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## SMOKING RESTRICTIONS IN NEW YORK CITY

### A Bad Idea Whose Time Has...GONE

#### **"Virtually unenforceable,"**

says the Business Council of New York State of public smoking legislation.

#### **"Not by legislative mandate,"**

notes the AFL-CIO Executive Committee in a unanimous opinion on ways to deal with smoking in the workplace.

The burdensome "Smoking Pollution Control Act of 1986" would force employers to establish "no-smoking" policies and provide "smoke-free" zones "to the maximum extent possible." Subject to limited qualifications and exceptions, the Act would also prohibit smoking in all "public places," broadly defined to include restaurants, bowling alleys, stores, enclosed sports arenas, convention halls, and "any enclosed area to which the public is invited or in which the public is permitted."

#### **COSTS TO BUSINESS**

Direct annual costs to New York City businesses and taxpayers could exceed **\$265 million**, according to a conservative estimate prepared by the economic consulting firm of James Savarese and Associates.

The proposal would cost private employers and the City government money through:

- redesign of office space
- purchase and posting of signs
- lost productivity from workers taking extra smoking breaks
- drafting, administering and enforcing policies
- lost customer good will and business as consumer behavior is regulated

The courts have ruled that smoking policies are a condition of employment and may be subject to the same collective bargaining rules as wages, hours and benefits...this proposal could usurp that traditional right.

Recognizing the need to involve workers in the decision-making process, the AFL-CIO Executive Committee on February 19, 1986, agreed unanimously that

**"issues related to smoking on the job can best be worked out voluntarily in individual workplaces between labor and management in a manner that protects the interests and rights of all workers and not by legislative mandate."**

## PERSON TO PERSON

### WORKPLACE BY WORKPLACE

When New York business leaders were asked whether they wanted laws to regulate smoking, more than 80 percent said NO! The vast majority of respondents to a Business Council of New York State survey said they thought occasional differences between smokers and nonsmokers were best worked out individually, through common sense, courtesy and cooperation.

A recent survey of the nation's largest and fastest growing companies found nearly two-thirds of the respondents rejecting formal smoking policies in favor of case-by-case resolution of the minor problems that may arise between smokers and nonsmokers.

Legislation to restrict smoking in the workplace ignores the practical realities of the business world. A smoking policy in a company with private office space could prove a nightmare for the business executive who favors open floor plans and partitions.

### INDIGESTION FOR RESTAURATEURS

Restaurateurs must please their customers if they want to remain in business. They can now voluntarily establish the most efficient smoking/nonsmoking arrangement they wish...making sure their regular customers remain regular customers and providing maximum comfort for all patrons.

**"Mandatory [smoking] regulations can cause a form of indigestion restaurateurs don't need,"**

notes Victor Rosellini, a restaurateur and past-president of the National Restaurant Association.

**Smoking policies in restaurants are "best left to a voluntary effort,"**

said Fred Sampson, president of the NY State Restaurant Association, in 1985 testimony before the New York City Council Health Committee.

### UNJUSTIFIED ON HEALTH GROUNDS

**"Should lawmakers wish to take legislative measures with regard to passive smoking, they will, for the present, not be able to base their efforts on a demonstrated health hazard from passive smoking."**

That was the assessment of a panel of scientists convened in Vienna, Austria, in 1984, in cooperation with the World Health Organization and the International Green Cross.

**"Solid scientific evidence of passive smoking's health risks to nonsmokers is as elusive as the smoke itself."**

The report is from Medical World News which summarized the results of a recent National Academy of Sciences hearing on environmental tobacco smoke.

Just as environmental tobacco smoke does not represent any established health hazard to the nonsmoker, it should not be an irritant to the average nonsmoker, assuming ventilation equipment is properly installed and maintained, and is functioning according to indoor air quality standards established by the city government.

In a recent National Institute for Occupational Safety and Health report on investigations of the 203 major indoor air quality complaints it examined, the problems were traced to tobacco smoke in fewer than two percent of the cases. Almost 50 percent of the problems were attributed to poor or inadequately maintained ventilation. Similar investigations by private air quality consultants affirm the NIOSH findings.

#### OTHER POTHOLES ON THE

#### ROAD TO SMOKING RESTRICTION LAWS

Behavior modification proposals like smoking restrictions are inherently foggy...it is unclear exactly how this proposed law is to be interpreted and enforced.

New York City residents do not need Big Brother to regulate personal lifestyles...especially when severe and unrealistic penalties could be levied for violations of the Act...with fines up to \$1,000!

The Health Commissioner who would be in charge of enforcing ventilation standards included in the bill said recently that his department did not know how to measure the adequacy of ventilation systems required by the Act.

As many as seven different City departments and agencies may have enforcement responsibility for the mayor's smoking restriction measure...uneven and unfair enforcement, then, may be the rule rather than the exception.

Would it be worth the cost to public safety if police officers and firefighters were taken off the streets and out of the firehouses to enforce smoking restriction law infractions?

Let's face it...who should know better than the property owner or office manager how best to satisfy the comfort and desires of clientele and employees? Who, more than the business proprietor, wants happy customers, return customers?

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**SMOKING RESTRICTION LEGISLATION IN NEW YORK CITY**

**IS**

**UNWISE, UNFAIR, UNWARRANTED, and UNWANTED.**

- . Business doesn't want smoking restriction laws...they are unenforceable.
- . Labor doesn't want smoking restriction laws...labor prefers the voluntary approach.
- . The citizens of New York City do not want them either.

**COMMON COURTESY AND COMMON SENSE ARE THE BEST GUIDELINES**

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**SAY NO TO MORE REGULATION**

Mayor Koch requested comments on his proposal from ALL residents...Take him up on that request...Express your opposition to this unnecessary measure by writing TODAY to:

**Mayor's Committee on Smoking and Health  
c/o Dr. Stephen Joseph  
Commissioner of Health  
125 Worth Street - Room 519  
New York, New York 10013**

It is important that you also send copies of your message to members of the City Council Health Committee...these lawmakers will consider the mayor's smoking restriction proposal soon. Their names and addresses are listed below:

**MEMBERS OF THE NEW YORK CITY COUNCIL HEALTH COMMITTEE**

**Fernando Ferrer, Chairman  
2021 Grand Concourse  
Suite 301  
Bronx, NY 10453**

**Hilton D. Clark  
250 Broadway - 23rd Floor  
NY, NY 10007**

**Joseph F. Lisa  
50-07 108th St.  
Corona, NY 11368**

**Carolyn B. Maloney  
49 Chambers St. - Rm 400  
NY, NY 10007**

**Morton Povman  
108-18 Queens Blvd.  
Forrest Hills, NY 11375**

**Victor L. Robles  
815 Broadway - Rm 404  
Brooklyn, NY 11206**

**Priscilla A. Wooton  
1962 Linden Blvd.  
Brooklyn, NY 11207**

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