

THE TOBACCO INSTITUTE

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SAMUEL D. CHILCOTE, JR.
President

June 27, 1986

MEMORANDUM

To: Members of the Executive Committee

From: Samuel D. Chilcote, Jr. *Sam*

Re: June 27 Hearings on Legislation to Restrict Smoking in Federal Buildings

Henry Waxman's Subcommittee on Health and the Environment today heard 13 more witnesses testify on legislation that would restrict smoking in federal buildings. Four had appeared at a June 12 hearing that later was declared unofficial. The remaining nine witnesses were new. Of the total, six opposed the legislation, six supported, one took no position.

Reps. Waxman, Bifley and Scheuer were the only members present during the three-hour hearing; press included four print reporters and Cable News Network.

Witnesses opposing the legislation included scientific consultants Nancy Balter and Salvatore DiNardi, ventilation expert Gray Robertson, and economist Robert Tollison, all testifying at the request of The Institute. Balter and Tollison, arguing that the proposed legislation is unjustified on scientific grounds and a costly solution to a problem that doesn't exist, respectively, withstood tough and often belligerent questioning from Reps. Scheuer and Waxman.

Robertson noted that claims made June 12 by General Services Administration director Terence Golden that old buildings and inadequate ventilation make smoking restrictions a necessity are inaccurate. The ventilation systems in most of the older federal buildings, Robertson noted, are superior to the newer office complexes. The ACVA president added that other conditions in federal buildings -- loose asbestos, etc. -- are such that his workers refuse to do ventilation studies there without respirators.

Also opposing the legislation were return witness John Mulholland of the American Federation of Government Employees (AFGE) and attorney J. Thomas Burch, chairman of the National Vietnam Veterans Coalition. Reporter Jeff Day, editor of the recent

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Bureau of National Affairs survey and handbook on smoking issues in the workplace, took no position, presenting only the results of the BNA study.

Returning from the June 12 hearing to support the two bills, H.R. 4488 and H.R. 4546, were Surgeon General C. Everett Koop, Alfred Munzer for the Coalition on Smoking OR Health, and William Alli, representing a small AFGE local chapter. New to the opposition were ASH's John Banzhaf, American Cancer Society's Lawrence Garfinkel and economist Marvin Kristein. The EPA's James Repace accompanied Munzer as his "scientific expert."

Koop, who called for enactment of the legislation to ensure protection of nonsmokers "to the maximum extent possible," admitted under tough questioning from Bliley that revisions had been made in the 1985 Surgeon General's report to address charges that persons knowledgeable in the areas of occupational safety and health had not been consulted prior to release of the report.

Questioned about a December 6 letter to Centers for Disease Control director James Mason from NIOSH's Donald Millar charging that there is "no evidence to justify so strong a statement" as that smoking represents a greater threat to workers than all occupational hazards combined, Koop said the letter had not been received until after the December 19 release of the report. Bliley promised to address additional questions to Koop and Repace in writing.

Also under tough questioning from Bliley, the American Cancer Society's Garfinkel admitted that his oft-quoted 1985 study of lung cancer in nonsmoking wives of smokers found no relationship between length of exposure and lung cancer risk among the subjects.

We will send copies of the transcript when they become available.

SDC/mb
cc: TI Senior Staff

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