

PUBLIC SMOKING HEARING READINESS

Primary Responsibility: Susan Stuntz

Smoking restriction advocates continue to keep the environmental tobacco smoke issue in the public eye, with updates on implementation of the General Services Administration regulations, along with enactment of legislation banning smoking on airline flights of two hours or less. We can expect focus on this issue to continue into 1988, on its own or as a component of indoor air quality efforts.

Legislation introduced last year by Sen. Hatch, to ban smoking on all means of public transport, carries over into 1988. It has been referred to the commerce committee (where Ernest Hollings is chairman; Wendell Ford heads the aviation subcommittee). Rep. Scheuer has introduced legislation banning smoking on all domestic aircraft. He and Rep. Ritter have introduced legislation that would extend the regulations announced by the General Services Administration in 1986 to federal employees who work in buildings not covered by GSA or Department of Defense regulations.

Sen. Mitchell's indoor air quality bill carries over to 1988; Rep. Schneider is drafting less comprehensive legislation on the same issue.

What We Can Expect

Whatever the venue, we can anticipate the now-familiar litany of anti-smoking scientists and activists claiming that environmental tobacco smoke poses a health hazard to nonsmokers, that no amount of ventilation or air filtration can mitigate the risk to the nonsmoker, and that smokers are less productive and more costly to their employers than nonsmokers. These include:

- . Surgeon General C. Everett Koop
- . Lawrence Garfinkel (American Cancer Society)
- . Representatives from the Heart and Lung Associations
- . John Banzhaf (ASH)
- . James Repace
- . David Burns, Jonathan Samet, and other authors of the Surgeon General's 1986 report
- . Bob Rosner, William Weis, Tim Lowenberg of Seattle University's Smoking Policy Institute
- . Marvin Kristein, American Health Foundation, on the economics of smoking restrictions
- . Representatives of state and local governments that have restricted smoking.

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- . William Alli, American Federation of Government Employees, and other individual workers who are members of unions
- . Representatives from the NAS passive smoking and cabin air quality committees
- . Aaron Lichtman, president of Citizens Against Tobacco Smoke (CATS), dedicated to banning smoking on airlines
- . Representatives from some flight attendants' unions, intent on maintaining the two-hour ban

We also could see, for the first time in federal public smoking hearings, testimony from workers who claim to have been harmed by exposure to ETS, from airline passengers who have been delayed or inconvenienced by smoking disputes.

What TI and Its Allies Must Cover

Tobacco Institute testimony and that of its allies and interested parties should emphasize:

1. The lack of scientific evidence that environmental tobacco smoke causes disease in healthy nonsmokers. Such testimony should note the difference in tone between the politicized introductions to NAS and Surgeon General's reports, and the scientific literature review that comprises the bulk of these documents. While the former claims health harm and recommends restrictions, the latter takes a far more cautious approach and recommends further research.
2. Smoking as but one aspect of a serious indoor air quality problem -- a problem that can and should be addressed not by restricting smoking, but by providing adequate and properly maintained ventilation systems.
3. Evidence that employers -- including the federal government -- can and are dealing with smoking problems in the workplace as they occur.
4. The lack of evidence that smokers are any more costly or less productive than nonsmokers.
5. Potential costs to employers of restricting smoking in workplaces.
6. Discriminatory effects of smoking restrictions, including denying equal access to handicapped workers, selective enforcement, and implementation that affects minorities, women and blue collar workers and excludes white male executives.
7. Potential collective bargaining problems for organized labor.
8. Evidence that the vast majority of the American public believes smoking restrictions are a matter to be addressed on a case-by-case basis, rather than by government fiat. In the case of public transportation, evidence that most of the flying public is satisfied with current rules and regulations.

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Arent polls of the general public

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Most of these arguments -- and the people to make them -- already are in place. A few are public opinion surveys and impact studies that are best completed once legislation is in hand.

Resources and Status

1. To note the lack of scientific evidence that environmental tobacco smoke poses a health hazard to nonsmokers.

. Continued briefings of Congressmen and their staffs by TI legislative counsel and scientific consultants, on the ETS issue and on questions about scientific integrity and misrepresentation of fact.

. Additional briefings of Congressmen and their staffs on results of briefcase studies in Washington, D.C. offices, including some Congressional offices.

. Drs. Larry Holcomb, David Weeks and Jack Peterson, members of The Institute's Scientific Witness Team, are up to date on the literature and ready to testify once hearing dates are set.

. We continue to press the Department of Health and Human Services for documents used in preparing the 1986 Surgeon General's report.

Action Needed: Completion of the Washington, D.C. briefcase testing, which is being coordinated by the Center for Indoor Air Research. Once complete, CIAR will be encouraged to offer experts for Congressional briefings as appropriate.

2. To place the ETS issue in the broader context of indoor air quality.

. Gray Robertson, ACVA Atlantic, Inc., is ready and willing. He should be a part of continued private briefings with Congressional staff.

. Frank Powell, Director of Engineering for the National Energy Management Institute, is available to brief Congressional staff and members on ventilation standards and indoor air quality issues. He also is available to testify at hearings as appropriate. Briefings and testimony may include use of two videos on indoor air quality, one featuring Sheet Metal Workers union president Ed Carlough; one produced by the Service Employees International Union.

Representatives from organized labor who have continually pushed for smoking restrictions to be considered as part of a broader indoor air quality program, will be encouraged to include this issue in any testimony they submit. They also will refer to the resolution approved in 1988 by the AFL-CIO Executive Council, calling for private and government employers to resolve air quality problems with properly installed and maintained ventilation systems, and adherence to existing ventilation standards.

Representatives from several liberal/labor groups have been briefed on this issue and are willing to write letters, sponsor briefings with members of Congress and, if appropriate, to testify. These include:

- . New Populist Forum
- . Coalition of Labor Union Women
- . Labor Council for Latin American Advancement
- . A. Philip Randolph Institute

3. Evidence that employers can and are dealing with this issue as necessary.

TI should include this in its own testimony. Anecdotal evidence is available in quarterly corporate reports, and in the results of the voluntary programs put together in the last two years.

Organized labor will be encouraged to cite instances in which locals have successfully bargained on the issue. The Tobacco Industry Labor Management Committee has begun maintaining a file of such cases; these will be included in any testimony.

perhaps, selective basis.
Action Needed: Additional follow up on the program to determine how agencies have responded to the General Services Administration smoking regulations will be needed. These results may include examples of policies drafted and reports on success of or problems with implementation.

4. Lack of evidence that smokers are less productive or more costly to their employers than nonsmokers.

UCLA economist Lew Solmon is prepared to appear and/or to submit a written statement detailing his research on the productivity/costs issue. He is prepared to ask to testify on his own, or he can be included as part of an industry panel.

5. An assessment of the potential costs to employers of imposing smoking restrictions.

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Jim not
sure how
this applies
to Federal
legislation.

. An economic impact study can be developed in two weeks' time, outlining potential costs to employers of posting signs, rearranging office space, and providing smoking breaks to employees. The study is tailored to legislation; all that is needed to proceed is a copy of the bill.

. Anecdotal information on any horror stories that have resulted from legislatively imposed smoking restrictions at the state or local level. The Beverly Hills Restaurant Association, for example, has suggested that it will be willing to produce a case study of its experiences. The State Activities Division is following up on that project, which can be a joint restaurant assn./NEMI production.

Action needed: Testimony as to economic impact can be delivered with a liberal labor slant, or from the conservative corporate view. On the former, we have in the past obtained the sponsorship of the AFL-CIO, or of member unions; Jim Savarese is the witness. For the conservative corporate side, Bob Tollison presents the study. If and when testimony is to be given, we will need a judgment from Federal Relations as to whether we should seek labor sponsorship.

Continued follow-up on the Beverly Hills story, and production of the case study.

6. Discriminatory effects of workplace smoking restrictions.

. Tom Burch, chairman of the National Coalition of Vietnam Veterans, testified effectively in 1986 as to the potential impact of federal smoking restriction legislation on the veteran population in VA hospitals and in the federal workforce. He is prepared to repeat his testimony, and to continue to call for assurances that any areas designated smoking and nonsmoking sections be equally accessible to the handicapped. He also is available for individual briefings and to write letters.

. The League of United Latin American Citizens (LULAC), and several state Hispanic chambers of commerce passed resolutions and/or submitted comments in 1986 opposing workplace smoking restrictions. We can call on them for similar statements as appropriate.

. Representatives from organized labor will cite in their testimony the potential for selective enforcement singling out union activists, and problems with blue collar and lower level workers being disproportionately affected by restrictions in general office space.

7. Potential problems with collective bargaining contracts.

. TI should, of course, note this factor in its testimony.

. The strongest testimony here will come from organized labor, which will note the 1986 AFL-CIO resolution. We will approach the American Federation of Government Employees (AFGE), the Public Employee Dept. of the AFL-CIO, and the four other federal worker unions that commented on the GSA regulations. It will be our goal to encourage all to appear, or at a minimum to submit statements. Realistically, however, we can anticipate that a single representative will carry the message for all.

. In addition, we will approach the presidents of the five unions that commented on the 1986 Surgeon General's report, and ask them to submit a statement outlining their objections to the report.

Action needed: The Public Affairs Division continues its constant contact and briefings with organized labor; we continue to update unions as events occur.

8. Demonstrate that the vast majority of the American public believes that workplace smoking restrictions are best resolved on a case-by-case basis, and not by government fiat.

. A public opinion survey commissioned in 1985 and released in 1986, revealed that the vast majority of voters in the Washington, D.C., area, and the majority of federal employees, believe that smoking restrictions in the workplace are best left to the individual manager and/or agency, and not a responsibility for the Congress. We can rerun that survey to obtain updated information.

. Comments submitted on the proposed GSA regulations can be cited in TI testimony, and in testimony from allies and friends.

Action needed: The survey can and will be fielded once we have received approval from the Federal Relations Division.

This earlier survey was done prior to SG report and the GSA Regs, in which it had little impact.
Would most workers now respond that they are satisfied w. status quo, i.e., GSA Regs? If so, wouldn't this be ammunition supporting legislation extending GSA Regs to other agencies?
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