

C O N F I D E N T I A L

PUBLIC SMOKING HEARING READINESS

Primary Responsibility: John Lyons
Sharon Ransome
Kay Thomas

This memorandum includes information on the industry's ability to respond to legislative hearings on:

- o Smoking aboard airliners.
- o Workplace smoking restrictions.
- o Smoking restrictions in other public places.
- o Indoor air quality issues.

Background

The anti-smoking movement's agenda for the 101st Congress includes a number of proposals further to restrict or prohibit smoking in public places, including all Federal buildings and on commercial aircraft, interstate buses and trains. These proposals are similar to those introduced in the last two Congresses.

At least half a dozen public smoking bills have already been introduced, including legislation to ban smoking in Federal buildings and on all domestic airline flights. Legislation that would give sweeping authority to the Environmental Protection Agency to fund studies on indoor air quality is expected to be reintroduced.

What TI and its Allies Must Cover

On public smoking legislation generally, and on airline legislation in many instances, Tobacco Institute testimony and that of its allies and interested parties should emphasize:

1. The continued lack of scientific evidence that environmental tobacco smoke is a cause of disease in healthy nonsmokers. Such testimony should continue to point out the differences in tone and substance between the bodies of the 1986 Surgeon General and NAS reports and the politicized introductions. While the bodies of these reports clearly indicate that scientific data on the health effects of ETS is far from conclusive, the introductions claim serious health harm and advocate restrictions based on existing research.

Moreover, while assertions of possible ETS health effects continue to appear -- one even claiming that more than 46,000 deaths per year may be attributable to ETS -- little research has

2025848122

been added to the ETS literature considered by the Surgeon General and NAS. Flaws in existing research should be illuminated, and the need for additional, well-designed studies should be expressed.

With respect to airliners, experts must refute the interpretation of the report published in the February 10, 1989 Journal of the American Medical Association. That report suggests that passengers in the nonsmoking section of airliners are harmed by exposure to tobacco smoke. Nicotine exposure levels cited in the study are comparable to industry-generated data, but the methodology used to associate these levels with health harm is flawed.

Industry PASS results should be presented as the most comprehensive in-flight data available. The DOT study should be supported as a means to produce solid empirical data on a wide range of cabin air contaminants, but methods used to interpret the data should be scrutinized.

2. Evidence that smoking is a minor aspect of a serious indoor air quality problem -- a problem that can and should be addressed not by restricting smoking, but by providing adequate ventilation via properly maintained ventilation systems. Smoking restrictions merely appear to alleviate indoor air pollution problems; ventilation is a comprehensive solution.

3. Evidence that Americans believe in accommodation and that existing public smoking provisions are more than sufficient. Public opinion surveys show substantial majorities believe that employers and employees should determine workplace smoking policies; that restaurants should be allowed to offer smoking and nonsmoking sections to customers; and that separate sections on airliners represent a fair and reasonable policy.

4. Evidence that employers are dealing with smoking problems in the workplace as they occur. A recent survey shows that the majority of employers and employees do not consider smoking a major workplace issue or government regulation of smoking necessary. Another survey shows that the vast majority of Americans believes smoking restrictions are a matter to be addressed on a case-by-case basis, rather than by government fiat.

5. The lack of evidence that smokers are any more costly or less productive than nonsmokers; conversely, potential costs to employers of restricting smoking in the workplace.

6. Discriminatory effects of workplace smoking restrictions, including denying equal access to handicapped workers, selective enforcement, and implementation that affects minorities, women and blue collar workers but excludes white male executives.

2025848123

7. Potential collective bargaining problems for organized labor, as well as union concerns about the broader issue of indoor air quality.

8. Aboard airliners, the threat to fire safety posed by surreptitious smoking in lavatories and by other attempts to conceal -- under newspapers, magazines or blankets -- in-flight smoking.

Resources

Tobacco Institute Witnesses:

The Honorable Charles O. Whitley
Industry scientists involved in PASS testing.

Scientific Witness Team:

Dr. Walter Decker
Dr. Lawrence Halfen
Dr. Larry Holcomb
Dr. Alan Kassman
Mr. Joe Pedelty
Dr. Jack Peterson
Dr. David Weeks
John Vincent, Esquire
ETS consultants retained outside the U.S. also may be available.

Ventilation/Indoor Air Quality Experts:

ENV Services, Inc.
Jolanda Janczewski, Consolidated Safety Services, Inc.
Frank Powell, National Energy Management Institute
Gray Robertson, ACVA Atlantic, Inc.
Simon Turner, ACVA Atlantic, Inc.

Representatives from AFL-CIO:

Bakery, Confectionery & Tobacco Workers
Sheet Metal Workers International Association
International Association of Machinists
Service Employees International Union
A. Philip Randolph Institute
Labor Council for Latin American Advancement
Coalition of Labor Union Women
American Federation of Government Employees

Economists:

Lew Solmon, UCLA
Bob Tollison, George Mason University
James Savarese, Savarese & Associates

2025848124

Public Smoking Hearing Readiness
Page Four

Additional Witnesses:

John Drake, Purdue University (airline PASS testing --
available for private briefings only)
Phil Schaenman, TriData Corp. (analysis of in-flight fires)
Dave Brenton, Smoker's Rights Alliance, Inc.
Tom Burch, Chairman, National Coalition of Vietnam Veterans
League of United Latin American Citizens
National Toxics Campaign

Surveys:

Public preference for non-legislated solutions
to workplace smoking problems.
Economic impact of smoking restrictions.
Personnel policies in Fortune 1000 companies.
National surveys of Americans' attitudes on various
public smoking policies and practices.

Videotapes:

Indoor Air Quality: A Labor Perspective (for Tobacco Industry
Labor Management Committee use only).
Financial News Network segment on airline smoking.

Action Needed

Pre-hearing briefings of Congressmen and staffs on indoor air
quality and ETS issues. Videotapes on both issues are available
for use, along with scientific and ventilation experts.

Identification of an aviation-specific ventilation consultant to
testify and conduct briefings.

Update TriData analysis of fire incidence aboard commercial
aircraft.

Economic impact studies can be initiated upon request, should it
be determined that they will be useful in hearings.

2025848125