

## Rationale Regarding SD 86-17

The intent of this policy is to provide to all students and staff at Indiana University-Purdue University at Fort Wayne the right to air free of tobacco smoke. The policy is based on careful consideration of facts published about smoking and the effects that smoking has on the entire population. We think the time has come for this campus to implement strict policies in regard to smoking for at least four reasons: 1) because there is evidence that smoking is dangerous not only to smokers, but also to individuals who breathe sidestream smoke; 2) because handicapped individuals are entitled to the same rights and privileges as others as outlined in Section 504 of the Rehabilitation Act; 3) because such a policy is in keeping with the the university's recent emphasis on and concern for the health of its employees; and 4) because of the threat of lawsuits with regard to smoking.<sup>1</sup>

Forty states now have laws limiting smoking in public buildings. The Indiana legislature this year has several bills about smoking under consideration. Many people expect that a bill will be passed this year to limit smoking in public buildings. If this document conflicts with any forthcoming state law, the law will naturally take precedence.

### I. Background

In addition to the Surgeon General's warning and Section 504 of the Rehabilitation Act, there are several facts that provide a better understanding of the reasons for this policy:

1. Fifteen to twenty percent of American businesses have reported incidents of nonsmoking employees claiming illness related to on-the-job cigarette smoke.
2. When healthy workers are exposed to smoke-filled environments, there is a reduction in pulmonary function as high as 30 percent. This decrease is similar to that found in patients who smoke fewer than ten cigarettes a day.
3. Exposure to a smoky environment can be traced via urine samples. For those people working in a smoky environment, the amount of breakdown product of nicotine found in the urine is equal to that of a person who smokes four cigarettes a day.
4. Tobacco smoke contains approximately four thousand chemical constituents. Forty of these are known carcinogens. Several investigators have shown that certain hazardous chemical constituents are found in greater concentrations in passive smoke than in inhaled smoke.

<sup>1</sup>Courts are now deciding that a smoke-free workplace is a right of the employee. In a landmark case, Shimp vs. New Jersey Bell Telephone Company in 1976, the courts recognized an employee's common-law right to a safe working environment. In this precedent-setting case, the judge emphasized that tobacco smoke is a "non-necessary toxic substance" which is dangerous to both the smoker and nonsmoker. The court also recognized that the employee did not assume the danger of inhaling smoke when she accepted employment. Courts are ruling that a person's right to a safe work environment is greater than a person's privilege to smoke.

5. In the past six years, seventeen published studies have linked cancer to second-hand smoke. All but three have shown a positive relationship between tobacco-smoke exposure and cancer.
6. Studies in both Greece and Japan have shown a higher incidence of cancer for nonsmoking females married to men who smoke. In the Japanese study, the risk of acquiring lung cancer when married to a heavy smoker increased 80 percent. The Greek study showed that for nonsmoking wives of heavy smokers, the risk of developing lung cancer increased threefold.
7. A study recently released claimed that nearly 70 percent of those exposed to tobacco smoke experienced some form of eye irritation, 30 percent got headaches, 30 percent had some form of nasal discomfort, and 25 percent developed a cough.<sup>2</sup>

## II. Additional Recommendations from the URPC

The URPC would like to comment more specifically on a several of the recommendations outlined in the document and to give some additional direction to the university and to the steering committee.

1. Education and smoking-cessation programs are important. We are as concerned about the health of smokers as we are about nonsmokers. Statistics show that 80 to 85% of the smoking population would like to quit smoking. Statistics also show that smoking-cessation classes do help. There are several organizations in Fort Wayne which offer such classes, and they are, for a variety of reasons, quite eager to help. Three of the organizations we contacted were the American Lung Association, the American Cancer Association, and IPFW's Employee Assistance Program.
2. In 1983, the campus Advisory Committee for Handicapped Persons submitted a report addressing Section 504 of the Rehabilitation Act and how a "typical university setting conforms to Section 504 with respect to impairments, such as those associated with asthma, emphysema, allergies, and cardiovascular diseases. . . ." In that report, entitled "Airborne Pollutants," the committee said that "tobacco smoke is one of the most common irritants found where people congregate," and went on to say that "there will no doubt be many individuals who wish to be free from smoke while on campus, and some of these will be protected under Section 504. . . ." In order to comply with Section 504, the report made recommendations not unlike those found in this document.
3. In its deliberations, the URPC discussed whether buildings should have designated smoking areas. There were several buildings which we felt should be designated as "smoke-free" buildings. Those buildings include the Multipurpose Building, the Helmke Library (not including the glassed-in lounge), the Classroom/Medical Building, the Physical Plant Building, the Life Sciences Resource Building (already designated nonsmoking), and all of the fine arts buildings. These recommendations are made for a variety of reasons--some obvious, some not, and all sound. Areas that are designated smoking areas should be separately ventilated.

<sup>2</sup>American Lung Association, 1986.