

TO: Peter Sparber
FROM: Adele A. Bunoski
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RE: Stevens Hearing: Day Three

The final day of hearings on Sen. Stevens "Nonsmokers Rights Act" had little press coverage and Stevens was the only subcomm. member present.

William Felts, testifying for the American Medical Assn., said AMA has its own policy for restricting smoking but relies on voluntary compliance. He cited Roper and Gallup polls showing public support for such restrictions. Under questioning, he said the AMA policy is self-enforcing and no sanctions have been necessary.

TI's Bob Lewis testified, "Government should stay its hand and not create one more program to strain our already badly unbalanced budget." He said federal departments and agencies already have restricted smoking without specific legislative authority, therefore S. 1440 is unnecessary.

"Tobacco smoke in the indoor environment has not been shown to be a significant health hazard," nor has it been demonstrated that smoking results in increased costs to employers, Lewis said.

Results of studies by Human Resources Policy Corp., Lewis Solmon, Response Analysis and Univ. of Minn. were included to show smoking restrictions were unnecessary and smokers were not less productive or more costly than nonsmoking employees.

"Why not let each department and agency continue to handle the issue on its own without creating a new anti-smoking bureaucracy?" Lewis asked.

Dr. Sorell Schwartz joined Lewis, testifying on scientific knowledge of the effects of ETS on lung cancer in nonsmokers. Most ETS studies have lacked appropriately validated exposure estimates, Schwartz said, and results of workshops on the issue do not support a causal link.

Responding to questions from Stevens, with respect to the Congressional "finding" that "numerous studies" show health hazard, Schwartz said, "[The studies] propose there may be a health hazard...but they do not show a health hazard."

He elaborated on the differences between sidestream smoke (SS) and ETS, noting the smoke captured from the end of a burning cigarette (SS) differs chemically from ETS diluted by air. "You cannot substitute SS for ETS in studies...unless you defy the physical laws of nature," Schwartz said.

Schwartz allowed that, while "conference after conference concludes there remains a lot to be decided on the data [about ETS]," the evidence claiming respiratory harm to children from parental smoking was stronger.

Stevens asked Lewis point-blank whether smoking is hazardous to health. Lewis responded, "I defer to the judgment of experts and there are experts on both sides." Warning labels have been before the public for more than 20 years, Lewis added, and there's no one who is not aware of what the Surgeon General has determined.

Addressing charges of "child abuse" by smoking parents, Stevens appeared shocked when Lewis said he did not object to people smoking around his children. Lewis added his own parents were smokers and he did not believe them to be child abusers. Stevens retorted, "We now have more information than we did during your childhood."

Lewis concluded by stating, "The issue is not one of erosion of cigarette sales...the issue is erosion of personal freedoms." Dr. Philip Witorsch submitted his findings on ETS and other health effects on nonsmokers for the record.

J. Thomas Burch, testifying for the National Vietnam Veterans Coalition, opposed the bill because it disproportionately impacts Vietnam veterans, 67 percent of whom are smokers. He also cited concern about transfer of policy power from the Veterans Administration to General Services Administration and said smoking restrictions could discourage veterans from using treatment facilities.

Stevens acknowledged the high smoking rate among veterans, adding he would hold Defense subcomm. hearing on "Throwing cigarettes at young servicemen." Stevens conceded that the bill ought to provide for local input on implementation in areas with publics where severe restrictions would be inappropriate.

Robert Cahn, Agency for International Development, and William Alli, American Federation of Government Employees, testified jointly in favor of the legislation. Cahn said AID regulations give one nonsmoker power to restrict smoking in the workplace, but in overseas AID offices, policy is handled as a local issue.

Alli spoke only for his local chapter, but said AFL-CIO/AFGE generally doesn't oppose the bill, although there were questions about implementation. Alli said an AID advisory comm. survey, with 1,000 respondents, showed 90 percent support limitations on smoking and 38 percent support a complete smoking ban. He suggested GSA consult with union representatives to aid in transitions and employee information campaigns, should the bill become law. Stevens added that a questionnaire, similar to AID's, might be a good idea for all federal employees and asked for cost estimates.

Final witness was Donald-Gordon Draves, Georgians Against Smoking Pollution. He said action at the state level has been slow, because of legislative efforts to protect the 3,000 to 5,000 tobacco growers in Georgia. He supports the bill because, "Governments have a duty or a responsibility to protect people, even from citizens from their own nation." He added that he lost a job with the National Park Service because of his sensitivity to indoor tobacco smoke.

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