

Federal Workers Fanning The Fire Against Smokers

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WASHINGTON — Werner H. Peterke, a 46-year-old former federal employe, says his work environment gave him chest congestion, coughing fits "that turned me inside out," sore eyes, vomiting and other symptoms that forced him to quit work and entitled him to employe compensation payments.

The Office of Federal Employe Compensation agreed with him and granted him about \$700 every two weeks in compensation in a case that his lawyer and others believe may set a precedent.

Peterke's was not the conventional case of a factory worker exposed to dangerous chemicals. He was a white-collar employe in the Social Security Administration's Baltimore offices, and he blames his miseries on the cigaret smoke that wafted his way from the desks of his fellow workers.

Peterke is one of a group of non-smoking federal employes from several American cities who took their fight against tobacco smoke to court here recently. They want to force the government to allow smoking only in designated areas of federal buildings, and to improve ventilation to keep smoke from drifting into non-smoking areas.

The suit was filed in U.S. District Court by more than two dozen persons who claim they suffer physical ailments caused by tobacco smoke in their federal offices, and also by three or-

ganizations — the Federal Employees for Nonsmokers Rights, the Social Security Administration Group's Committee on Tobacco Smoke, and the Group Against Smokers' Pollution (GASP).

Spokesmen for the plaintiffs said they had been given the "runaround" by federal agencies and by the White House when they sought relief through other channels such as letters, grievance procedures and the like. Part of the problem, they believe, is that "most of the people who make the decisions are smokers."

The plaintiffs work for the Dept. of State, Defense, Health, Education and Welfare, Labor and several smaller agencies, in cities in Montana, Utah, Florida and Louisiana, as well as in the Washington, D.C., area.

Peterke's case appeared to be the most remarkable in the group. He said his symptoms had grown steadily worse since he joined the agency in 1972 and became almost intolerable in 1975, when he was put in an open office space "surrounded by smokers. His doctor diagnosed his condition as allergic bronchitis, or asthmatic bronchitis, he said.

Peterke said he eventually used up all his sick leave and, as a compromise between his physical needs and his economic needs as a father of four, began working half-time.

Peterke, who worked in Social Security's office of research and statistics, was granted employe compensation pay amounting to 75 per-

cent of the salary he lost as a result of his ailments.

William Wright —, a co-worker of Peterke and head of the Social Security Administration employes' group involved in the lawsuit, said, "It's pathetic what they've done to this man. He's a Grade 13, and they are paying him not to produce."

Joel Joseph, the Washington lawyer who represented the plaintiffs, said he thinks Peterke's case is a precedent for the awarding of employe compensation on the basis of symptoms related to cigaret smoking.

A spokesman for the Office of Employe Compensation in the Dept. of Labor said there was no way to tell whether there have been others, because there is no specific breakdown on smoking-related disabilities.

He would not predict the implications for other employes who might wish to press for compensation on the same grounds. Each case is decided on its merits, he said, with forms to be filled out by both employer and doctor. "We would probably not approve a claim if the supervisor said the circumstances described by the claimant were false," he said.

Georgia Failla, executive officer of the Social Security office in which Peterke worked, said the policy within work areas is that there are no designated smoking or non-smoking areas, but "we try to accommodate people where possible without disrupting work." Failla said the agency's health and safety officials had been meeting with the organized nonsmokers to reach an accommodation, but "I don't know that cost and other practical considerations would permit the agency to completely satisfy them."

File: Lawsuits
SS Employment



An official of the Labor Dept.'s Occupational Safety and Health Administration said the agency has "no standards per se" on cigaret smoking or its "side-stream" effects on nonsmokers.

OSHA, which has set standards for components of cigaret smoke such as carbon monoxide and nicotine, has performed tests in response to employe requests but found that the components never exceed established limits, the officials said.

Richard Vawter, a spokesman for the General Services Administration (GSA), which manages federal buildings, said, "GSA has made a significant indication that it is in favor of restricting smoking in certain areas." He said regulations call for no smoking in elevators and conference rooms and some cafeterias, but that it is up to personnel in the buildings to enforce them. "It's a definite problem."

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