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A STRATEGY TO ENLIST THE SUPPORT OF ORGANIZED LABOR AND RELATED GROUPS TO MODIFY THE OSHA RULE ON ETS

Strategy Overview

- The OSHA rule has a number of serious shortcomings regarding its ETS provisions.
- The most troublesome provisions include:
 - The separation of smokers from non-smokers (a)
 - The installation of costly external exhaust systems **(b)**
- The essence of this strategy is to recognize that OSHA will be more responsive to the comments of the following groups -- who will affected directly -- than they will be to those of the tobacco industry.
 - Organized labor including the Sheet Metal Workers and the Restaurant Association

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- · Hotel Owners
- Motel Owners
- Restaurant Owners

Apsociation Bout Taumauers Small Businessassoc.

- The aforementioned groups would not only meet with OSHA, but also with:
 - Department of Labor officials
 - · White House officials
 - · Congressional offices

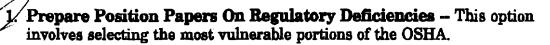
Strategy/Implementation

- The thrust of the implementation strategy is for MBS/Federal Focus to prepare policy and scientific papers which
 - Highlight the deficiencies in the OSHA proposed rule.
 - · Suggest substantive and procedural reforms to correct the deficiencies in

the OSHA rule.

MBS/Federal Focus would meet routinely with the aforementioned groups during the preparative and marketing of the position papers.

Options



- 2. Conduct an ETS Risk Assessment -- This option involves conducting an ETS risk assessment from published studies - similar to the one conducted by EPA and OSHA.
- 3. A combination of (1) and (2).

Analysis of Options

- mend frame busin The essential elements of Option (1), will also be included in Option (2). The technical issues to be addressed in both options include:
 - Diet as a confounder to ETS
 - The relevant threshold for relative risk comparison
 - Biological plausibility/weight of the evidence
 - Meta analysis to include studies completed subsequent to the EPA analysis
 - OSHA's definition of significant risk
 - ETS and heart disease
 - Nicotine as a biomarker
 - New developments in dose response curves for ETS
- Option (1) will require more time and resources than Option (2), but will be more complete and probably have a longer shelf life than Option (1).
- Number 1 though OSHA plans to issue another proposed rule at the end of this calendar year, the final rule may not be issued for a period of 12 to 18 months.

Supporting Activities

A number of initiatives could be undertaken to support the activities of labor and related groups.

Time record keeping .

(1) **OMB**

OMB, who will have to approve the final rule -- they will need to be briefed on the scientific issues.

(2) Other federal Agencies

Several Federal agencies, particularly DOT, are concerned about the precedent established by the EPA/OSHA risk assessments, primarily the use of risk analysis.

(3) Congressional Resource -

The CRS has conducted several studies of ETS -- and would be

Services (CRS)

utilized in select instances.

(4) Senate Building Hearings There is a likely chance that an influential Senate Committee might have a hearing on the OSHA risk assessment.

(5) Recent Statements by Scientists A number of scientists, not supported by the tobacco industry, have stated their misgivings about the ETS risk assessment. These statements need to be marketed.

(6) Recent Statements by the Press There has been a deluge of articles in the press concerning the deficiencies in EPA science. These articles should be targeted to the appropriate reporters.

Recommended Next Steps

- (1) That a decision be made with respect to the options outlined above.
- (2) That the labor unions and related groups to be targeted be identified.
- (3) That a resource level be determined.