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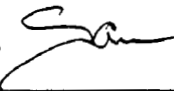
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SAMUEL D. CHILCOTE, JR.
President

April 10, 1991

MEMORANDUM

TO: The Members of the Executive Committee

FROM: Samuel D. Chilcote, Jr. 

EPA Deputy Administrator Henry Habicht led the government witness panel at today's indoor air quality hearing in the House Subcommittee on Health and the Environment with the statement that the Administration "believes even more strongly than it has in the past that new indoor air legislation at this time is premature...."

Subcommittee Chairman Henry Waxman and Reps. Thomas Bliley, Terry Bruce, William Dannemeyer, Alex McMillan, James Scheuer, and Gerry Studds were present at the hearing. Only Waxman and Bliley attended the entire hearing. Bliley was particularly effective in questioning EPA and other witnesses.

Media coverage of the hearing was light. Broadcast media organizations represented included ABC Radio, C-Span and WTTG-TV. The Bureau of National Affairs and several additional print media organizations also were represented. A witness list and copies of testimony are enclosed.

At the outset, Chairman Waxman made clear his opinion that a very broad problem involving many contaminants existed and had to be resolved by a comprehensive government solution, probably including legislation. Rep. Joseph Kennedy, sponsor of H.R. 1066, the Indoor Air Quality Act of 1991, next provided a brief description of his legislation. Kennedy was followed by the government witness panel which included, in addition to EPA's Habicht, Gerald Scannell from the Occupational Safety and Health Administration and John Millhone from the Department of Energy.

In his discussion of proposed federal indoor air quality legislation, Habicht noted that the Administration opposes the legislation on grounds that there is insufficient scientific knowledge to fulfill the health advisory and product labelling requirements contained in the legislation and that the bill would require significant expenditures for very little measurable decrease in risk. He noted further that the Agency opposes mandated ventilation standards, supporting instead informational programs designed to effect voluntary improvements.

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ETS was not a major focus of EPA's testimony, although Habicht briefly outlined EPA's activities with respect to the ETS risk assessment and policy guide, stating that both documents "may be completed later this calendar year." Following EPA's testimony, Rep. Bliley questioned Habicht on the status of the Agency's third ETS project, the ETS Compendium, and was told that the project is "on a separate track" from the risk assessment and policy guide.

Bliley also inquired about new ETS studies published since EPA's risk assessment appeared, referring particularly to a study co-authored by a member of the Science Advisory Board panel which reviewed the Agency's risk assessment. Habicht responded that the Agency would consider these studies "relevant," would be interested in their impact on the risk assessment's meta analysis and would "certainly look at them and see what they add to the process." Bliley asked that Habicht provide formal responses on both lines of inquiry for the hearing record.

Testimony by the Occupational Safety and Health Administration focused on the Agency's current IAQ activities. Scannell noted that the Agency is "now preparing a Federal Register Notice which will ask for all available information on indoor air quality issues such as health effects, the performance of ventilation systems, building maintenance programs in use, and the hazards of specific contaminants such as ETS and radon." He did not indicate whether OSHA would issue a Request for Information or an Advance Notice of Proposed Rulemaking in initiating its activity.

In response to questioning by Waxman regarding whether ETS in the workplace is "lethal" and whether ventilation is an acceptable solution to indoor air quality problems, Scannell stated that he "cannot give a judgment" on ETS until the government's scientific peer review is completed. He noted further that OSHA considers ventilation as a possible solution to a variety of indoor air quality problems, and that while it would "not necessarily take care of tobacco smoke, it would certainly help." In response to questioning by Scheuer, Scannell maintained that available data on ETS are insufficient for regulation of smoking because all studies involve exposure in the home environment, not the workplace.

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The second panel to testify at the hearing included scientists John Spengler, Jonathan Samet, Harriet Burge, James Woods and Anthony Nero and representatives from the American Lung Association and the Coalition on Smoking OR Health. Only the Coalition focused solely on ETS, noting that it supports federal indoor air quality legislation because it "allows EPA to take regulatory authority over ETS and other pollutants." In response to a question from Waxman, Woods stated that he believes ASHRAE Standard 62, "Ventilation for Acceptable Indoor Air Quality," could be adopted as the regulatory framework for federal indoor air quality legislation.

Rep. Bliley questioned Dr. Samet closely on his participation in the Science Advisory Board review of the EPA ETS risk assessment, asking if Samet agreed with a statement from the transcript that the case for designation of ETS as a Group A carcinogen "was not fully made" in the EPA's risk assessment. Samet avoided a direct response, stating only that the committee agreed with the risk assessment's conclusion but felt that the document should be "expanded" to incorporate data on active smoking.

The final panel to testify included representatives from the Service Employees International Union (SEIU), the Occupational Safety and Health Department of the AFL-CIO, the National Center for Environmental Health Strategies, the Business Council on Indoor Air (BCIA), the Consumer Federation of America, the Building Owners and Managers Association (BOMA), the American Association of Radon Scientists and ASHRAE. Both union representatives felt that there is sufficient information on the indoor air quality issue to justify federal regulation, noting that they support joint EPA-OSHA jurisdiction but support OSHA precedence on activities affecting the workplace. The Consumer Federation of America voiced its support for the Department of Health and Human Services Executive Order banning smoking in the federal workplace and urged Congress to approve similar bans for the private workplace and public buildings.

BCIA's testimony focused on the building systems approach to indoor air quality, noting that ventilation improvements would require increased expenditures of only one to four percent of a building's total energy budget. Following the panel's testimony, Waxman commended BCIA for its "constructive attitude" on federal indoor air quality initiatives.

Also following the testimony, Waxman polled the panel on their opinion of ventilation versus source control as a means of mitigating indoor air pollution problems. Only the BOMA representative disagreed that legislation incorporating technology requirements for building ventilation systems would be appropriate as a first step.

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On the question of source control, BCIA noted that "source control before ventilation is a waste." SEIU noted that while it supports source control, smoking bans "should not be used as an excuse" to avoid controlling other indoor air quality problems, while the AFL-CIO said it supports only a performance-based approach to source control rather than attempting to establish exposure limits for specific pollutants.

Although ASHRAE's spokesman voiced support for source control as an IAQ option, he noted in response to a question from Rep. Bliley that source control is less effective overall than ventilation. He stated further that the new ASHRAE standard "should go a long way" in resolving indoor air pollution problems.

In summary, the industry's view of the indoor air pollution problem and appropriate solutions was extremely well represented at this hearing. Although ETS was mentioned frequently during the discussions, it was not a major focus, nor were most of the panelists inclined to consider it apart from other indoor air constituents. Similarly, the ventilation approach to the IAQ problem seemed acceptable -- at least as an initial step -- both to the majority of panelists and to the committee.

A transcript of the hearing should be available next week.

Enclosures

cc: TI Senior Staff
EPA/OSHA Task Force

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