

# San Francisco Anti-Smoking Law a Success

By SCOTT D. SCHUB

Staff Reporter of THE WALL STREET JOURNAL

SAN FRANCISCO—The toughest anti-smoking law in any major U.S. city is five months old—and to everyone's surprise, it seems to be working nicely.

The law went into effect March 1, amid predictions of disrupted worker relations, acrimonious litigation and outright rebellion. But the city's health department, charged with enforcing the ordinance, reports only about 55 complaints, about eight of which are still unresolved.

"We had hoped for the most part it would be self-enforcing, and it's been going that way," says Bruce Tsutsul, the inspector who handles the complaints.

The law has prompted just one legal challenge, a suit filed by Claudia Marshall seeking \$100,000 and lost wages because she was allegedly fired 30 minutes after requesting in writing that her supervisor stop smoking. The defense will claim Ms. Marshall was fired for other reasons, and if the court agrees, the law's constitutionality will remain unchallenged.

A year ago, civil harmony seemed unlikely. In June 1983, after the bill had been passed but before it took effect, a pro-smoking committee began a drive to put the issue on the November ballot. San Franciscans Against Government Intrusion collected some 48,000 signatures, more than twice the amount necessary. The tobacco industry

contributed more than \$1.2 million to the committee's campaign. As it turned out, voters approved the ordinance by less than 1%.

The law requires employers to write a smoking policy that allows a nonsmoker to object about smoke in the workplace to the employer. Employers served with an objection must try to find an acceptable solution. However, if the nonsmoker remains dissatisfied, smoking must be banned. The only exemptions are for private home offices, federal and state employees, independent contractors' offices and enclosed offices occupied solely by smokers. The maximum fine for noncompliance is \$500 a day.

Most companies posted policies modeled after the law. Pacific Telesis and Wells Fargo (Bank) & Co. extended their policies statewide. Bechtel Group Inc. and Chevron Corp., among others, provided "no smoking" signs for employees. Others bought air purifiers (Del Monte Corp., which employs about 1,200 in San Francisco, bought 125 such devices).

"Our experience has been that it hasn't been very difficult to implement," says Clark Kerr, vice president of corporate health programs for BankAmerica Corp., which instituted its policy in January.

Most of the complaints came in March (25) and April (16), but now it's "one or two a week," says Mr. Tsutsul, who says he spends only eight hours a week or less on them.

Disgruntled smokers still exist. Some can

be found at a Pacific Telesis sales development center with 90 employees. The center was declared nonsmoking after a complaint to the health department, and now smoking is permitted only in a small break room. "I was quite upset because it is a communist type of approach," says Lee Chandler, an assistant manager. During the day he smokes less, he says, but, "if anything, it's made me healthier because I pack them away at night."

At Chevron Corp., 18 of 20 workers in the economics department were shuffled to create a smoking corner for the department's three smokers. It delights Marilyn Schwenger, who is allergic to the smoke.

As for Dennis M. Paynter, a smoker, he says the arrangement is fine and hasn't changed his habits—or his nonsmoking colleagues' propensity to come to him for help.

It's not yet clear whether the law has reduced overall smoking as many of its proponents hoped. The American Lung Association of San Francisco, which helps companies set up their policies, reports that since the ordinance, phone inquiries and cessation program enrollment have increased about 30%.

City officials are answering queries from cities around the world. Board of Supervisors President Wendy Nelder, who sponsored the law, thinks the tobacco industry feared that that might happen. "They know," she says, "that everyone watches San Francisco."