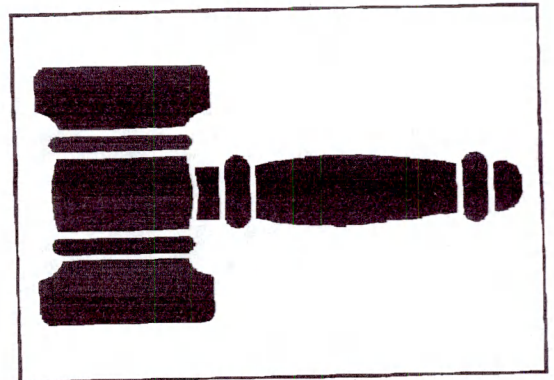


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DATE: September 11, 1996

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COMMENTS: Attached is the AP story we've been waiting for on the status of the Exec Order.

No. of Pages (including cover):

3

===== PASSIVE SMOKING: =====

Smoke Free Initiative Stalled

09-11-96 0209EDT
By LAURAN NEERGAARD
Associated Press Writer

WASHINGTON (AP) When President Clinton targeted teen-age smoking, the other half of the government's tobacco war fighting secondhand smoke appeared to get sidetracked.

Tobacco foes say that left millions of Americans breathing other people's smoke in the workplace, and now they're renewing the attack: asking a federal appeals court to order the Occupational Safety and Health Administration to speed up workplace smoking rules.

At the same time, health officials acknowledge they're considering asking Clinton to sign an executive order they drafted last year that would ban smoking in every federal office building.

Still, it's unlikely any action on the politically charged issue of secondhand smoke would come before November's election.

"There's been a general retreat on the part of the federal government about clean indoor air," said Stanton Glantz, a University of California, San Francisco, expert on secondhand smoke. "That's unacceptable."

Clinton administration officials are angered by such criticism. They point to last month when the Food and Drug Administration unveiled the nation's most sweeping tobacco regulation, attempting to cut in half teen-age smoking by restricting advertising and blocking minors from buying tobacco. Clinton quickly approved the rules.

"Without apology, the children's tobacco initiative was the administration's priority," said Victor Zonana, spokesman for the Department of Health and Human Services.

But whether there is harm in breathing someone else's smoke is a different controversy, one that the Environmental Protection Agency ignited in 1993 when it declared that secondhand smoke kills 3,000 Americans a year from lung cancer alone.

Infuriated tobacco companies insist scientists have not proved that secondhand smoke is dangerous.

The EPA report "has been the justification for smoking bans all across this country," said Peggy Carter of R.J. Reynolds, one of several tobacco companies that sued the EPA to get its data retracted. "It's not accurate."

OSHA is required to regulate workplace exposure to carcinogens, so it proposed a smoking ban in 6 million workplaces, from office buildings to bars.

Labor Secretary Robert Reich insists OSHA is hard at work finalizing that ban.

"It's still very much alive," Reich said. "We still believe that smoking in the workplace is an issue that must be dealt with, and we are intent on making workplaces safer."

But OSHA's proposal was made in the same week in 1994 that FDA Commissioner David Kessler began considering whether to regulate tobacco as a drug. Two years later, those regulations to cut teen smoking have been written. But OSHA battered by congressional attempts to shut it down and operating under a tighter budget hasn't completed its regulations and can't estimate when it will.

Only one OSHA employee is working on the rules full time, slogging through the 110,000 public comments the agency received about the proposed ban. That task alone could take an additional six months.

OSHA officials won't move forward on the regulations because "they don't want to have to take on the tobacco industry, they don't need a new big powerful foe," contends attorney John Banzhaf of Action on Smoking and Health, who has petitioned the federal appeals court to make OSHA speed up its rulemaking. A hearing on the petition is scheduled for Oct. 1.

Despite delays at OSHA, tobacco foes are pushing HHS to dust off an executive order the agency quietly drafted a year ago that would ban smoking in all federal buildings.

"The executive order is still under consideration" at HHS, confirmed Dr. Michael Eriksen, tobacco chief at the federal Centers for Disease Control and Prevention. But the government's "primary focus right now is prevention of nicotine addiction from occurring in the first place."

Smoking bans aren't the only battleground.

EPA scientists complain that since the agency was sued by the tobacco industry, they are not being allowed to study any relationship between secondhand smoke and heart disease. An EPA official, who spoke on condition of anonymity, would say only that the agency couldn't justify spending limited resources when efforts against secondhand smoke already have "enough momentum."

Glantz, however, questions whether that momentum is real.

"There's all this rhetoric about providing a safe workplace, when a smoke free workplace is the easiest, simplest, cheapest and one of the most effective things you can do," he said.