

L.A. Council Acts To Limit Smoking At Places of Work

10-1 Vote for Measure

By KATHLEEN F. JACKSON

The Los Angeles City Council on Tuesday joined a growing list of cities that acknowledge the rights of non-smokers, tentatively approving an ordinance that will regulate smoking in the workplace.

After two hours of debate on three recommended ordinances that took a year to draft, the council chose a middle ground between banning smoking in all public places and placing the burden on employees to ask their bosses to solve problems arising from second-hand smoke.

On a 10-1 vote, the lawmakers backed a plan by Councilman Marvin Braude that will require employers to implement written smoking policies for all open areas where more than four employees work.

The ordinance, patterned after laws in San Francisco and San Diego, must come back to the council for a second vote next week and then be signed by the mayor before it will become effective.

Citing research statistics on the health hazards of second-hand smoke, Braude argued that the council should enact an ordinance that covers the workplace because it is an area where people have the least choice about breathing in sidestream smoke.

"My proposal is a pragmatic, practical, realistic one that we can adopt today," said Braude, a non-smoker. "All the non-smokers have gotten together and said the workplace is the most important because you have to go there."

The new law, which is scheduled to become effective four months after it is signed, will require employers to ban smoking in the workplace if even one non-smoking employee is not satisfied with other arrangements to mitigate second-hand smoke.

Employers who refuse to comply with the regulations face a \$500 fine, six months in jail or both.

Mayor Tom Bradley, who is out of the country, has previously endorsed limits on smoking in public places. A spokesman had no comment Tuesday on whether the mayor would sign the bill approved by the council.

Debate in Council

In other cities, particularly San Francisco, proposed smoking restrictions have generated hard opposition from the tobacco industry. But despite the fact that Los Angeles is the second largest city in the nation, there has been little lobbying against the ordinance from cigarette makers.

Representatives from the city's business community, however, joined two councilmen in opposing the ordinance on Tuesday.

Councilman Arthur K. Snyder, a smoker, argued that the law was unenforceable. He noted that the new law provides for two city attorney investigators and a law clerk, but does not provide additional city lawyers to handle prosecutions.

"I think what it's going to lead to is selective enforcement," said Snyder. He said the council would do better to seek legislation on the federal or state level than add to the patchwork of smoking laws being enacted by municipalities.

Councilman David Cunningham joined Snyder in opposing smoking regulations. But since Cunningham was not present when the council voted on the ordinance, Snyder cast the lone no vote.

Voting for the ordinance were Councilmembers Hal Bernson, Ernani Bernardi, Zev Yaroslavsky, John Ferraro, Joan Milke Flores, Joy Picus, Howard Finn, Joel Wachs, Peggy Stevenson, and Braude.

Bernardi and Bernson voted for Braude's plan after the council turned down alternatives drafted by the two councilmen. Bernardi's proposal to impose a total ban was the most restrictive. Bernson's recommendation to ban smoking in some public places and leave it up to employees to deal with smoking in the workplace was the least restrictive.

Chamber of Commerce Opposed

Greg Fletcher, speaking for the Los Angeles Chamber of Commerce, urged the council to reject Braude's proposal, saying that smoking in the workplace is "essentially a labor-management concern."

Fletcher also said the law would be "disruptive and economically burdensome" on businesses.

The council also heard comments from a doctor who disagreed with many of his colleagues that sidestream smoke presents a health hazard to non-smokers.

"There is no valid scientific data that demonstrates that second-hand smoke is hazardous to one's health," said Albert Niden, a professor at UCLA medical school. He said he was upset "by the scare tactics that are being used to cause fear and anxiety" among non-smoking workers.

But Braude and several others members

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on the council disputed all of the argument against the law. They pointed to other California cities where they said laws have reportedly been working well.

As to enforceability, Yaroslavsky said the ordinance would be basically self-enforcing. "Most people are going to abide by the law because it's the law," he said.

Addressing the concerns expressed by businesses, Braude said the law will relieve pressure on businesses rather than create burden because it will give employers concrete guidelines to accommodate employees who smoke and those who do not.

Braude also said he did not anticipate that employers would have to spend large sums of money to alter work areas to satisfy non-smokers.

He acknowledged that the law gives non-smoking employee the power to have smoking banned in an entire work area, but predicted that would happen only rarely.

In speaking to reporters after the council vote, Braude at first appeared uncertain when asked whether the provisions of the law will apply to public offices. After a few moments of consideration, he said he believed the ordinance would apply to all public buildings in the city.

He did, however, express doubt that could be enforced in the offices of the 15 council members. "The intent of the ordinance is that it will apply," said Braude. "A practical matter, it will be up to the individual council member."

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