

MINNESOTA D.R.I.V.E.



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March 22, 1991

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Senator Gene Waldorf
317 State Capitol
St. Paul, MN 55155

Dear Senator Waldorf:

This letter is pertaining to the Clean Air Act, H.F. No. 376. I sit on the Clean Air Committee for the Teamsters and have for many years. Other unions that also belong are the Machinists, Aerospace Workers, Sheetmetal Workers, United States Brotherhood of Carpenters and Journeymen, and U.S. Painters and Decorators of America.

To bring you up to date in Minnesota, we are having a Clean Air Act bill, which is a farce as far as the Teamsters Union is concerned. The Teamsters oppose this bill -- not whether smoking is good or bad, but about taking our rights away.

In the U.S. Court of Appeals decision of November 30, 1990, the Department of Health and Human Services Family Support Administration in Washington, D.C., the Department of Health and Human Services Headquarters Office in Washington, D.C. and the Department of Health and Human Services Region VII in Kansas City, MO were overruled by the courts. It is therefore ruled that no one can make a ruling outlawing smoking in any building, whether it is federal, state, county, or private industry.

This decision also states that even if it does cost money to do so, you must set aside smoking areas and make sure the area is properly ventilated, so the smokers do not interfere with the nonsmokers.

Here in Minnesota, Senator Flynn of the Health and Human Services Committee decided to go further than what the bill was last year which, of course, a lot of people thought that would be the end of it, but I know different. Here it is, appearing again. These people don't care about anybody else's rights. They have included factory workers, warehouses, carrier service and trucks going down the road. That is going too far.

As I have asked the author of this bill and the members of the Health and Human Services Committee this year and last year, have they ever gone to a factory or warehouse -- the answer was NO.

Did you know that when the Clean Air Act went into effect in 1975, the Teamsters Union was already fighting for it and helped with the financing to advertise such. We have always been concerned about health and the safety of the environment. We have negotiated a long time ago for no smoking rules in any place where flammable and toxic materials are. This is to give you an idea about the

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history of the Teamsters and the Clean Air Act. As Senator Flynn stated, they are only concerned about nonsmokers.

One of the questions asked between Senators Solon and Waldorf was on page 2 of H.F. 376:

Furthermore, this prohibition shall not apply to factories, warehouses, and similar places of work not usually frequented by the general public, except that the state commissioner of health shall establish rules to restrict or prohibit smoking in those places of work where the close proximity of workers or the inadequacy of ventilation causes smoke pollution detrimental to the health and comfort of nonsmoking employees.

The Health and Human Services Committee couldn't get the Attorney General to enforce the ruling -- mainly because it is against the law to enforce such a statute.

All we're trying to do is protect the rights of our members -- not determine if smoking is good or bad. We would appreciate if you would leave the bill the way it was.

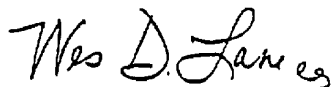
Please read the letters from the Teamsters Union Locals to the Health and Human Services Committee. They would gladly show you their contracts. We have the same problems pertaining to smoking -- some are for, some are against. But they all said no matter what, we won't lose our right to bargain and we will set aside areas for our brothers and sisters. We are asking you to do the same. If you would like to talk to any Teamster member, that would be fine.

If there is a hearing to testify, please see that there is enough time allotted for all who want to testify. We want everyone to get a chance to speak if it is to be an honest bill.

Dakota County, Minneapolis, St. Paul, Anoka County and areas are reevaluating their ordinances of nonsmoking. I have met with many counties myself and said I would work with them so that they won't have to change entire buildings within the city. There is no reason why we can't work something out with them. This is one area people feel they are discriminated against.

Let us truly represent our people. Don't take their rights away.

Sincerely,



Wes D. Lane
D.R.I.V.E. Representative

WDL/lg/opeiu #12
Enclosures

TIMN 458403