

# THE TOBACCO INSTITUTE

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SAMUEL D. CHILCOTE, JR.  
President

March 15, 1994

*file  
TI  
Waxman*

## MEMORANDUM

To: The Members of the Executive Committee

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

On Thursday, March 17, at 10:00 a.m., the House Energy & Commerce Subcommittee on Health and the Environment will hold a hearing on H.R. 3434, a measure that would virtually ban public smoking nationwide. Rep. Henry Waxman (D-CA), the chairman of the subcommittee, is the sponsor of the bill. This is the second hearing on the proposal; an earlier hearing was held on February 7. Mr. Waxman will hold a mark-up on the bill next Tuesday, March 22.

The following individuals and groups are scheduled to testify in support of the measure:

Jason Evers of Benton Harbor, MI, a ten-year-old "victim" of ETS  
Richard M. Tooker, M.D., Chief Medical Officer and Examiner,  
Kalamazoo County, MI

Action on Smoking and Health  
American Academy of Pediatrics  
American Institute of Architects  
American Medical Association  
Building Owners and Managers Association  
Coalition on Smoking OR Health  
International Association of Fire Chiefs  
Merck & Co.  
National Council of Chain Restaurants  
National Fire Protection Association  
Rouse Company  
Southern California Edison  
Shopping Centers of Southwest Michigan  
Texas Medical Association

The following industry activity is being undertaken in preparation for the hearing:

### Witnesses

• Gray Robertson, President, Healthy Buildings International, will testify on indoor air quality matters. Robertson is prepared to counter claims by the Building Owners and Managers Association.

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- Chris Coggins, Ph.D., Principal Scientist, R.J. Reynolds Tobacco Company and a Board Certified Toxicologist, will discuss questions relating to ETS exposures.
- Rudy Cole, Former Executive Director of the Beverly Hills Restaurant Association, will testify on behalf of Restaurants for a Sensible Voluntary Policy (RSVP) on the negative economic impact of smoking bans and the "California" experience in general.
- W.W. "Biff" Naylor, President, American Restaurant Services, Inc. in Beverly Hills will testify on the negative economic impact of smoking bans using the "California" experience. Mr. Naylor is a past president of the California Restaurant Association and currently serves as Treasurer of the National Restaurant Association.
- H.A. "Andy" Divine, Ph.D, Professor and Director of the School of Hospitality Management & Tourism at the University of Denver, will speak on the negative impact on the hospitality industry.
- Martha Perskey, a smokers' rights advocate from Connecticut, has been invited by Rep. Bliley's office to testify.
- Former Member of Congress Charlie Whitley testified on behalf of the industry at the first hearing. He will not address the panel on March 17.

Legislative Activity

- Briefings with Members of Congress continue this week. We are encouraging subcommittee members to attend the hearing and ask questions on matters needing clarification. At his request, we have also made recommendations for an opening statement for Rep. Tom Bliley (R-VA), the ranking Republican on the subcommittee.
- Representatives from the AFL-CIO and the sheet metal workers' association (NEMI) are meeting with several Democratic Members of the subcommittee to discuss the bill.

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- As appropriate, TI and member company staff are discussing existing public smoking restrictions with subcommittee members to illustrate that H.R. 3434 is unnecessary. To further this effort, we have highlighted state and local smoking restrictions by individual states and congressional districts for subcommittee members. In addition, we have shared data on existing public smoking restrictions undertaken voluntarily by businesses.

Media Activity

- We are preparing press statements for TI and allied witnesses as requested. A copy of The Institute's press release is enclosed.
- TI's media relations team will be on-site at the hearing to promote interviews with witnesses who oppose H.R. 3434.

Please share any other ideas you might have to help ensure that we receive a fair hearing and responsible media coverage on March 17.

SDC:mrg

Enclosure

cc: The Members of the Management Committee  
TI Senior Staff

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