

**Regulation to Make Users of Tobacco Ineligible for Employment as New Florida Fire Fighters**

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1. **Is this regulation job-related?** Yes. Cigarette smoking reduces the endurance of fire fighters by substituting carbon monoxide for oxygen in the blood. Smoking also decreases endurance by promoting clogging of the coronary arteries, emphysema, and chronic bronchitis.
2. **Is being a non-smoker a condition of hiring for fire fighters in other states?** Yes. San Mateo, Monrovia CA; Wichita, KA; Alexandria, Fairfax County, Hampton & VA Beach VA; Janesville WI; the entire State of Massachusetts. The Oklahoma City Fire Department's regulation was upheld in court.
3. **Are there precedents for other regulations that exclude people from the Florida Fire Service?** Yes. Fire fighters are not hired now if they have high blood pressure or diabetes, major risk factors for coronary heart disease, as is smoking.
4. **Is there precedent for this regulation in the State of Florida?** Yes. Fifteen (15) fire departments and local unions have adopted this or similar regulations.
5. **Is there support for this regulation in the State of Florida?** Yes. The Joint Council of Fire Fighting Organizations comprised of the Professional Fire Fighters of FL (10,000 members), the FL State Fire Chiefs Association, the Society of Fire Instructors, the FL State Firemans Association, and Fire Inspectors support a "smoke-free" fire service. The FL Fire Fighters Training and Standards Advisory Council recommended that users of tobacco not be hired as fire fighters in FL. The League of Cities supports this regulation and the Florida House of Representatives passed this regulation in 1988.
6. **Why should the State create this regulation when "Home Rule" action can do this?** The State is responsible for establishing entrance requirements for new fire fighters throughout the State of FL. The State already requires that new fire fighters must be free from high blood pressure and diabetes. Although this regulation could be implemented in a piecemeal fashion by "Home Rule", the importance of this regulation both for the safety of new fire fighters and for the benefit of taxpayers who pay worker's compensation is a compelling reason to immediately apply this regulation uniformly throughout Florida.
7. **Will this regulation interfere with a person's right to earn a living?** Fire fighters who currently smoke will not be affected by this regulation. Applicants for the fire service who use tobacco can freely choose not to and be eligible for the fire service or continue to use it and not be eligible.
8. **Could the regulation be used to discriminate against on any group because of race, color, religion, sex or national origin (Title VII) ?** It is very unlikely. This regulation could not be used as a pretext for discrimination since smoking rates in Florida are the same for whites and minorities, and males and females.
9. **Does Florida's Clean Indoor Air Act (HB-281) support the regulation?** Yes. Under this law employers may ban smoking by stating: "based on the authority of the Florida Clean Indoor Air Act smoking is specifically prohibited in all enclosed areas of these premises."
10. **Will this regulation benefit the State of Florida financially?** Yes. The Heart and Lung Bill (F.S. 112.18) provides worker's compensation for fire fighters with heart disease. Smoking increases risk of heart disease at least two-fold.
11. **Who has endorsed the concept of a Smoke-Free Fire Service for Florida?** C. Everett Koop, M.D., Surgeon General; Bill Gunter, Former State Fire Marshal; Don Shula, Head Coach Miami Dolphins; Tom Landry, Coach, Dallas Cowboys; B. Fogel, M.D., Dean U. of Miami School of Medicine; L. Chiles, U. S. Senator; Dante Fascell, U. S. Congressman; W. Friedewald, M.D., National Institutes of Health; J. Cullen, Ph.D., National Cancer Institute; C. Lenfant, M.D., Director, National Heart, Lung, and Blood Institute; C. Tate, M.D., Professor Emeritus of Medicine and Pulmonary Disease, University of Miami School of Medicine.

\*A more extensive discussion of the proposed regulation is attached.

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