

End Tobacco's 'Most Favored Industry' Status on the Hill

By Rep. Henry Waxman

At a hearing of the Energy and Commerce subcommittee on health and the environment last month, the chief executive officers of the nation's tobacco companies denied that cigarettes cause cancer, that nicotine is

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addictive, and that they target children in their advertising.

These assertions defy both overwhelming scientific evidence and common sense, but for decades they have convinced Congress to ignore reality. So, despite tobacco's devastating health toll (nearly 500,000 deaths each year in this country alone), the tobacco industry is virtually unregulated.

It is exempt from compliance with the

Rep. Henry Waxman (D-Calif) is chairman of the Energy and Commerce subcommittee on health and the environment.

Food, Drug, and Cosmetic Act; the Consumer Product Safety Act; the Fair Packaging and Labeling Act; the Federal Hazardous Substances Act; the Toxic Substances Control Act; and the Controlled Substances Act.

This is plainly wrong. No other industry in America makes such irresponsible claims, causes so many debates and illnesses, or has received such favored treatment from Congress. That's why no one in Congress is advocating prohibition. Prohibition would be folly — it would be impossible to maintain and a cruel punishment for millions of Americans addicted to nicotine. A smoke-free society is an admirable goal, but legislation isn't the way to achieve it.

Instead, we must take several reasoned actions. First, we must lift the veil of secrecy from tobacco companies. A landmark investigation by FDA Commissioner David Kessler and work being conducted by the health and the environment subcommittee have started this process. In fact, we may have learned more about the practices of the tobacco industry in the last three months than in the previous three decades.

Kessler and the subcommittee have uncovered information indicating that some tobacco companies deliberately manipulate the level of nicotine in cigarettes during the production process. We have also learned in recent weeks that individual companies may have known nicotine was addictive — despite their denials to the public and in law-

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Photo courtesy Library of Congress

"A smoke-free society is an admirable goal," writes Rep. Henry Waxman, whose health and the environment subcommittee has been at the center of the debate. "But legislation isn't the way to achieve it." He does, however, advocate bringing the tobacco industry under a host of new laws. Above, a woman smokes, circa 1931.

A Tobacco Reality Check

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suits — and that their health research was controlled by lawyers, not scientists.

Second, because of the persistent efforts of Rep. Ron Wyden (D-Ore), the American people are beginning to learn more about the hundreds of ingredients that are added to cigarettes. This must continue. There is absolutely no public policy reason that this information should be secret.

Third, what's especially needed is for one federal agency to have explicit regulatory authority for tobacco products. Rep. Mike Synar (D-Okla) has been working for years to give the FDA this responsibility.

His current legislation, H.R. 2147, would authorize the FDA to regulate cigarettes, require manufacturers to disclose chemical additives in their products on cigarette packages, and permit the FDA to inspect cigarette manufacturing plants and regulate the advertising and promotion of tobacco products consistent with the way in which other legal drugs are regulated.

Enacting H.R. 2147 would ensure that the tobacco industry provides the same public information that all other consumer product manufacturers are required to furnish. It's a simple step that will be an enormous benefit to millions of smokers.

Fourth, there is another important and reasonable step that Congress can take to protect the public health — it can restrict smoking in public buildings. Environmental tobacco smoke (ETS) — the secondhand smoke breathed by nonsmokers — is a Class A carcinogen that poses a serious and unnecessary health threat to nonsmokers. And it is particularly damaging to children.

A bill I've introduced, H.R. 3434, cures this problem with little cost and no bureaucracy. H.R. 3434 doesn't take cigarettes away from smokers. It merely restricts smoking in buildings accessible to the public to rooms with a separate exhaust system. This commonsense measure gives nonsmokers equal rights with smokers.

H.R. 3434 has won widespread support from both public health advocates and the business community. Six Surgeons General from four Republican and two Democratic Administrations have endorsed the bill, as have the commercial real estate industry and the insurance companies.

In fact, the five former Surgeons General believe so strongly in the importance of limiting exposure to ETS that they called the Smoke-Free Environment Act "the most important disease prevention measure to come before Congress in years."

Predictably, just as the tobacco industry continues to defy the overwhelming scientific consensus that smoking causes cancer, it denies that the scientific evidence on ETS exists. The difference now is that after decades of obfuscation, fewer people listen.

H.R. 3434, which was recently passed by the health and the environment subcommittee by a 14 to 11 vote, is breaking the stranglehold the tobacco lobby has on Congress. The good science and economics behind this bill are too strong to ignore.

We will take an enormous step toward improving our nation's health by ending the "most favored industry" status that Congress has given to the tobacco industry. By giving tobacco the same commonsense scrutiny all other businesses face, we will save billions of dollars and hundreds of thousands of lives each year.

Reality knocks. Soon we'll know whether Congress is home.