

THE TOBACCO INSTITUTE


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SAMUEL D. CHILCOTE, JR.
President

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MEMORANDUM

TO: The Members of the Executive Committee

FROM: Samuel D. Chilcote, Jr. 

Positioned as an issue significantly impacting the health of infants and young children, environmental tobacco smoke (ETS) was the subject of a hearing this morning before the Clean Air and Nuclear Regulation Subcommittee of the Senate Environment and Public Works Committee.

According to Chairman Joseph Lieberman (D-CT), the Subcommittee met to hear testimony that would enable Members to "make informed decisions" on two bills currently pending: S. 262 ("PRO-FEDS") and S. 1680 ("The Smokefree Environment Act," the Senate companion to Representative Waxman's H.R. 3434).

The hearing did not generate substantial media, but several large outlets covered the event. Media attending the hearing included C-Span (broadcasting the hearing live), the Washington Post, Associated Press, Chicago Tribune, Fox-TV and CNN-TV. TI has not had any additional press inquiries.

Three panels totaling six witnesses appeared before the Subcommittee. Copies of testimony made available to the public during the hearing are enclosed; other statements will be forwarded as soon as possible.

Four senators attended the hearing: Liebermann, Frank Lautenberg (D-NJ), Lauch Faircloth (R-NC) and John Chafee (R-RI). They heard testimony from Surgeon General Joycelyn Elders and representatives of the tobacco industry, the American Lung Association, the National Cancer Institute (NCI) and the Environmental Protection Agency (EPA).

In his opening remarks, Senator Lieberman said that "hundreds of thousands of nonsmoking Americans are being denied their ability to protect their health and the health of their children because they happen to be where others are smoking. [W]e are considering reasons that may support an individual's right not to smoke."

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Senator Lautenberg used the hearing to promote the two anti-tobacco measures he is sponsoring. It is the responsibility of Congress, Lautenberg said, to "call the tobacco industry to task, regulate its products in the public interest and protect the nonsmoking public from involuntary exposure to a Class A carcinogen." He also said that with the very existence of the tobacco industry challenged, he is interested in helping workers and farmers convert to other livelihoods.

Senator Faircloth accused the EPA of reaching pre-determined conclusions in its assessment of risks said to be associated with ETS. Faircloth boldly suggested that EPA Administrator Browner and Surgeon General Elders should be placed under oath and accorded the same treatment the seven tobacco industry CEOs had received at Waxman's April 14 hearing.

Senator Chafee said that ETS poses a health risk for nonsmokers, putting children at an even greater risk.

Browner and Elders testified together on the first panel. Both witnesses endorsed the two Lautenberg measures, asserting that "serious, substantial" risks exist for individuals who choose to smoke as well as those who do not choose to smoke.

Browner said of the 3,000 deaths "attributed" to ETS, 2,200 deaths can be attributed to exposure outside of the home. Browner and Elders concluded, "There is no safe level of exposure to ETS." "The younger the child, the greater the impact," Elders stated.

During the question-and-answer period, Browner described in great detail the methodology EPA employed in its report, "Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders." She discussed an EPA cost-benefit analysis of S. 1680, applied to New Jersey, that projected the benefits of the measure to be \$1.2 to \$2.2 billion per year for the state.

Faircloth followed up with questions concerning the agency's awareness of the NCI-funded research by Brownson, completed after the release of the EPA's ETS risk assessment. Browner insisted that the agency had reviewed the Brownson study and decided it would not change the outcome of the Class A carcinogenic classification of ETS.

The second panel pitted Dr. Chris Coggins, of R.J. Reynolds Tobacco Company appearing on behalf of The Tobacco Institute, against Aubrey Taylor Ph.D., who testified on behalf of the American Lung Association, the American Heart Association and the American Cancer Society.

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Dr. Coggins discussed the amounts of ETS to which individuals are exposed and highlighted the flaws in the data EPA used in preparing its report. Coggins criticized the agency for not taking confounding factors into account when reviewing the research. The recent Brownson study finding that diets high in saturated fat are a significant risk factor for lung cancer was discussed at length.

Taylor called ETS one of the most pressing health problems today and discussed the alleged impact of passive smoking on heart disease. Taylor called for severe restrictions on smoking in public places and urged "everyone who cares about children" to talk to their kids about ETS.

Lautenberg framed his questions to the industry witness with a chart citing a 1994 CBS/NY Times poll, "Americans think that when tobacco companies talk about health risks associated with smoking cigarettes they ... lie or hide the truth (83 percent); tell the truth (11 percent)." Coggins used humor to deflect the results by stating, "It would appear we don't have the best reputation in the world." Lautenberg asked Coggins if R.J. Reynolds would provide under subpoena information on studies it had conducted on tobacco and health issues. Coggins told the Subcommittee that the studies already had been published.

Dr. Jane Gravelle, principal author of the Congressional Research Service report "Cigarette Taxes to Fund Health Care Reform: An Economic Analysis," testified on the final panel concerning the statistical basis of the impact of ETS. Gravelle said everyone faces risks daily; the 3,000 ETS "deaths" represent the same risk as driving a small car rather than a large car. It is a matter of "what risk do you want to correct at what cost," Gravelle concluded.

Faircloth asked Gravelle if the EPA were preparing its risk assessment at present, should the agency include the Brownson study; to which she replied yes. She added that federal OSHA, should include a review of the Brownson study as it prepares its proposed workplace indoor air standard.

Dr. William Blot, of NCI, was the final witness of the hearing. Blot defended the work of EPA's Science Advisory Board. While he acknowledged there is uncertainty as to the extent of the risk of exposure to ETS, he said that the figure of 3,000 deaths attributed to ETS is reasonable.

SDC:cah

Enclosures

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cc: The Members of the Management Committee
TI Senior Staff

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