

To: Susan Stuntz

From: Lisa Osborne

Re: Stevens Hearing

Date: Oct. 1, 1985

The second day of Senator Stevens' "Nonsmokers Rights Act of 1985" included testimony supporting the measure from Sen. Spark Matsunaga (D-HI), and the Surgeon General C. Everett Koop. Rep. Charlie Rose (D-NC) testified against the bill.

Terrence C. Golden, GSA, Administrator described The GSA's current position on smoking in federal buildings and its potential involvement if the measure is passed.

Although not present Senators Mitch McConnell (R-KY) and Wendell Ford (D-KY) submitted testimony opposing the measure. All written remarks are attached.

Press coverage included WTOP radio, C-Span, the New York Times, the Federal Times, Congressional Quarterly, UPI and AP and a few small radio bureaus.

Highlights:

Matsunaga spoke "on behalf of the two-thirds of the U.S. population who do not smoke" He noted a "movement growing [to restrict smoking] and the federal government should be a part of it and encourage it." His testimony referenced the "trend" toward corporate nonsmoking policies, smoking worker cost and productivity loss, and the Repace death claim. He stressed the bill's attempt to restrict and not ban smoking in government buildings.

Rose initially distinguished himself as a representative of tobacco growers, not manufacturers and recommended a voluntary solution to smoking in federal buildings.

Noting that such a law is "getting too far into codifying human conduct," he suggested that a "massive study be undertaken to study the real effects of ETS rather than "pick on cigarettes"

Rose also expressed concern about enforcement of the law, noting the awkwardness of having the capitol police arrest a constituent for smoking en route to visit his congressman.

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In response to Rose's testimony Stevens

- o discussed the facility of enforcing the measure already enacted in Alaska.
- o suggested that people from tobacco producing states take a closer look at the 'health hazards' associated with smoking
- o said "reasonable action now will prevent unreasonable action later."

Golden admitted his lack of expertise on smoking or health and said his agency's responsibility is to provide an effective work environment. A description of GSA's current voluntary policy is included in the written text.

Although agreeing to implement the law if enacted, Golden noted "GSA would anticipate the agencies being responsible for enforcement and monitoring these designated 'smoking areas'." He continued, "GSA, however, would continue to assume responsibility in public areas and joint space."

He noted concern that the bill appears to expand GSA authority to additional buildings, such as Veteran Administration Hospitals and certain Treasury facilities. This "may create unnecessary conflict with smoking policies which these agencies may have already established" he added. "The subcommittee should give serious consideration to the views of these and other interested agencies before proceeding further."

During Q&A Golden recommended expanding the 180 day compliance time to 9 months. He promised to consult with local and state governments and the Surgeon General for guidelines. He also expressed concern about cost of compliance and enforcement.

After Stevens suggested that all new federal buildings be constructed with S. 1440 in mind. Golden said that current heating and ventilation systems were inadequate. He concluded by stressing that regardless of the bill's outcome, the GSA plans to reassess its smoking policies.

Koop's testimony, as expected, emphasized PHS policy on ETS, referencing the familiar reports by Matsukuru, Repace and Lowrey, White and Froeb, Wynder and Hoffman, the 1982 Surgeon General's report, Trichopoulos, Hirayama and Repace.

He cited companies like Aetna and Boeing for their restrictive measures taht "protect the health of nonsmokers."

During Q&A Stevens questioned Koop about Claude Lenfant's "very strange" NIH study that had very "different conclusions" from previous reports. Koop acknowledged the discrepancies and said the study is under review noting that Lenfant has deemed the "evidence sufficient to continue his research."

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After the hearing Stevens said federal employees, especially civilians and military personnel in various defense agencies are asking for laws to restrict smoking.

When asked about the Tobacco Institute's testimony opposing the bill Stevens said "If the Tobacco Institute were wise, they'd recognize the wave of the immediate future" and allow a restrictive measure to pass, adding, "if this measure is defeated, the next step is to ban."

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