircraft. There are some differences of opinion on the speed of this movement and on the forces behind it, but these differences seem to be a matter of degree and not of substance. In addition, there is general agreement that beyond some media interest in the initial implementation of the two-hour ban (and occasional interest in smoker-nonsmoker in-flight conflicts), the issue is "settled" and will remain quiet.

Besides the anticipated "It will be very tough to ensure sunset" reaction, the second question brought a wide range of responses held together by a common thread: To ensure sunset, the substantive debate must be kept alive and before the public, and flight attendants must become active in the effort to broaden the issue to one of indoor air quality. Another common response called for the mobilization of smokers' rights groups in an effort to pressure the airlines, DOT and Congress to return to the voluntary/segregation rules in effect since 1973.

The reactions of those surveyed follow. Prospective members of the working group are denoted by an \*.

FEDERAL RELATIONS DIVISION

Bob Lewis

If we do nothing during the next two years, we will lose the issue and could easily see a total ban. So far, Members of Congress have ignored our scientific arguments, and this is unlikely to change without a solid federal study.

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In the short term, we must comment on DOT's interim final rule implementing the two-hour ban, pointing out likely enforcement problems and the unfairness of relying on scheduled flight times in light of flight delays. We should work for the broadening of DOT's airline ETS study to encompass all aspects of cabin air quality. In this regard, we should seek to review and comment on the study protocol to ensure that potential methodological problems are identified and corrected before data collection begins.

Over the long run, we must educate a core group of legislators in both houses of Congress on the basic technical and operational issues (a la Holcomb/Robertson Palm Springs briefings). Also, Senate Aviation Subcommittee Chairman Ford did not perceive any constituent interest or pressure on this issue. This situation must be corrected if we want this issue handled by his jurisdictional committee. On the House side, Chairman Mineta has retained his interest in the issue, and has, in fact, pursued the matter of the documents underlying the 1986 Surgeon General's Report.

Rita O'Rourke\*

The issue is definitely headed for a total ban, and to be successful, we must alter public perceptions -- shared by legislators -- that ETS is hazardous, and that smoking in public is no longer socially acceptable behavior because of ETS hazardous.

In the context of the airline issue, the key to addressing the first perception is the DOT study, which must be expanded to deal with all cabin air quality issues. The airline industry, which is resisting expansion of the study, deserted us during the last summer's legislative fight and must be viewed as hostile to the sunset of the two-hour ban. To bring about expansion, we should try to focus flight attendants' interest on overall indoor air quality issues.

Dick White\*

To avoid a total ban and bring about the sunset, we must raise public awareness of the issue and educate Members of Congress about the scientific and political realities of the issues.

In raising public awareness, we should focus on fairness issues and individual freedom, and point to airline operational practices as the true problem to be addressed. If the DOT study

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remains purely one of ETS, we should "scream loud and long." If it is expanded, we must go with the "roll of the dice." Flight attendants are crucial to expanding the study; we must find a way to work with them.

Educating Members of Congress is a tough but vital process. The Holcomb/Robertson seminar may be the best approach to providing a substantive education on the scientific issues. Just as important, we must remind Members that the Durbin Amendment made a mockery of the legislative "process" and the House leadership, and that in the end Durbin himself did not vote for the bill containing his amendment.

#### STATE ACTIVITIES DIVISION

(In posing the questions to SAD, I focused primarily on generating interest and action among smokers.)

#### Bill Cannell

Over the years, we have had limited success in energizing smokers to participate in the legislative process. A perfect example is the Committee on Airline Passenger Rights. Rick Scanlon arranged to have the head of the New Jersey distributors' group, David Goldfarb, direct the "Committee." We put out a press release announcing the formation and purpose of the group, and sent Goldfarb 5 or 10 thousand flyers encouraging smokers to register their disagreement with the Lautenberg amendment. No follow-up was ever conducted -- we don't know whether the flyers were distributed or if they are still in a box on Goldfarb's floor.

If done properly (resources and lead time), such committees could work, but it may make more sense to try and work through existing smokers' rights groups.

#### Walter Woodson\*

TAN could be a useful tool in generating smoker interest in this issue, but TI has called on so many TAN members so many times that it may be difficult to get them to write to Congress, DOT or the airlines. We can only ask.

We should consider approaching the companies about using their smoker mailing lists as vehicles for sending out an "alert." This may be a more effective tactic than relying on TAN.

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#### PUBLIC AFFAIRS DIVISION

##### Brennan Moran\*

There is a lot we can do from a media relations standpoint to work toward the sunset. There is still a high level of media interest in the issue, particularly in the wake of the California law and the airlines' willingness to abide by it, the TWA New Year's incident, and the upcoming federal ban.

We are rapidly approaching a window of opportunity with respect to the federal ban. In March, April and May media interest will be at its greatest, peaking in late April. We should consider:

1. A "loud" media strategy, in which TI generates coverage of the issue using our standard arguments.
2. A "quiet" strategy, in which allies and indoor air quality experts seek to educate the media and the public on the broader issues.
3. A combination of "loud" and "quiet."

We should also consider providing some media assistance to third parties, such as smokers' rights organizations.

#### CONSULTANTS

##### Mike Forscey\*

The issue is definitely headed toward a total ban.

To ensure sunset, we must deal with the ETS health questions and annoyance issues by educating policymakers and legislators, by expanding the scope of the DOT study, and by ensuring that the study "gets done." We must affect the DOT-NAS relationship and their joint wish for a narrow study.

We must also "play off of everybody." We must put the airlines at risk of paying a high and stiff price for sitting out the process. However, we should not completely cut ourselves off from the airlines, and we should try to work with those airlines that are generally sympathetic to our position.

We should support other groups, particularly the flight attendants, on indoor air quality issues, but be prepared to take a walk at the "moment of truth" if the airlines come around. At the same time, we must persuade these other groups that they

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won't get a total ban, and that, in fact, the current ban is likely to be reduced to flights of one hour or less. The flight attendants are weak, but we must develop a working relationship with them if we are to succeed.

We must organize smokers who are angry about the new rules.

Procedurally, we must get Wendell Ford involved in this issue.

Mark Gerchick/Judy Hope\*

If there is no TI activity on this issue, the current two-hour ban will probably be expanded and made permanent. The issue is a public and government fait accompli and moving toward a total ban. DOT and most legislators want the issue simply to go away.

To bring about sunset, we should keep the issue alive by focusing on and publicizing enforcement problems (such as the TWA incident); by encouraging "grass roots" letters to airlines, DOT and Congress protesting the ban; and by seeking the establishment of a new DOT complaint category on the smoking law or rules.

We must also find a way to work with flight attendants and promote the discussion and study of broader cabin air quality and OSHA issues. This is the only way to change the political equation.

The airlines remain "wishy-washy;" they would prefer a total ban because it would be easier to administer. Despite their compliance, the airlines' support for the California law is rather soft. This, however, may be due to their belief that states do not have authority to regulate airline issues, rather than a belief that a smoking ban is unwarranted.

We need to show an economic impact to persuade both the airlines and policymakers that the ban has a price, but it will be very tough.

John Jarvis\*

The issue will go off the charts if we do not act. It is a fait accompli. There may be a little blip in April but otherwise the issue will be dormant until next year.

To ensure sunset, we should try to work with the flight attendants and pilots, and focus on overall cabin air quality and enforcement issues. We should consider working closely with Peter Trask and raising the visibility of ASHA.

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Jim Juliana\*

The consensus of the airlines is that they wish the issue would go away. They preferred the segregation rules, but the issue was never a high priority. In the absence of TI activity, the airlines will probably move toward a total ban if it would be manageable from an enforcement standpoint because there would be no economic disadvantage.

Toward sunset: We must continue to argue the safety and enforcement angles and try to work with flight attendants and pilots. They will have added enforcement responsibilities but are unlikely to be compensated for discharging them. This will bring on labor-management problems, and the unions are likely to make an issue of their added duties.

With respect to the DOT study, there is a "pretty good chance of getting some carriers not to oppose" enlarging the scope of the ETS study. Indeed, some may even support a broader study. ATA is working closely with DOT as the agency prepares the RFP for the study. In addition, there is significant support among certain elements within DOT for expansion of the study. We should seek ways of feeding useful technical information to them.

Rich Marcus\*

Initially, the two-hour ban will drive smokers crazy. We should therefore try to take advantage of their probable early, persistent outcry against the unfair rules. We should attempt to educate the media and smokers' rights groups about the inconvenience and unfairness of the "test" ban, and try to focus them on the fact that a workable situation -- segregation -- was removed.

If there is no outcry, we have big problems. Without smokers' complaints, legislators and policymakers will perceive the issue as merely one of health and comfort versus the tobacco industry.

Over the long run, we must keep the public debate alive by focusing on indoor air quality issues, coalition work (including the airlines, if appropriate), and the economic impact of the two-hour ban.

Assuming the results of the DOT study are favorable, we must give legislators/policymakers a "way out" by considering a compromise to deal with the annoyance (comfort) issue.

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Jim Savarese\*

If we don't press the issue, the two-hour ban won't sunset and will probably be expanded.

The only way to "win" is to broaden the issue to cabin air quality, and this requires a willingness to take on the airlines, because ultimately we must force the airlines to operate and maintain their ventilation systems properly. However, if we're not correct about the scientific and engineering issues, we will certainly lose.

Presently, the flight attendants are a considerable obstacle. For them, airline smoking is an OSHA issue. We should not expect them to press the indoor air quality arguments without prompting. We must find a reasonable and appropriate way to approach them. Linda Pucala is one possibility; another is her former subordinate Pam Casey, who was Secretary-Treasurer under Pucala.

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Susan:

We should discuss  
your plan for tomorrow's

2 p.m. meeting.

Let me know when  
it's convenient for

you. Thanks

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