

Labor and Tobacco Control: Emerging Opportunities for Collaboration

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Key Points

- Organized labor has not historically been active in tobacco control
- ETS is a workplace health and safety issue
- Excise taxes potentially supported by public sector and service unions
- Opportunities exist for collaboration between organized labor and tobacco control movement

Policy Context in early 1980s

- Labor in defensive position
 - Loss of manufacturing jobs
 - PATCO strike
 - Hands off philosophy at NLRB
- Erosion of Health and Safety Regulatory Environment
 - Inaction on cotton dust, benzene, asbestos and other standards
 - 1/3 of OSHA field offices were closed and workplace inspections decline
- Science on ETS only just emerging

Why was this context important?

- Smoking restrictions first proposed at federal level outside collective bargaining process
- Changes in workplace smoking policy seen through prism of collective bargaining/impact on union
- Unions reluctant to take stand on divisive issues
 - Worksite smoking not yet seen as health issue
 - Co-worker was source of exposure
- Unions concerned that other health and safety issues were being ignored

The Tobacco Industry Identifies Organized Labor as Potential Ally

- Tobacco Institute Labor Management Committee (LMC) formed in 1984 with Tobacco Institute and five unions

THERE ARE A LOT OF PEOPLE IN WASHINGTON WHO CLAIM TO "DO" LABOR.

THEY DON'T WORK FOR US.

THE COMMITTEE'S LABOR CONSULTANTS ARE INDIVIDUALS WHO COME OUT OF THE LABOR MOVEMENT. SOME ARE CLOSE TO INDUSTRIAL UNIONS ... OTHERS COME OUT OF THE PUBLIC EMPLOYEE SECTOR.

SOME HAVE LEGISLATIVE BACKGROUNDS ... OTHERS ARE FORMER SAFETY AND HEALTH DIRECTORS ... OTHERS ARE FAMILIAR WITH POLICY DEVELOPMENT.

EACH ONE OF THESE INDIVIDUALS BRINGS A UNIQUE STRENGTH

FOCUS ITS ACTIVITIES ON THE TWO LEGISLATIVE ISSUES THAT HAVE THE GREATEST IMPACT ON THE INDUSTRY.

AS ITS FIRST ORDER OF BUSINESS, THE COMMITTEE AGREED TO FOCUS ITS ACTIVITIES ON THE TWO LEGISLATIVE ISSUES THAT HAVE THE GREATEST IMPACT ON THE INDUSTRY.

EXCISE TAXES AND PUBLIC SMOKING.

Worksite Smoking Restriction Strategy

- Initial strategy focused on collective bargaining concerns and issues
- New strategy in 1984/85 focused on IAQ:

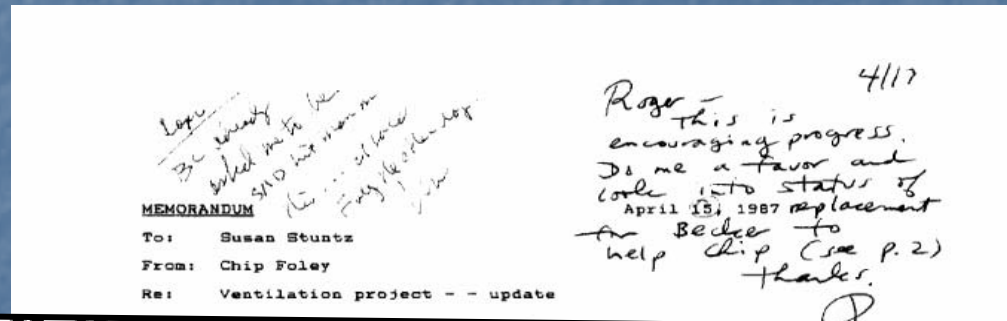
New Focus:

The central

The central argument ACVA Atlantic Inc. (a firm specializing on indoor air quality) makes is that indoor smoke is merely a symptom of a larger problem: inadequate ventilation.

Smoking may provide some psychological relief, it fails to address the basic cause of indoor pollution nor resolve the physiological impact of non-smoke pollutants. Although banning or restricting cigarette smoke -- a more direct object of attack -- a more comprehensive indoor air quality review and regulation to a general promotion of comprehensive indoor air quality review and improvement. This is analogous to our effort on the "self-extinguishing" cigarette to focus on overall fire prevention and isolate its supporters as anti-smoking.

IAQ Legislation as Strategy to Avoid Smoking Restrictions



introduction of legislation which sets standards for indoor air quality. This legislation would be in lieu of smoking restrictions or could provide the basis for repeal of existing smoking restrictions. In either case, the intent would not be passage so much as to generate long term debate on the issue and focus the public's attention on indoor air pollution in the workplace. The debate would turn attention away from the issue of workplace smoking.

the exception of Kelly, all of the field staff were very enthusiastic about the project and provided a great deal of input, especially in the area of tactics. Dyer, Scanlan and Brozek said that they would like to see this project developed as soon as possible and all three said that they could put it to use right now. Their comments and the comments of T.I. staff have been incorporated into the plan.

As of this date the written proposal includes in detail the assumptions, strategies, goals and tactics that would lead to the introduction of legislation which sets standards for indoor air quality. This legislation would be in lieu of smoking restrictions or could provide the basis for repeal of existing smoking restrictions. In either case, the intent would not be passage so much as to generate long term debate on the issue and focus the public's attention on indoor air pollution in the workplace. The debate would turn attention away from the issue of workplace smoking.

Some of the major highlights of the proposal are as follows:
It can be assumed that there is an increasing awareness of the

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Promotion of IAQ/Ventilation through Allies

APPENDIX A

TOBACCO INSTITUTE INDOOR AIR QUALITY PROGRAM RESOURCES AND ALLIES

Media tours conducted monthly by ventilation expert and ACVA president Gray Robertson. In the two years Robertson has been on the road, he has been interviewed by hundreds of print and broadcast reporters.

Robertson

ACVA and Scientific Witness Team testimony and one-on-one briefings of legislators, and other organizations. Also, expert testimony in workplace

regulation studies, conducted in response to legislative or union requests.

The latter, funded by the Tobacco Industry Labor Management Committee, have included

Support of the National Energy Management Institute (NEMI), a joint venture of the sheet metal workers' union and the contractors, which is developing an indoor air quality program to enable its 200-plus certified

closed.

All ACVA building investigation reports contain a section on the presence (or absence) of ETS in the building.

participation in indoor air

Presentations by representatives of the Labor Management Committee, NEMI, and representatives from the Service Employees International Union, to lobbyists, executive councils, and conventions of members of state and international unions. These presentations have resulted

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IAQ Strategy in Connecticut

**PRO-ACTIVE PROPOSAL
INDOOR AIR QUALITY**

CONNECTICUT

LEGISLATIVE ACTION: September 29, 1990

The purpose of the legislation is to reduce or eliminate the effects of the existing state-wide workplace smoking restriction law. Other potential benefits might include preempting localities from enacting more restrictive ordinances in the future. As with most types of

SPONSOR: Connecticut State Federation AFL-CIO, supported directly by the SEIU and ACLU.

COMMITTEE: Joint Committee on Labor Legislation

EXPERT WITNESSES? **YES** 4th Qtr 1990
1st Qtr 1991
NEMI, HSI, and other scientific witnesses for individual and committee presentations. Ideally, these witnesses will be sponsored by other organizations when they make their presentations. NEMI will present the labor perspective. Other witnesses could be brought

legislation as a result of an AFL-CIO resolution. As in previous legislative activities, our role would be supportive, but not overt. The preliminary requirement of the effort was the adoption of appropriate resolutions by the AFL-CIO during the legislative convention. This was arranged through the offices of local labor counsel.

RESOURCES NEEDED	YES/NO	DATE NEEDED
ECONOMIC ANALYSIS/FACTSHEET?	YES	11/30/90

COALITION ALLIES? **YES** 4th Qtr 1990
1st & 2nd Qtrs 1991
If successfully developed, the entire effort will be sponsored by the AFL- CIO. The support of other unions including the SEIU, Sheetmetal Workers and BC&T will be developed. The support of the business community would be ideal, but difficult to

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IAQ Strategy in Action: Connecticut

- 2 Pieces of legislation introduced in 1991:

“An Act Concerning Indoor Air Quality,” February, 1991

-Supported by the Tobacco Institute, SEIU, Occupational H&S professionals

“An Act Concerning Standards for Heating, Air Conditioning and Ventilation in the Workplace,” March, 1991

-Supported by NEMI, ACVA/HBI, SEIU

-ACVA/HBI testifies: “The fact is the accumulation of smoke in a building is the symptom of a problem, not the cause. Invariably the cause is poor ventilation”

Excise Tax Strategy: Connecticut

STATE TAX PLAN

CONNECTICUT

LEGISLATIVE ACTION: September 27, 1990

collections or tax increases. Since the state already has one of the highest sales taxes in the country and no income tax, it is reasonable to assume that the legislature and the governor will look to consumption and excise taxes to fund the deficit. A potential exists for a progressive income tax coalition to develop. The likelihood that the such tax will pass during the upcoming session is remote. However, if a coalition is developed...

INDUSTRY ACTION

Governor O'Neill, who is not running for re-election, has increased his deficit estimate to

Our most important allies in Connecticut will be the grocers (Food Association) and labor, both individually and as part of a consumer tax equity alliance.

contributions. His position is, therefore, unclear. Weicker is in favor of tax reform but has not articulated a program. He is apparently willing to look at an income tax but political wisdom would certainly not depend on such a radical change as a certainty.

A Consumer Tax Equity Alliance, forging together disparate elements of the electorate, would provide the most effective solution to the problem. It would cut across political philosophies, harnessing the energies of the grocers and the unions.

- State budget crisis in 1990-1993 and competing tax plans
 - LMC helps fund and advises Taxpayers Alliance to Serve Connecticut (progressive tax coalition) on fair tax strategy that excludes excise taxes
 - chaired by CT AFL-CIO president and includes labor unions and CT Citizen Action Group

Policy Context since Mid-1990s

- EPA classifies ETS as a known human carcinogen in 1993
- Master Settlement Agreement in 1998
- Rise in service sector employment
 - Service sector projected to provide 4 out of every 5 jobs in U.S. economy between 2004 and 2014
 - Predominance of service sector unions (SEIU, Teachers, AFSCME, HEREIU)

Implications of New Policy Environment

- ETS recognized as a health issue by many unions
- Source of exposure is customer or client – ETS is workplace health concern rather than divisive issue
- Health and safety is becoming organizing issue in service sector
- Increasing labor support for excise taxes, particularly in public sector

Job Requirements

ESSENTIAL JOB FUNCTIONS:

- Exposure to casino related environmental factors including but not limited to second hand smoke, excessive noise, and stress related to servicing customers in a high pressure and fast paced environment.

Connecticut: Changes in Policy Environment

2002

- Citizen Action and SEIU support increase in excise taxes
- Excise taxes increase from 50 cents to \$1.11/pack

2003

- HEREIU testifies in support of repealing local preemption clause:

“This issue is clearly one of workers’ rights...Our members’ current exposure of second hand smoke is little less than an unfair labor practice...These working conditions would be best rectified by restoring local control and allowing our municipalities to protect the residents and citizens from 2nd hand smoke.”

- Connecticut becomes 4th state with comprehensive smokefree worksite policy

Conclusions

- Recognition of ETS as workplace health issue offers opportunity for collaboration between workers and public due to common physical environments and exposures
- Tobacco control advocates should be attentive to labor positions and support broader health and safety concerns
- Cigarette excise taxes represent a policy area where collaboration between labor and tobacco control can be mutually supportive, particularly when policies crafted to support labor concerns