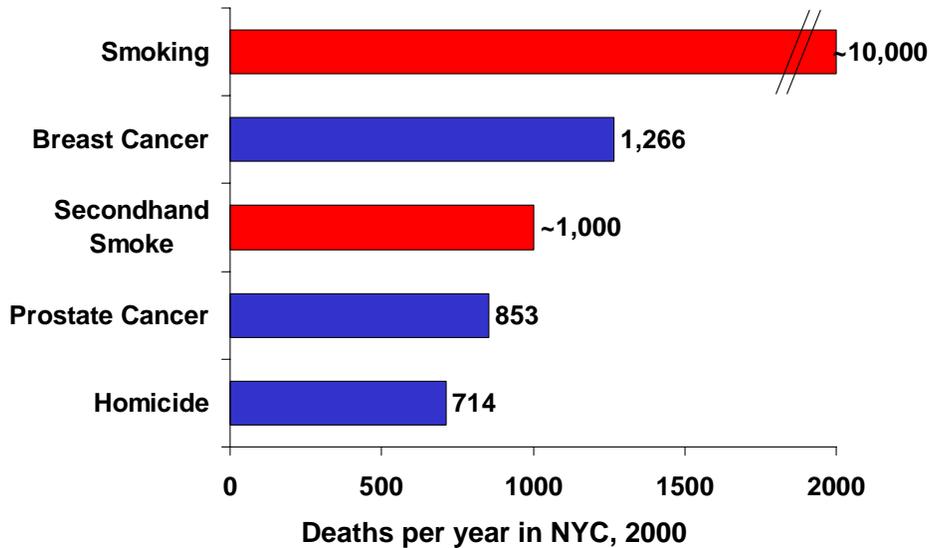


**Smoke-Free Workplace
Legislation Will Save Lives
– and It **Won't** Hurt
Business**



Tobacco is the Leading Epidemic of Our Time—and Second-Hand Smoke Also Kills



Source: New York City Department of Health, Summary of Vital Statistics, 2000.



- Tobacco use is the leading epidemic of our time, causing one of every 6 deaths in New York City and a third of all preventable deaths.
- Second-hand smoke is also a leading cause of death nationally and in New York City.
- In addition, second-hand smoke causes illnesses in more than 40,000 New Yorkers every year:
 - Asthma exacerbation (14,000 cases)
 - Respiratory infections (5,000 cases)
 - Ear infections in children (24,000 cases).

Food Service Workers Have the Highest Risk of Harm from Second-Hand Smoke

- Only 1 in 5 food service employees nationwide works in a smoke-free environment
- Working an 8-hour shift, bartenders inhale carcinogens similar to smoking more than ½ pack of cigarettes
- Bar and restaurant workers face a 50% greater risk of lung cancer than other workers

Sources: Gerlach, K. et al. "Workplace Smoking Policies in the US," *Tobacco Control*, 1997; Seigel, M. "Smoking and Restaurants: A Guide for Policy-Makers," 1992; Siegel, M. Involuntary smoking in the restaurant workplace: a review of employee exposure and health effects. *JAMA*, 1993.



- Bartenders and waiters have the highest level of exposure to second-hand smoke of any occupational group in the United States.
- Restaurant workers are exposed to second-hand smoke levels that are up to 2 times higher than in office workplaces. Bartenders are at even greater risk, with exposure levels 4 to 6 times higher than in offices.

NYC's Current Law Fails to Ensure Safe Workplaces

- Smoking is currently permitted in:
 - Stand-alone bars and bar areas of restaurants
 - Restaurants ≤ 35 seats
 - Bingo parlors
 - Private offices (≤ 3 workers) if all occupants agree
 - Separate areas of bowling alleys, convention halls, and performance halls
 - Separate workplace smoking rooms



- New York City's current law has many loopholes and therefore leaves many workers unprotected.
- Second-hand smoke contains many of the chemicals classified by the Environmental Protection Agency as a "Class A" carcinogens, such as arsenic, benzene, and vinyl chloride. Unrestricted exposure of workers and customers is not allowed for any Class A carcinogen.
- The current law also does not protect the right of non-smokers to breathe poison-free air.

An Effective Smoke-Free Workplace Law Could Save More Than 11,000 Lives

- Based on statewide estimates, as many as 1 million New York City workers are not protected from second-hand smoke
- Nationally, African-Americans are the least likely to work in a smoke-free workplace
- Smoke-free workplace legislation in NYC will:
 - Prevent at least 4,000 early deaths among non-smokers, by protecting them from exposure
 - Prevent at least 7,000 more early deaths among smokers, by encouraging them to quit

Sources: Estimates based on US Bureau of Labor Statistics, 2000; Centers for Disease Control and Prevention, State-specific prevalence of current cigarette smoking among adults and the proportion of adults who work in a smoke-free environment—United States, 1999. MMWR 2000; 49: 978-982; Patten CA et al. "Workplace smoking bans and employee smoking behavior in California." Tobacco Control 1995; 4: 36-41; and Tobacco Use Among U.S. Racial/Ethnic Minority Groups: A Report of the Surgeon General, July 1998.



- Smoke-free workplace legislation save lives in two ways:
 - First, it protects workers from the harmful effects of second-hand smoke. Just 30 minutes of exposure to second-hand smoke produces some of the same physical reactions as would occur from smoking.
 - Second, it helps smokers to stop smoking. 10-20% of smokers quit smoking as a result of smoke-free legislation in their workplace.
- Smoke-free workplace legislation also reduces the social acceptability of smoking, and therefore helps reduce smoking in general.

Comprehensive Smoke-Free Workplace Laws Reduce Cigarette Consumption

"Total prohibition of smoking in the workplace strongly affects industry volume. Smokers facing these restrictions consume 11-15% less than average and quit at a rate that is 85% higher than average...*Milder workplace restrictions, such as smoking only in designated areas have much less impact on quitting rates and very little effect on consumption.*"

Philip Morris

"Financial impact of smoking bans will be tremendous – three to five fewer cigarettes per day per smoker will reduce annual manufacturer profits a billion dollars plus per year."

Philip Morris

Source: Philip Morris Internal Documents.



- Internal documents made public by lawsuits reveal the reasons for tobacco companies' opposition to smoke-free workplace legislation.
- Smoke-free workplaces not only save lives among non-smokers, but also help smokers cut down on tobacco use or quit smoking entirely.
- Philip Morris has determined that "milder workplace restrictions" – such as those in place in New York City today – do not reduce smoking.
- Smoking restrictions with loopholes also fail to protect many workers from second-hand smoke.

Smoke-Free Workplace Laws Do Not Harm Businesses

“...the economic arguments often used by the industry to scare off smoking ban activity were no longer working...These arguments simply had no credibility with the public, which isn't surprising when you consider that our dire predictions in the past rarely came true.”

Philip Morris

Source: Philip Morris Internal Documents.



- Even the tobacco industry admits that the economic “doomsday” arguments it uses to combat smoke-free workplace laws have been discredited by the extensive evidence on the economic impact of these laws on the restaurant, bar, and tourism industries.
- Studies show that smoke-free workplace laws have a neutral or positive effect on business. More importantly, these laws have overwhelmingly positive effects on the health of workers and customers.

Dire Predictions of Economic Losses in NYC Never Came to Pass

What They Predicted About Smoke-Free Laws

- "...restaurants would lose up to a quarter of their business if smoking were prohibited."
- "We expect [the Smoke-Free Air Act] to cost this city 11,000 jobs and the hospitality industry more than \$500 million."
- "New York has over 25 million visitors a year. Tourism is a \$14 billion industry. But if this bill passes in its present form, tourists will steer clear of a city so harshly intolerant of smokers."

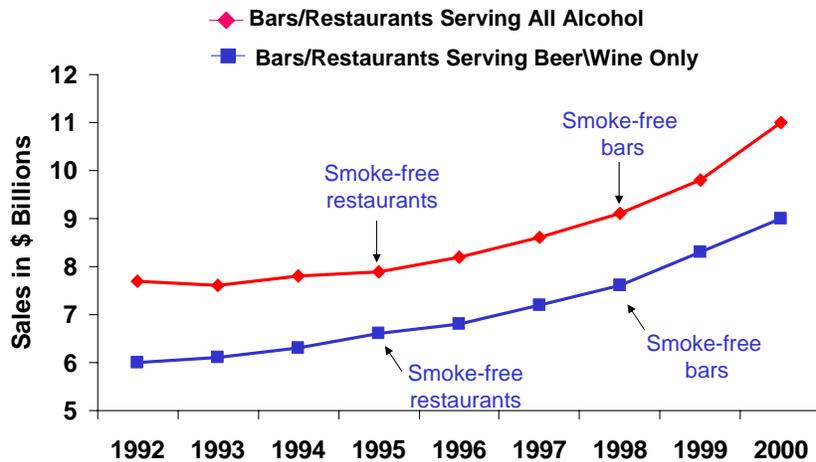
What Happened After the 1995 Smoke-Free Air Act

- Restaurant sales increased from 1993 to 1997
- Over 19,000 new restaurant jobs were created between 1993 & 1997
- Over 37 million tourists visited New York in 2000
- Tourism has grown to become a \$25 billion industry



- During the debate prior to the passage of New York City's Smoke-Free Air Act in 1995, the tobacco industry and restaurant associations claimed that going smoke-free would cost the hospitality industry hundreds of millions of dollars and cost the city 11,000 jobs.
- None of these predictions came true. In fact, New York City enjoyed rapid growth in the restaurant, hotel, and tourism industries since the smoke-free law was passed.

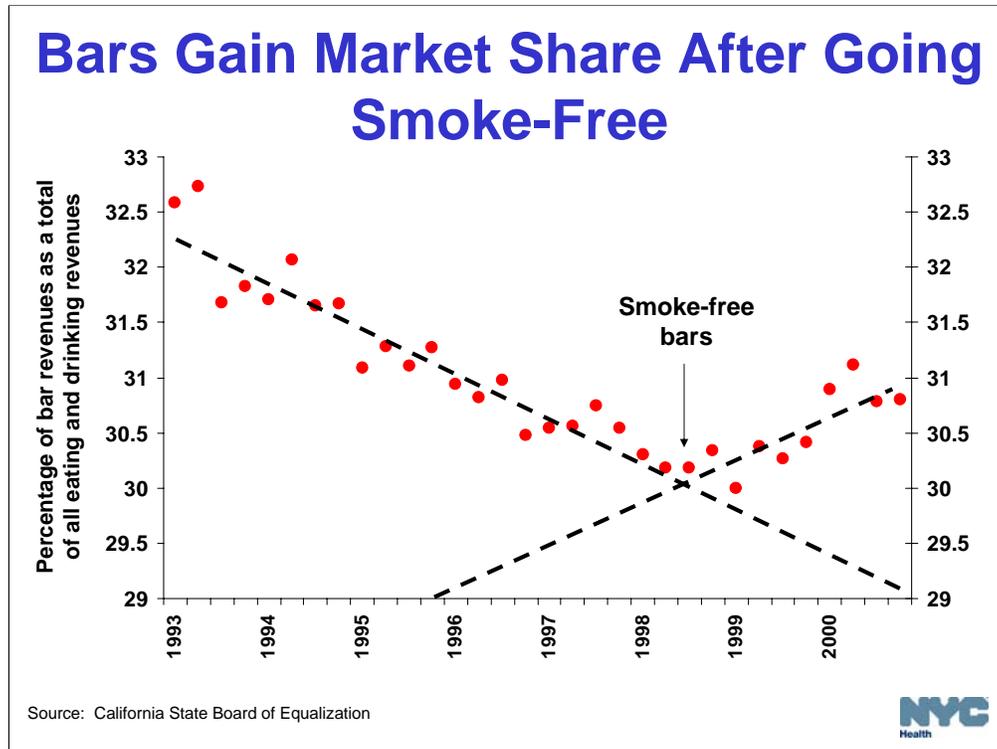
Smoke-Free Workplace Laws Aren't Bad for Business – Sales



Taxable sales in California
Source: California Board of Equalization.



- California extended smoke-free workplace legislation to all restaurants and stand-alone bars in 1995 and 1998, respectively. As the ever-increasing taxable sales receipts show, eating and drinking establishments that serve alcohol were not adversely affected by the implementation of a smoke-free policy.
- In fact, in 2000, establishments serving all types of alcohol saw an increase of 17% in sales after bars instituted a smoke-free policy in 1998 and a 27% increase since restaurants went smoke-free. Establishments serving only beer and wine experienced similar gains.
- Employment figures for the restaurant and bar industries mirrored the growth in sales. After restaurants and bars went smoke-free, California experienced a 19.5% increase in food service workers, compared to a 13.5% increase for all employment statewide over the same period.



- In California, bars had a steadily declining proportion of market share from 1993 to 1998.
- After bars went smoke-free in 1998, the declining trend was reversed and bars actually gained market share.
- In this case, smoke-free legislation was clearly good for business.

Objective Measures Indicate that Smoke-Free Laws Don't Hurt Business

26 well-designed studies found either no effect or a positive effect on economic measures after the implementation of smoke-free laws in restaurants and/or bars

MEASURES

- Taxable sales receipts
- Other sales data
- Employment levels
- Number of establishments

JURISDICTIONS

- Arizona
- California
- Colorado
- Massachusetts
- New York City
- Wisconsin
- North Carolina
- Canada
- South Australia

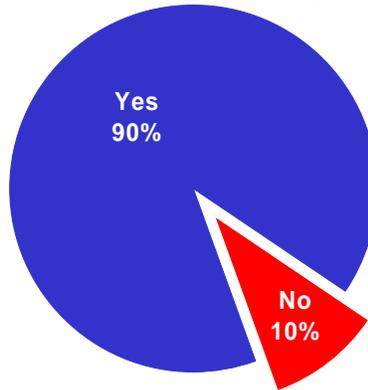
Source: Scollo & Lal, VicHealth Centre for Tobacco Control, April 2002.



- Currently, jurisdictions in 9 states have smoke-free stand-alone bars and jurisdictions in 19 states have smoke-free restaurant bars.
- 26 well-designed studies have found either a neutral or a positive impact of smoke-free workplace legislation on business. Measures have included all objective available data on sales and employment, and have analyzed a wide variety of jurisdictions including New York City after most restaurants went smoke-free in 1995.
- There have been 6 studies that reported a negative impact on restaurants or bars after they went smoke-free:
 - 5 of these 6 studies were sponsored by the tobacco industry and all were seriously flawed methodologically.
 - Design flaws included the omission of relevant data, lack of baseline and trends data, inappropriate selection of study periods, and biased selection of comparison time periods.
 - The decline in sales receipts reported in the single remaining study disappeared when several years of data were analyzed.

Restaurateurs Recognize that Smoke-Free Workplaces Improve Worker Health

Do you think that going smoke-free has had a positive effect on the health of your workers?



Los Angeles & San Francisco

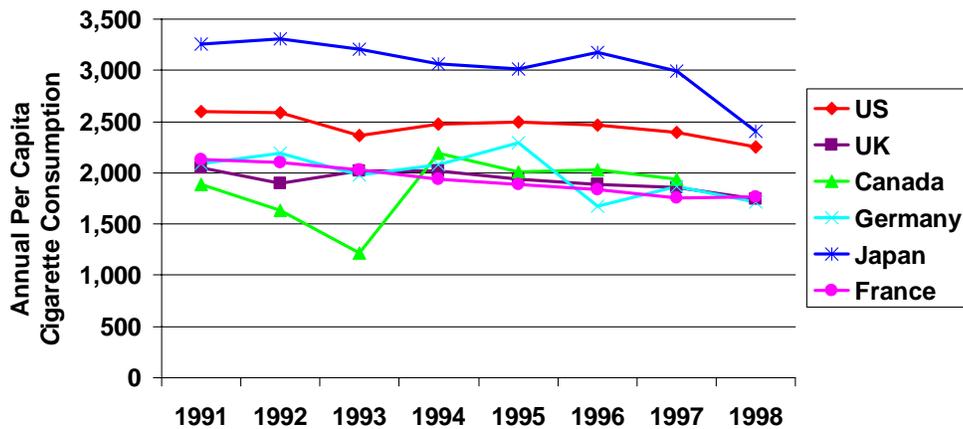
Source: NYCDOH Survey of 40 Los Angeles and San Francisco Restaurants, 2002.



- 9 out of 10 restaurant owners and managers reported health benefits to their workers from eliminating second-hand smoke.
- In fact, a scientific publication in the *Journal of the American Medical Association* documented a significant improvement in respiratory health among bartenders after passage of California's smoke-free workplace legislation (Eisner MD, Smith AK, Blanc PD, Bartenders' respiratory health after establishment of smoke-free bars and taverns JAMA 1998;280:1909-1914).
- Owners and managers reported fewer sick days among employees.
- Many also noted that they themselves enjoyed working in a smoke-free environment.

Smoke-Free Workplace Laws Aren't Bad for Tourism

(*per capita* cigarette consumption is lower in most visitors' countries)



Source: Centers for Disease Control and Prevention.



- Contrary to popular belief, Europeans and other foreign nationals have lower *per capita* tobacco consumption than Americans.
- 4 out of the top 5 New York City visitor countries have lower cigarette consumption rates than the U.S.
- Only Japan has a higher consumption rate, though it has been approaching U.S. levels in recent years.

Smoke-Free Policies Do Not Affect International Tourists' Decision to Visit

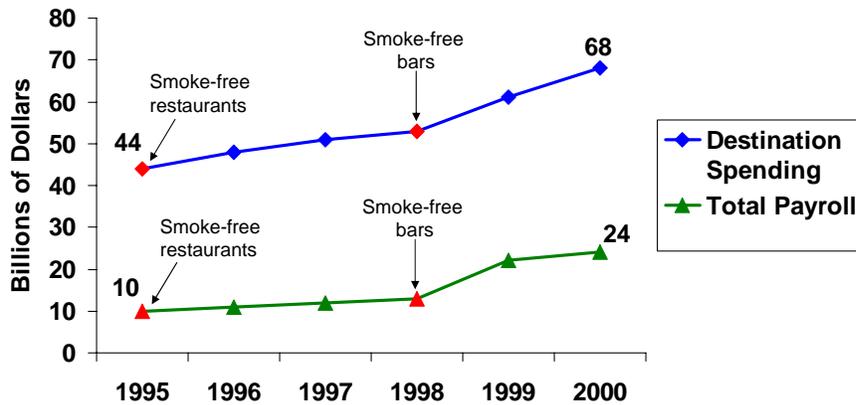
- A survey of international tour operators found that the vast majority of tourists do not ask about smoking policies when choosing between US destinations
- Of the small minority of travelers who inquired about smoking policies, most of their questions were related to smoking policies of hotels and airline flights
- Not a single operator suggested that even one traveler had not visited because of smoking restrictions

Source: DOHMH Survey of International Tour Operators, 2002.



- The Department of Health and Mental Hygiene surveyed tour operators from the top 8 visiting countries to New York City on factors international tourists consider when choosing US cities to visit.
- Cultural attractions and shopping were far more important factors in tourists' destination decisions.
- Learning about smoking restrictions did not change any tourists' decision to visit the US.

Tourism Revenues and Employment Were Not Affected by California's Smoke-Free Workplace Laws



Source: California Trade and Commerce Agency, Division of Tourism, April 2001. Destination Spending includes spending on hotels, restaurants, and travel expenses. Total Payroll reflects tourism related employment.



- Tourism revenues and employment continued to grow after California instituted smoke-free workplace laws in restaurants in 1995 and bars in 1998.
- New York City experienced similar growth in the tourism industry after the introduction of a smoke-free workplace law. After most restaurants became smoke-free in 1995, New York City saw a general increase in market share of international travelers, indicating no impact of the smoke-free policy on travelers' choice of destination.

Tobacco's Strategies to Stop Smoke-free Workplace Laws

- Create front groups including smokers and restaurant/bar owners
- Manufacture economic impact “studies”
- Intensely lobby elected officials
- Offer counter proposals and delay tactics
- Launch advertising campaigns
- Encourage law-breaking and try to overturn statute after passed



- Because nation-wide smoke-free workplace legislation can cost the tobacco industry billions of dollars, the industry will try to block efforts to close loopholes in the existing law.
- Strategies will include:
 - Casting doubt on the toxicity of second-hand smoke
 - ***Second-hand smoke is accepted as a cause of cancer and heart disease by virtually every leading national and international scientific organization.***
 - Claiming that smoke-free workplace legislation will cause economic ruin
 - ***The tobacco industry predicted economic ruin when trains, planes, sports stadiums, movies, large restaurants, bars in California and other areas went smoke-free. In every case, they were wrong – there was no negative economic impact.***
 - Publicly opposing efforts to close loopholes in smoke-free workplace legislation
 - ***Efforts to protect workers by enacting smoke-free workplace legislation have 2 simple advantages:***
 - ***Second-hand smoke does kill and smoke-free workplace legislation doesn't hurt business.***
 - ***No-one should have to get cancer just to keep a job.***

New Yorkers Prefer Smoke-Free Restaurants and Bars

If there were a total ban on cigarette smoking, would you go more often, less often, or wouldn't it make much of a difference?

Places	% No Difference	% Go More Often If Smoke-Free	% Go Less Often If Smoke-Free	% Refused/ No Answer
Restaurants	84%	7%	7%	2%
Bars	74%	15%	9%	2%

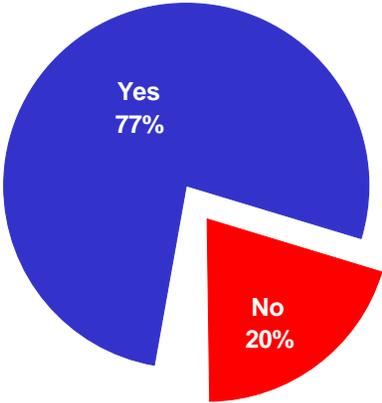
Source: New York Smokeless States Poll, March 2002.



- Making restaurants and bars smoke-free would have little effect on the dining patterns of the vast majority of New Yorkers.
- This is to be expected since 80% of New Yorkers do not smoke.
- In fact, there is evidence to suggest that people will go out to restaurants and bars more often if they become smoke-free.

Nearly 8 out of 10 NYC Voters Favor Smoke-Free Offices

Do you support elimination of smoking completely in all offices?

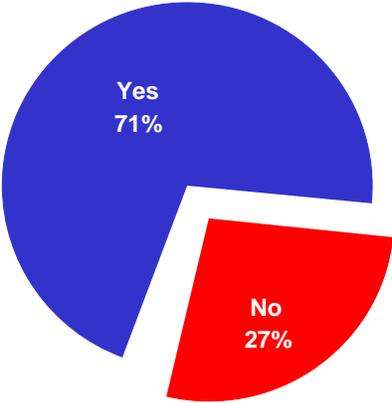


Source: March 2002 survey of NYC Likely Voters, Global Strategy Group, +/- 3%. 3% Had no opinion.



More than 7 out of 10 NYC Voters Favor Smoke-Free Offices and Restaurants

Do you support elimination of smoking completely in all offices and restaurants?

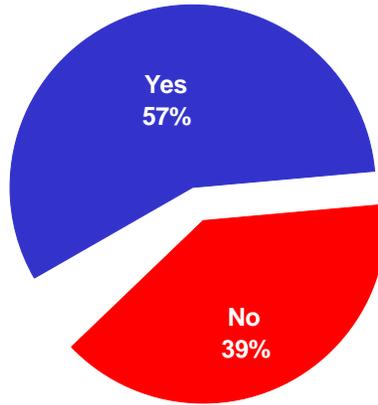


Source: March 2002 survey of NYC Likely Voters, Global Strategy Group, +/- 3%. 2% Had no opinion.



Nearly 6 of 10 NYC Voters Favor Smoke-Free Offices, Restaurants and Bars

Do you support elimination of smoking completely in all offices, restaurants, and bars?



Source: March 2002 survey of NYC Likely Voters, Global Strategy Group, +/- 3%. 4% Had no opinion.



Summary: Smoke-Free Workplaces Save Lives and Don't Hurt Business

- Second-hand smoke kills about 1,000 New Yorkers each year – one every work shift
- Closing loopholes in current smoke-free workplace legislation will save lives
- Smoke-free workplace legislation is not bad for business – *except tobacco companies*
- NYC voters overwhelmingly favor stronger smoke-free workplace legislation

