

SIGN IN SHEET
HEW PUBLIC HEARING 1/28/94
BILL 792: AN ACT TO ADD A NEW §89105.1 TO TITLE 10, GUAM CODE ANNOTATED, TO BAN SMOKING ON AIRLINE FLIGHTS TO AND FROM GUAM.

SIGNATURE	PRINT NAME	AGENCY/ORGANIZATION	PRO	CON	NEUT	WRITTEN/ORAL
<i>[Signature]</i>	Mr. [Name]	SAI [Name]	✓			✓
<i>[Signature]</i>	KENNETH CARRIVEAN	SHRA		✓		✓
<i>[Signature]</i>	CRITHIA IVERSON	COAM	✓			✓
<i>[Signature]</i>	BEV HAINES		✓			
<i>[Signature]</i>	Delores Shaw		✓			
<i>[Signature]</i>	Michelle Stewart		✓			✓
<i>[Signature]</i>	Debbie Purnell	CM	✓			
<i>[Signature]</i>	Karen Bassey - Ives	COAM	✓			
<i>[Signature]</i>	Ron Jackson	COAM	✓			
<i>[Signature]</i>	Ken Tigarang	CMT		✓		
<i>[Signature]</i>	Ed. Len [Name]	A.C.S.	✓			✓
<i>[Signature]</i>	Christie Anderson	American Cancer Society	✓			✓
<i>[Signature]</i>	Amber Neshok	COAM	✓			✓
<i>[Signature]</i>	LEE [Name]	COAM	✓			
<i>[Signature]</i>	D.V. NATARAJAN	PRIVATE CITIZEN	✓			✓
<i>[Signature]</i>	Ken [Name]	CM	✓			
<i>[Signature]</i>	CYNTHIA SCHUBERT RICHMOND	Community	✓			None

[Handwritten note]

Dear Senate Staffer,

When I spoke in favor of Bill 792 (1/28/94) I was asked to submit my testimony in writing. Since I had scribbled changes to my prepared testimony as I worked the flight into Guam that morning, I was not prepared to submit it.

I have now edited it and am transmitting it via computer fax. I am working from a list which may contain errors in fax numbers or misspellings. Please notify me if this is the case.

Cynthia Iverson (phone: 734-5648)

There should be 6 pages including this one.

Good Morning Senator:

Thank you for the opportunity to speak in favor of Bill 792. Smoking on any aircraft in the Mainland has been prohibited for several years due to the hazards and lawsuits brought about by the dangers of secondary smoke. Smoking is unlawful and unacceptable in most public places. Gov-Guam offices have become no-smoking. In the airport it is banned other than in the enclosed smoking area.

I am a flight attendant for a major airline here on Guam. I work in the worst conditions imaginable to me because it is literally within a cloud of smoke. Since smoking is concentrated in a certain area on the aircraft the smoke can become very thick. I honestly hold my breath while picking up trays and my eyes are burning by the time I get to the back with my cart. Working beside me in the smoke are pregnant flight attendants. Some find it financially necessary to keep flying until the 6th month of pregnancy. For them two lives are at risk.

Secondhand smoke is blamed for killing 44,000 people a year in the United States because it is a class A carcinogen.

I have heard amid the controversy of this Bill the argument that we flight attendants knew the risks and working conditions when we took the job. This is simply not true. Many of us have been flight attendants for 5 to 20 years. The research into the hazards of secondary smoke had not been discovered. Only in the past 2 years has it been proven that passive smoking is a certain health hazard. This is why other airlines have voluntarily terminated the smoking from their flights.

Starting March 1, 1994 all Cathay Pacific Airways flights between Hong Kong and Europe will be no smoking flights. This highly rated airline began experimenting with no smoking flights in Southeast Asia in 1990 and found that they are a great success.

In Japan many of the domestic flights are no smoking flights. Asiana Airlines has banned smoking aboard all flights of up to six and 1/2 hours effective January 1st. This includes the 6 hour 20 minute flight between Seoul and Singapore as well as services to 11 Japanese cities. It has been reported that Korean Air will ban smoking aboard its flights to Canada sometime in early 1994. Airlines in our region

are now competing to be known as "fresh airlines" (100% non smoking).

These airlines are acting without specific legislative mandates in the international arena. They are acting in the interest of their passengers and employees health and consumer demand. Because of the competitive nature of all airlines coming to and from Guam, the law must pertain to all aircraft, and not left to company policy.

You know, the airlines on Guam would ban smoking -- they want to. They incur substantial costs in cleaning and maintenance and lost work due to sick time shortages. They are afraid, though, that their competitors will somehow use the ban against them to increase market share. Only through legislation can we provide the level playing field that they desire.

Smoking has been banned in the other territories. Puerto Rico and the Virgin Islands do not permit smoking on flights both to and from the Mainland. Of course, the FSM has also banned smoking.

Another argument I have heard is that to ban smoking on flights will negatively affect tourism in an already depressed economy. Of all the factors used to select a vacation destination, I don't think that "being able to smoke on the aircraft" is high on the list. In fact, several domestic flights in Japan and an increasing number of international flights are already non-smoking. I see many of our passengers holding handkerchiefs over their noses for the entire duration of the flight.

What would be the effect on our tourism? Even though many of our visitors smoke, studies show that they do not feel terribly inconvenienced by smoking bans. Indeed no smoking flights are becoming the rule rather than the exception. The most active new trend in tourism is "eco tourism" or "green tourism." What a perfect complement to our GVB ads which highlight our beaches and pristine environment; for our visitors to start their journey on a smoke free aircraft.

The real issues effecting tourism on Guam are typhoons, earthquakes, the high cost of hotel rooms, poor service, and taxi rip

offs. Not the smoking bans. Guam has passed a no smoking law in public places and it should be implemented aboard all aircraft as well.

In recent years most workplaces have been made safe from secondary smoke (a proven health hazard) yet this is not so for flight attendants. We are your nieces and nephews, brothers and sisters, sons and daughters. We live right here on Guam. We are your neighbors. We are Chamorro, White, Phillipino, Chinese, Japanese, Korean and outer islanders. We are 400 in number, at my airline and growing. We are depending upon the wisdom of the legislators to do what is right here and that is to allow us the same clean air to breathe as you have granted yourselves, with the passing of Bill 792 into legislation. Please we beg of you. This is the single most important issue affecting our lives. Thank you.

Mrs. Cynthia Iverson
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Twenty-Second Guam Legislature

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Pacific Arcade
Agana, Guam 96910
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CARL T.C. GUTIERREZ
Senator

Chairman, Committee
on Ways & Means

Vice-Chairman, Committee
on Rules

Vice-Chairman, Committee
on Tourism & Transportation


February 2, 1994

The Honorable David L. G. Shimizu
Chairman, Committee on Health, Ecology,
and Welfare
Twenty-Second Guam Legislature
Guam Legislature Temporary Building
155 Hessler Street
Agana, Guam 96910

Dear Senator Shimizu:

Attached please find written testimony submitted on Bill 792 regarding banning of smoking on flights to and from Guam. One statement is from Claudia Lujan and the other one is from Amber Mesloh, who testified orally at the public hearing on this bill.

Very truly yours,


Carl T. C. Gutierrez

Enclosures

When I get on a plane leaving from the
London airport in the air system cause me to
start sneezing. By the time I reach my destination
on the West Coast of the United States I have
taken 3000 Antihistamine (long lasting) & sneezed
my way thru most of a box of Kleenex. My
mouth is so dry from the effects of the
medication that I am constantly drinking liquid
& of course must seek out a bathroom very
often. As a result when I arrive I am
sick but takes me 4 to 5 days to recover.
I don't think I have a bad cold.

When I am on the plane going all this
sneezing & nose blowing, people around me are
inclined to think I have a bad cold, of course
they think I am going to infect them & some
of them looks & lean away from me, it's
unpleasant! But there is nothing I can do
to stop these symptoms except to get to my
destination & get off the plane & breathe some
fresh air for a while. I'd wait for my
recovery.

107 There is no way to avoid the smoke
in an airplane.

I would request a seat as far from the
smoking section as possible, kindly ticket agents
you seated me in the second or third row but
in front of bulk head behind first class, far
from the smokers section in economy. Only to
discover later on, after they light up & smokes
start to choke me & make my nose burn, that
I am directly behind the smoking section of first
class.

How to use the bathroom & wash room at
tail end to the tail of the plane where the
bathroom & a large sanitary section are located.
If you wait on the way you turn, the air
is filled with smoke & unbearable!

I have flown first class & even in the
first row of seats, if you could always get on, the smoke
comes from the smokers located only a few
rows behind. When the curtains are shut it becomes
a little more full of smoke.

2 - I lean back in your chair to relax & when
a smoke comes within the seat back in your
face.

I take a great interest in the presence
people of Guam that had the courage to pass
the bill banning smoking in most public
places. That says to me that you really care.

For everyone that flies & that covers most
of us, I ask you to stop the smoking on
airplanes.

Everyone is aware of the harmful effects of
second hand smoke. We are a long way from
most places. A long time to breathe second-hand
smoke.

We must protect the people that fly like
planes & provide the comfort that we expect.

We must protect our families health from
the known dangers.

We must stop smoking in this very
public place, the airplane.

Thank You
Bill Lanning

1. Dear Senator Shimizu and all senators debating bill number 792

I am a flight attendant based here in Guam.

I am exposed to great concentrations of second hand tobacco smoke also known as environmental tobacco smoke or E.T.S. We work in very close quarters with no where to hide from or escape from the smoke. We flight attendants are exposed to much greater concentrations of E.T.S. than would normally be found in an average workplace. Yet, others are protected while we are not!

There are reports from the EPA., The American Cancer Society, Centers for Disease Control and the Surgeon General concerning E.T.S. which prove the evidence condemning E.T.S. is now officially irrefutable.

One cannot truly appreciate my plight unless they've had to endure it as I do every time I go to work.

Everyone on Guam except for smoking sections in restaurants and bars is protected from the bane of E.T.S. They can work in comfort, not suffering from the effects of E.T.S. which include allergies, asthma, burning eyes, smoky clothes and hair or the more frightening long term health consequences.

The movement is clearly towards eliminating toxins in everyones workplace. Why should my workplace

be an exception? I am very concerned about the effects this smoke is having on my health.

I am asking you to weigh the evidence presented to you supporting our cause, against any argument anyone else could possibly offer.

Please understand and do not forget that while smokers have a right to smoke their health away, they should not have the right to do it anywhere it affects anyone but those who choose to participate. I feel their right to smoke ends where my air supply begins.

I therefore ask that bill number 792 be passed into law for the benefit of everyone.

Thank you for your consideration.

Sincerely,

Amber Mesloh

Amber Mesloh

P.O. Box 8778 - I

Tamuning, Guam 96931



GUAM HOTEL & RESTAURANT ASSOCIATION

28 January 1994

Dr. David L.G. Shimizu
Chairman, Committee on Health, Ecology & Welfare
22nd Guam Legislature
324 W. Soledad Ave., Suite 202
Agana, GU 96910

Dear Senator Shimizu and Committee Members:

Thank you for giving us the opportunity to present testimony on Bill 792. The Guam Hotel & Restaurant Association applauds the legislature's desire to protect airline passengers and employees, but opposes the bill as written on both economic and technical grounds.

It is a recognized fact that many visitors from Asian countries are smokers. Sixty-nine percent of the patrons in seventeen GHRA restaurants surveyed in December of 1992 were either smokers or preferred to be seated in smoking sections. If this bill is passed and signed into law, the Territory of Guam will be sending the subliminal message to potential visitors, "Attention smokers! You are not welcome in Guam. Go to Saipan or Hawaii where you will be treated with greater respect and dignity both on the flight over and in restaurants." We suggest that Guam can ill afford to make such a policy statement at any time, and especially in times when hotel occupancies are below 60%.

Additionally, we doubt that the government of Guam has jurisdiction over airspace above international waters and sovereign nations such as Japan and Korea. If the Territory of Guam wishes to make a policy statement applicable to U.S. jurisdictions and its citizens, the proposed legislation could be revised to affect only the route between Guam and Hawaii, and thereby augment the U.S. Code.

In fine, the Guam Hotel & Restaurant Association recommends that the 22nd Guam Legislature not pass Bill 792.

Sincerely yours,

Kenneth L. Carriveau
President



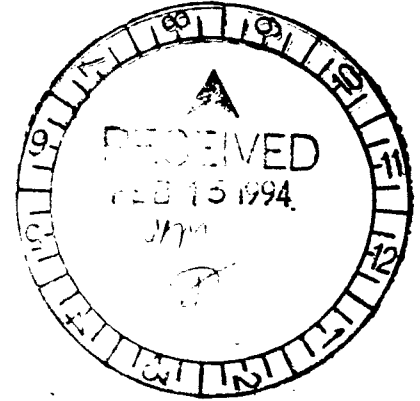
Guam Visitors Bureau
Setblision Bisitan Guahan



Commonwealth Now!

February 14, 1994

HONORABLE DAVID L.G. SHIMIZU, Ed.D.
 Chairman, Committee on Health, Ecology & Welfare
 22nd Guam Legislature
 Suite 201, Quan Building
 Agana, Guam 96910



SUBJECT: Bill No. 792

Dear Senator Shimizu:

At our February 10, 1994 meeting, the Guam Visitors Bureau Board of Directors approved its position on Bill No. 792.

The Board is opposed to the passage of the legislation eliminating smoking on board commercial aircraft flights to Guam with a duration of less than six (6) hours. It is the Board's position that this legislation will have an adverse impact upon Guam's visitor arrival numbers by imposing restrictions on potential visitors to our island.

Thank you for allowing the Bureau to submit its position on Bill No. 792.

Sincerely,

PETER P. "SONNY" ADA
 Chairman of the Board

xc: All Members, GVB Board

GUAM
458 South Marine Drive
Tamuning, Guam 96911, U.S.A.
Telephones: (671) 649-1665 to 67
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NORTHWEST AIRLINES

January 27, 1994

FOR THE ATTENTION OF THE TWENTY-SECOND GUAM LEGISLATURE:

Northwest agrees that smoking is undesirable and a perfect world would be smoke-free, and Northwest continues to be an industry leader in banning smoking on its flights.

While the proposed legislation is a well-meaning attempt to provide a desirable smoke-free environment for passengers departing from or arriving at Guam, it is our view that any attempt by any local Government to ban smoking on international flights would preempt the authority of the Federal Government and would therefore be unenforceable, and would also be in violation of International Aviation Bilateral Agreements. Regulations governing foreign airlines are covered in Aviation Bilateral Agreements. Nowhere in any Aviation Bilateral Agreement, to our knowledge, is there a provision to prohibit smoking on any international flights departing from or arriving in the United States or any territories or possessions under its jurisdiction.

It is highly improbable that a smoking ban by a local Government could be enforced against either U.S. or International Airlines.

January 27, 1994

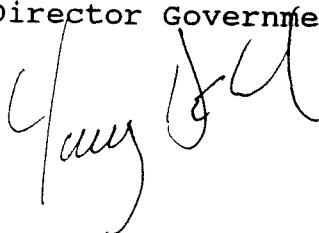
Page Two

However, in the unlikely event that the Government of Guam could force a U.S. flag airline to comply with the local regulation, it would penalize a U.S. airline while favoring a non-U.S. airline, and deny the U.S. airline a fair and equal opportunity to compete.

Therefore, although Northwest perceives a smoke-free environment for international flights to be desirable, it is highly unlikely that any such local regulation would be enforceable.

Robert Lamansky

Director Government Affairs - International

A handwritten signature in cursive script, appearing to read "Robert Lamansky", written over the typed name and title.



GUAM MEMORIAL HOSPITAL AUTHORITY

850 GOV. CARLOS G. CAMACHO ROAD
OKA, TAMUNING, GUAM 96911
TEL: 646-5801 thru 5; 646-6710 thru 19
FAX: (671) 649-0145



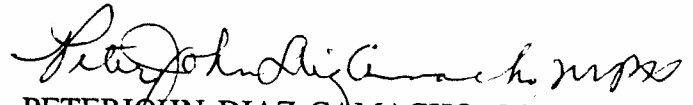
Testimony on Bill 792: An Act To Add A New Section
89105.1 To Title 10 Guam Code Annotated, To Ban Smoking
On Airline Flights To and From Guam

Good Morning Mister Chairman and Members of the Committee:

My name is PeterJohn Camacho, Administrator for the Guam Memorial Hospital Authority. I am here to present testimony on the above bill.

Very briefly, as one of the island's healthcare providers, we have seen the results of what smoking can do to individuals. We were very pleased with the passage of the law regulating smoking within public areas.

We enthusiastically support Bill 792 and urge this committee's recommendation to pass this important safeguard for our people's health. Thank you.


PETERJOHN DIAZ CAMACHO, M.P.H.



A Written Statement in Support of the Smoking Ban

Honorable Senators of the Committee on Health,

Your consideration of this proposed legislation is indeed most appreciated by many of us who work in the enclosed, suffocating cabins of the aircraft.

I for one do not mind if someone was smoking next to me. Many of my co-workers who smoke realize that and are decent enough to ask first if it's okay to smoke around me and other non-smokers.

That, however, is not the issue. One or two smokers can easily be avoided.

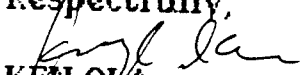
What is of greatest concern is when you are inundated with the carcinogenic fumes of second hand smoke, and you have no choice but to work in that environment. That is exactly what happens when that no-smoking sign is turned off - it's like being transported onto the streets of Los Angeles or Manila during the weekday rush hour.

We are all familiar with the warnings of the surgeon general about smoking and the findings and effects of second hand smoke. If you are not familiar with the effects of smoking, then I urge you to read up on the causes of lung cancer and follow this next suggestion.

Come and sit in our smoking section for the next five days - day in and day out. You will certainly experience that suffocating and nauseating carcinogenic feeling our smoke-filled cabins provide.

We'll see if you can still remain friendly, or even in good health, after those five days.

Respectfully,


KEN OLA

Flight Service Coordinator

Facts About Secondhand Smoke

Some of the key facts about secondhand tobacco smoke and its dangers are summarized below. Use them to inform your family and friends and to work for smoke-free policies in your community.

General

Secondhand smoke is a cause of disease, including lung cancer, in healthy nonsmokers. Each year secondhand smoke kills an estimated 3,000 adult nonsmokers from lung cancer.

Secondhand smoke causes 30 times as many lung cancer deaths as all regulated air pollutants combined.

Secondhand smoke causes other respiratory problems in nonsmokers: coughing, phlegm, chest discomfort, and reduced lung function.

For many people, secondhand smoke causes reddening, itching, and watering of the eyes. About eight out of 10 nonsmokers report they are annoyed by others' cigarette smoke.

More than 4,000 chemical compounds have been identified in tobacco smoke. Of these, at least 43 are known to cause cancer in humans or animals.

At high exposure levels, nicotine is a potent and potentially lethal poison. Secondhand smoke is the only source of nicotine in the air.

Nonsmokers exposed to cigarette smoke have in their body fluids significant amounts of nicotine, carbon monoxide, and other evidence of secondhand smoke.

Three out of four nonsmokers have lived with smokers, and nearly half (45 percent) are worried that secondhand smoke might cause them serious health problems.

More than 90 percent of Americans favor restricting or banning smoking in public places.

Forty-six states and the District of Columbia in some manner restrict smoking in public places. These laws range from limited prohibitions, such as no smoking on school buses, to comprehensive clean indoor air laws that limit or ban smoking in virtually all public places.

Laws restricting smoking in public places have been implemented with few problems and at little cost to state and local government.



Secondhand Smoke in the Workplace

The Occupational Safety and Health Act of 1970 promises job safety and health protection for workers by providing safe and healthful working conditions. The Environmental Protection Agency now states that exposure to secondhand smoke greatly increases the chances of developing lung cancer and other serious respiratory problems.

In general, ventilation or filtration of air in the workplace to remove secondhand smoke is futile. It's like trying to filter a lake to control water pollution. The only viable approach to protect nonsmokers is source control: making the entire building smoke-free or restricting smoking to a separately ventilated area that nonsmokers never have to enter. Your health should never be placed in jeopardy for the convenience of smoking employees. The right to breathe safely is more important than the right to smoke.

Benefits of a Smoke-Free Workplace

The greatest benefit is, of course, the removal of all the health risks associated with secondhand tobacco smoke. You'll also experience the immediate benefit of a better-smelling workplace.

The business itself will realize several benefits from a smoke-free policy:

- * The company protects itself from possible lawsuits from nonsmoking employees affected by secondhand smoke.
- * Every smoker costs his or her company at least \$1,000 a year because of decreased productivity and increased health care costs. Much of this money may be saved if a smoke-free policy is instated. And management will no longer have to waste its time and energy on the smoking issue.



Organizations With More Information

Listed below are selected organizations that provide information about the effects of secondhand smoke, assistance in establishing smokefree policies, and advice on stopping smoking.

Office on Smoking and Health

Centers for Disease Control and Prevention

Mailstop K-50

4770 Buford Highway, N.E.

Atlanta, GA 30341-3724

1-800-CDC-1311 (copies of action guide on secondhand smoke)

(404) 488-5705 (other information)

--Information about smoking and health including pamphlets, posters, and scientific reports.

Action on Smoking and Health

2013 H Street, N.W.

Washington, DC 20006

(202) 659-4310

--Information about a variety of smoking and health issues, with a focus on nonsmoking laws and policies.

American Cancer Society

1599 Clifton Road, N.E.

Atlanta, GA 30329

1-800-ACS-2345

--Information and education programs on tobacco and secondhand smoke; individual and group stop-smoking programs.

American Heart Association

National Center

7272 Greenville Avenue

Dallas, TX 75231

(214) 373-6300

Or contact your local Heart Association in the white pages of the phone book.

--Smoking information and education programs for schools, workplaces, and health care facilities.

American Lung Association

1740 Broadway

New York, NY 10019-4274

(212) 315-8700

Or contact your local Lung Association in the white pages of the phone book.

--Information and programs on smoking prevention, cessation, and the protection of nonsmokers' rights.

Americans for Nonsmokers' Rights

Suite J

2530 San Pablo Avenue

Berkeley, CA 94702

(510) 841-3032

--Information to help organizations and individuals pass clean indoor air ordinances, implement workplace regulations, and develop workplace smoking policies.



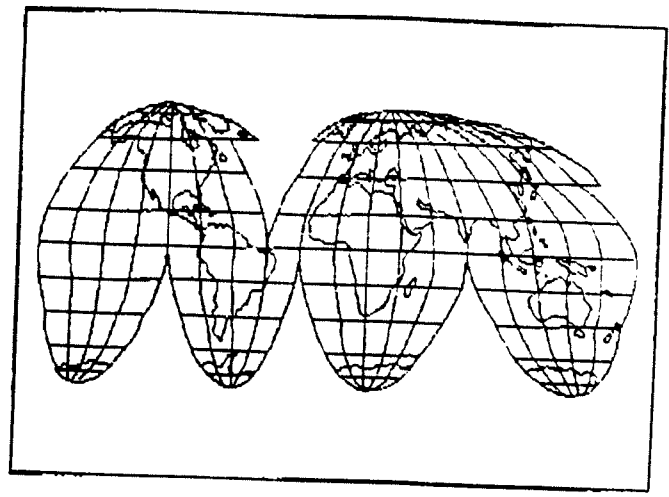
Date: 27 Jan 94

From: Mary Z. Kleschen, MD MPH
 FHP Asia Pacific Region
 671 646 6923 (fax)
 671 646 5824 x199 (phone)

home: 646 9547

To: Senator Shimizu

Fax #: 472 3832

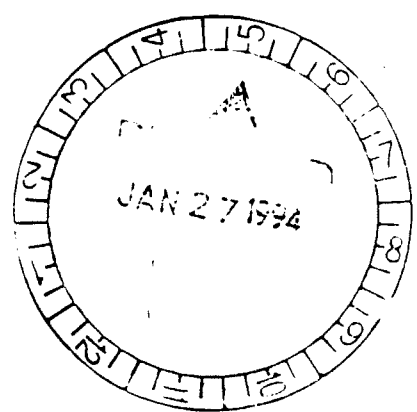


Pages that follow: 1

Message:

Dear Senator Shimizu,

I am very sorry that prior commitments prohibit me from submitting testimony in person on behalf of Bill 792. Please accept this testimony in support of Bill 792 on behalf of the Guam Medical Society. Best wishes.





GUAM MEDICAL SOCIETY

275-G FARENHOLT AVE, SUITE 152
TAMUNING, GUAM 96911

28 January 1994

Testimony for Bill 792 To Ban Smoking on Airline Flights To and From Guam

The Guam Medical Society supports Bill 792 and urges its passage.

Prohibition of smoking aboard aircraft will positively impact the health of all on board the plane: passengers, flight attendants, crew, and pilots.

We would like to see consideration for a deletion of the 6 hour flight time limitation. We believe that a ban on smoking on ALL FLIGHTS to and from Guam (which would protect those on flights to or from Hawaii) would make Bill 792 an even stronger and more beneficial piece of legislation.

The deleterious health effects of Second Hand Smoke have been well documented, and Bill 792 will end the endangerment of the health of all those on board flights where smoking occurs.

The Guam Medical Society strongly urges passage of Bill 792.

Mary Z. Kleschen MD MPH
Mary Z. Kleschen, MD MPH
President, Guam Medical Society