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CITY COUNCIL

CITY OF NEW YORK

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THE TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HEALTH

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October 10, 2002
Start: 1:05 p.m.
Recess: 7:58 p.m.

City Hall
Council Chambers
New York, New York

B E F O R E:

CHRISTINE QUINN

Chairperson,

COUNCIL MEMBERS:

Philip Reed
Yvette Clarke
Helen Sears
Kendall Stewart
Albert Vann
James Oddo
Andrew Lanza

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2 some 1,000 from involuntary smoking, otherwise known
3 as secondhand smoke. Enacting this bill, Intro. 256,
4 will not outlaw the right of an individual to smoke
5 and put his or her own life in jeopardy. If someone
6 wants to inhale smoke directly or indirectly, that's
7 their right. But Intro. 256 will protect thousands
8 and thousands of New Yorkers from involuntary
9 exposure to the arsenic, formaldehyde and other
10 deadly chemicals present in smoke-filled rooms.
11 Intro. 256 will ensure that no worker in our City
12 will ever have to risk contracting cancer, or a
13 heart disease or lung disease from exposure to other
14 smoke just to hold a job.

15 The question before us is
16 straightforward: Does your desire to smoke anywhere
17 at any time trump the right of others to breathe
18 clean air in the workplace? Common sense and common
19 decency demand the following answer: The need to
20 breathe clean air is more important than the license
21 to pollute it.

22 The protection of air quality in the
23 workplace is receiving mounting attention from local
24 governments in this region and across the nation.

25 Earlier this week, the Nassau County

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2 medical experts. They will describe how even 30
3 minutes to exposure to secondhand smoke changes the
4 blood chemistry increasing the risk of heart attack.
5 They will explain how putting in an eight-hour shift
6 in a smoke-filled restaurant or bar is the
7 equivalent of smoking half a pack of cigarettes.

8 They will tell you that the air in a
9 smoke-filled bar is more dangerous to breathe than
10 that in the Holland Tunnel at rush hour.

11 Members of the Council, none of us
12 would choose to work in such an unhealthy
13 environment.

14 None of us would want our loved ones
15 exposed to such dangers every working day.

16 Intro. 256 is our opportunity to free
17 thousands of workers in our City from such hazardous
18 conditions.

19 It should be seen as the just and
20 logical extension of protections against secondhand
21 smoke that already are in place in most public
22 settings.

23 Opponents of 256 have raised a
24 variety of objections, none of which stand up to
25 careful scrutiny. They have proposed a number of

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2 states have had with mandating such ventilation
3 systems is also instructive. When legislators in
4 those jurisdictions have realized that ventilation
5 systems haven't solved the problem of eliminating
6 secondhand smoke, and have proposed new action, what
7 has been the result? Business owners protest, with
8 some justification, that the money the government
9 has encouraged them to invest in ventilation systems
10 has been wasted. The only problem is that their
11 anger is misplaced. It ought to be directed at the
12 tobacco industry. Remember, nothing in the 1995
13 Smoke-Free Workplace Act has required any business
14 to invest in better ventilation. If some have, they
15 have done so on their own, usually at modest cost.
16 And Intro. 256 would actually help owners of
17 businesses where smoking is now permitted. It would
18 end the constant hassle of satisfying customers who
19 want seating or accommodations completely free from
20 contact with smoke.

21 Some will testify the decision to go
22 smoke-free should be left up to individual
23 employers. This is a hollow argument. **When one**
24 **person smoking causes another person significant**
25 **risk of disease and death, government must act.**

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2 All workers deserve a safe, healthy
3 work environment. No one should be allowed to make
4 someone else sick.

5 Would anybody seriously suggest that
6 the removal of asbestos fiber or other serious
7 carcinogens from the air should be similarly
8 discretionary?

9 Finally, some will put forward
10 proposals to exempt certain locations from the
11 provisions of this proposed law. Those who want such
12 exemptions just need to tell us this: Which workers
13 have lives that are worth less than yours and mine?

14 Because the members of this Council
15 recognize that we have an obligation to protect the
16 lives of all New Yorkers, I believe you will pass
17 this historic legislation.

18 I believe you will seize this
19 historic opportunity to protect the health and lives
20 of thousands of our fellow New Yorkers. I believe
21 you will make New York City a national leader in
22 ending the workplace hazards of secondplace smoke.

23 I urge this Committee to report
24 Intro. 256 to the Council promptly and
25 affirmatively. It would be a fitting achievement if

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2 sweatshop that day.

3 The public outcry that followed led

4 New York to pass some of the most significant

5 workplace protection laws in the nation, and these

6 served as a model for the National Labor Standards

7 Act. **You have an opportunity to enact legislation**

8 **that can similarly serve as a national model for**

9 **worker protection, protection from deadly secondhand**

10 **smoke that disproportionately affects minority**

11 **workers underpaid and working long hours.**

12 Every day the Health Department

13 registers the deaths of 25 New Yorkers who were

14 killed by tobacco. About one out of every ten who

15 die from tobacco, die because of other people's

16 smoke. The evidence that secondhand smoke kills is

17 clear and consistent.

18 This evidence comes from studies of

19 the chemicals in secondhand smoke, from animal

20 studies and from studies analyzing the health of

21 hundreds of thousands of people. There is no

22 scientific doubt on this matter.

23 Secondhand smoke increases the risk

24 of heart disease. Breathing even a little secondhand

25 smoke changes the way the blood clots, reduces the

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2 road.

3 I will say that I'm pleased that you
4 seem to believe that it is appropriate for us to
5 advertise to the public the dangers of smoking.
6 We've been criticized for a campaign that the
7 Department of Health currently has that is trying to
8 do that. Some people have argued that it was
9 advocacy for legislation. The fact of the matter is,
10 we're trying to keep people from, or at least
11 educate them so that they can make intelligent
12 decisions about their behavior.

13 This bill, however, is not designed
14 to stop you from smoking. If you want to smoke,
15 that's your right, and I will defend that. I don't
16 think it's an intelligent, if that's the one you
17 would make. The statistics are clear, you're hurting
18 yourself very badly. But you don't have the right to
19 hurt others. At least not in the workplace.

20 You really should sit there and
21 question if you smoke at home, what about your
22 children or spouse, or friends, or siblings, or
23 parents? They are being hurt by your actions. But
24 that's in the privacy of your home, and I don't
25 think the government should get involved. This is an