



**STATEMENT OF WILLIAM E. ALLI**  
**Chairman, Health & Safety Committee, Local 1534**  
**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES**

**Before the Subcommittee on Health and the Environment**  
**HOUSE ENERGY AND COMMERCE COMMITTEE**  
**12 JUNE 1985**

Thank you for the privilege of testifying in favor of H.R.4488, the Non-Smokers' Protection Act of 1986. This is an excellent public health bill.

Our local is the official employee representative for Civil Service employees in the U.S. Agency for International Development (A.I.D.). A.I.D. has over 4,000 employees; more than half are overseas. We represent both smokers and non-smokers and we are pleased that your bill includes unions in the consultation process.

**Federal Employees Want Restrictions on Smoking**

The overwhelming majority of Federal workers support strong controls on smoking in the workplace. We have the statistics to prove it. Based on Agency-wide surveys, we know that 90 percent of employees favor some form of control over smoking in the workplace. Nearly 40 percent of employees support a total ban on smoking at the worksite.

Your bill calls for prohibiting smoking, except in designated areas. Our statistics show that 82 percent of employees support that form of regulating smoking (see the table on page 4).

**Need for Legislation**

?Is there really a need for this legislation? Based on the experience of Federal employees in the Agency for International Development, the answer is yes. Here is why.

In our agency we had to struggle to get new regulations to protect non-smokers. We finally got them last year but they are still not adequate.

But we should not have had to battle to get such protection because in October 1980 the Federal Government pledged itself to work for "prompt abatement of unsafe or unhealthy working conditions". That promise was in Executive Order No. 12196 dealing with occupational safety and health for Federal employees.

Department of State, Agency for International Development,  
Overseas Private Investment Corporation

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Our union learned the hard way that the Federal Government would not protect non-smokers in shared work areas unless it was forced to do so. We learned this thru our experience on the Agency's Occupational Safety & Health Advisory Committee, a joint labor-management group.

We persuaded the Advisory Committee to get management's approval to take a comprehensive survey of safety and health involving distribution of questionnaires to employees in the Washington metropolitan area. The survey was conducted in 1984; it did not cover the many employees overseas.

The responses from this survey showed that smoking was the number one safety and health problem. Followup interviews with employees confirmed the seriousness of the problem so the Committee recommended regulations stronger than the GSA standards.

The Agency dismissed the survey results as reflecting opinions of those who "feel they have a problem". Management said it saw no reason to change until "standards have been developed for the Federal Government as a whole". I believe that is still the thinking in most Federal agencies and it justifies your action of introducing this bill.

In response to management's inflexibility, the Advisory Committee sponsored a survey of Washington area employees in May 1985. The Committee asked employees to respond to questions dealing only with smoking, not other safety and health matters.

The survey results were overwhelming. They showed employees to be even more opposed to smoking than in the first survey. Nevertheless management balked at revising its regulations.

In order to apply pressure on the Agency's Management Bureau, the Agency's health profession employees (physicians, nurses, epidemiologists, etc.) presented a petition to the Administrator. The petition cited the scientific evidence against tobacco smoking and called for adoption of the Committee's recommendations. It was signed by 76 persons.

Meanwhile, the union entered into a coalition with health-concerned members of the American Foreign Service Association plus unaffiliated employees. The group was known as the Clean Indoor Air Coalition (CLINACO) and began an Agency-wide signature-collection campaign to petition the Administrator to adopt the recommendations of the Committee.

In view of the widespread opposition to management's position, A.I.D. approved new regulations on 22 August 1985 and a new era began for U.S.-based employees. Unfortunately overseas employees are not covered, even tho most of them no doubt want protection.

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The New Regulations and Our Experience

A.I.D.'s regulations prohibit smoking in shared work areas, unless all employees agree. We prohibit smoking in areas containing shared office equipment. Employees may not carry lit or smoldering tobacco products into no-smoking areas.

Our regulations do not protect employees in lavatories and they still contain GSA's ambiguous language on waiting areas. Nevertheless, our employees are much better off and they say so.

Since August 22 we have had no formal complaints or grievances against the new regulations. I know of no major incidents. In general we detect a less contentious atmosphere and more cooperation between smokers and non-smokers. We are better off than before when the Agency issued appeals for courtesy but denied non-smokers any protection when smokers decided to smoke in shared areas.

Yet in a few open bay areas some smoking is still going on without the consent of non-smokers. Some non-smokers are acquiescing in second-hand smoking because they do not want to create confrontations. If there is a grievance or confrontation over smoking, we are unsure whether management will enforce a prohibition on smoking in the situation.

This summer we are moving staff into buildings with large areas containing unenclosed spaces, that is, with partitions and open sides facing similar spaces or facing halls. Some employees fear that management may define the shared areas so narrowly that nearby smoking could negate the regulations.

Modifications Needed in H.R. 4488

For H.R. 4488 I recommend two modifications:

1. For Federal agencies that lack labor organizations, Section 4 should require the Secretary (HHS) to solicit and consider comments from Occupational Safety and Health Advisory Committees that have been set up per Executive Order No. 12196.
2. Because many Federal civilian employees work overseas in buildings owned or leased by the Department of State, --and this includes a large number in A.I.D.-- such buildings should be specifically covered.

Conclusion

Please press on with this public health legislation. It's a good bill. You are helping to prevent divisive agency-by-agency struggles, as Federal employees increasingly demand a basic right --protection from air pollution in the workplace. Thank you.

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SUMMARY OF RESULTS FROM MAY 1985 SURVEY OF SMOKING IN THE WORKPLACE  
SPONSORED BY OCCUPATIONAL SAFETY AND HEALTH ADVISORY COMMITTEE,  
AGENCY FOR INTERNATIONAL DEVELOPMENT

--EMPLOYEE SUPPORT FOR LIMITING SMOKING--

Employee Responses To Options for Controlling Smoking */	No.	%
Agree on a total ban but not on other listed options.....	49	4.8
Agree on a total ban and on other listed options.....	341	33.6
(Subtotal for agreement on a total ban).....	(390)	(38.4)
Disagree on a total ban but agree to other listed options.....	392	38.6
No opinion on a total ban but agree to other listed options.....	110	10.8
Disagree with total freedom to smoke but failed to agree with other listed options.....	26	2.6
<u>Subtotal</u> .....	<u>918</u>	<u>90.4</u>
<u>Remainder</u> .....	<u>97</u>	<u>9.6</u>
<u>TOTAL</u> .....	<u>1,015</u>	<u>100.0</u>

\*/ Options are listed in Question No. 1 as: "Smoking should be banned from the workplace altogether"; "Smoking in a work area should be allowed only when all employees using that space agree"; and "Smoking should be confined to a smoker's private office or specially designated areas".

--EMPLOYEE CONCERN WITH HARM FROM EXPOSURE TO TOBACCO SMOKE--

Employee Response	No.	%
Have a condition that tobacco smoke aggravates.....	426	42.0
Do not have a condition that tobacco smoke aggravates but agree that working around tobacco smoke is harmful to one's health..	402	39.6
Not included in above responses but find tobacco smoke a problem (often or occasionally) at work.....	19	1.9
<u>Subtotal</u> .....	<u>847</u>	<u>83.5</u>
<u>Remainder</u> .....	<u>168</u>	<u>16.6</u>
<u>TOTAL</u> .....	<u>1,015</u>	<u>100.0</u>

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