

Rachel's Environment & Health News

#321 - The Hazards Of Tobacco Companies

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U.S. EPA released a report earlier this month declaring that second-hand tobacco smoke is a Class A carcinogen, meaning the agency is convinced it causes cancer in humans. (Second-hand smoke is also called environmental tobacco smoke, involuntary smoking and passive smoking.) EPA says exposure to such smoke kills about 3000 Americans each year by lung cancer. The agency says second-hand smoke also:

** Increases the severity of asthma in somewhere between 200,000 and one million American children each year;

** Causes 150,000 to 300,000 cases of respiratory infections like bronchitis and pneumonia in children in the U.S. each year;

** Causes fluid buildup in the middle ear, a condition that can lead to ear infections in children;

** Gives spouses of those who smoke at home a 2-in-1000 chance of getting cancer. (NY TIMES 1/8/93, pg. A14)1

According to physicians with the American Heart Association, the situation is somewhat worse than EPA is letting on:

** About 50 million nonsmoking adults over the age of 35 are involuntarily exposed to secondary smoke each year in the U.S.;

** Half of all American children live in families with one or more smokers;

These people have a 30% greater chance of developing heart disease, lung cancer, or other respiratory illnesses than do people who avoid frequent exposure to smoke;

Second-hand smoke may contribute to as many as 40,000 deaths each year from heart disease. (NY TIMES 1/11/92 pg. A20)

The recent history of tobacco offers a lens through which we can observe how we got ourselves where we are today, not just with tobacco but with all toxic chemicals.

** The Surgeon General of the U.S. declared smoking cigarettes a cause of lung cancer in 1964. By that time people had been calling cigarettes "coffin nails" for many decades, so the Surgeon General in 1964 was merely confirming what most people already knew. The tobacco companies CERTAINLY knew it before 1964.

** The Surgeon General of the U.S. in his 1988 annual report on smoking declared that nicotine--the main psychoactive ingredient in tobacco--is as addictive as heroin. (NY TIMES 5/17/88, pgs. 1, C4)

** A survey of 77 scientists whose research is supported by the Council for Tobacco Research (created by cigarette manufacturers in 1954) revealed that 98% of them believe tobacco is addictive.

The same survey revealed that 91% of the 77 researchers believe that most deaths from lung cancer are caused by tobacco smoke. The scientists who conducted the survey (which was published in the AMERICAN JOURNAL OF PUBLIC HEALTH in June 1991) concluded that the tobacco industry does not act on the research it finances. (NY TIMES 9/24/91, pg. C3.)

** A physician's study of tobacco industry practices, published in the medical JOURNAL OF FAMILY PRACTICE in August 1992, concluded that the Tobacco Institute's program called "Tobacco: Helping Youth Say No" is "clearly designed to encourage tobacco use" among children by portraying smoking as an adult activity and therefore a "forbidden fruit" for children. (NY TIMES 9/2/92, pg. D18)

** A study of 2256 children ages 4 to 11, published in the

September, 1992, issue of the medical journal PEDIATRICS, showed that children of mothers who smoke are twice as likely to have behavior problems, compared to children of mothers who don't smoke. Behavior problems include conflicts with peers, immaturity and a tendency to be antisocial, anxious, depressed, headstrong, or hyperactive.

Commenting on this study, Dr. Loraine Stern, an associate professor of pediatrics at the University of California at Los Angeles, said she wasn't surprised by the results. "There are thousands of toxins in cigarette smoke," any one of which could affect behavior in children, she said. (NY TIMES 9/8/92, pg. C9)

** Since 1954, citizens have brought more than 300 lawsuits against tobacco companies, claiming the companies misled them by advertising the pleasures and benefits of tobacco while withholding medical information about its dangers. No plaintiff has ever collected a cent by suing a tobacco company for health problems.

** Five of the nation's six tobacco companies--all except Liggett--have been represented by a single law firm, Shook, Hardy & Bacon of Kansas City, Missouri. The 175-lawyer firm has about 35 attorneys defending tobacco companies, plus "scores of researchers, biochemists, veterinarians, nurses and other experts, along with technological support of commensurate sophistication," according to a recent report in the NEW YORK TIMES (11/20/92, pgs. A1, B16).

"In the best Philip Morris tradition, Shook, Hardy engages in conspicuous charity, sponsoring bowl-a-thons for the Big Brothers and Big Sisters of Kansas City, ringing Christmas bells for the Salvation Army, marching for the March of Dimes," the report said.

In 1992, H. Lee Sarokin, a federal judge in Newark, N.J., "accused tobacco lawyers of participating in what he called a conspiracy to conceal smoking's dangers from the American public." The judge said the tobacco industry "may be the king of concealment and disinformation."

** Shook, Hardy initially opposed the law that requires cigarette packages and cigarette ads to carry a Surgeon General's warning. Then they turned the labels into an advantage, winning cases by claiming that the labeling law "pre-empted" lawsuits against tobacco companies. However, on June 24, 1992, the U.S. Supreme Court ruled that this defense was not valid. The court thus opened the way for lawsuits claiming that tobacco companies concealed facts about the dangers of smoking, or claiming that, by actually lying about damaging information in their possession, tobacco companies breached a legal duty not to deceive. (NY TIMES 6/25/92, pgs. A1, B10)

** The NEW YORK TIMES reports that attorneys for the tobacco industry offer various excuses for their work: every client is entitled to counsel; or, the dangers of smoking have not been proven; or, smokers don't have to smoke (they're not really addicted); or the work they do is no more ethically suspect than the work of other attorneys. Or they take refuge in cynicism: a poster in one office at Shook, Hardy says, "Smoking is the nation's leading cause of statistics."

And some statistics they are:

Cigarette smoking causes about 435,000 deaths each year in the U.S., including 200,000 from cardiovascular disease, 100,000 from lung cancer, and 80,000 from chronic lung disease. (NY TIMES 1/11/92 pg. A20). Thus during the 40 years that Americans have spent pursuing the tobacco companies fruitlessly in court, roughly 17 million Americans have been killed by tobacco smoke while the tobacco companies pocketed something like a thousand billion dollars.

What have we learned about toxic chemicals from this review of tobacco?

** Ordinary citizens knew long before the scientific and medical community that smoking was harmful.

** Subtle damage--like hostile behavior in children, or depression, or hyperactivity, can be caused by "any one of thousands" of toxic chemicals.

** The courts have not provided justice for the addicted victims of tobacco, or for their innocent families. Even when a federal judge learns so much that he feels compelled to accuse the poisoners and their lawyers of "concealment and disinformation," the courts cannot provide justice.

** The poisoners have a trained army of lawyers, researchers, physicians, nurses, and veterinarians who make a fat living helping others evade liability.

** The poisoners routinely engage in conspicuous philanthropy and acts of charity.

** The poisoners have no difficulty sleeping at night. Mere questions of right and wrong do not trouble them.

** For all its vaunted size and power, the United States of America is unable to protect its citizens from an organized assault on health and pocketbook by predatory corporations.

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When the EPA report on second-hand smoke was released, Dr. Louis W. Sullivan, head of the federal Department of Health and Human Services, said, "It is irresponsible for smokers to expose young children to the health consequences of their addiction." (No one asked, "What about exposing children to pesticides, solvents and other industrial poisons in their food and water?")

After the press conference, most U.S. newspapers called for a ban on smoking in public buildings, in workplaces, and in any setting where innocent people may be exposed. But the NEW YORK TIMES went further, asserting (in an editorial titled "No Right to Cause Death"), "No one would grant his neighbor the right to blow tiny amounts of asbestos into a room or sprinkle traces of pesticide onto food. By the same logic, smokers have no right to spew even more noxious clouds into the air around them." (1/10/93, pg. E22)

But that is precisely the right that corporations claim when they allow industrial poisons to spread into our food and water. Both Dr. Sullivan and the TIMES denied that polluters have a RIGHT to pollute. Logically, this leads to a demand for zero discharge.

No one has the RIGHT to poison our neighborhoods or our common air and water. If the legislatures and the courts cannot protect us against corporate poisoners, then we should take this as clear evidence that corporations have become too powerful. Corporations themselves must become the focus of our energies and our attention. The TIMES is right: zero discharge IS the right goal. And reducing the power of corporate poisoners--perhaps by amending the corporate charter--would be one way to achieve it.

--Peter Montague

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[1] The new EPA report, RESPIRATORY HEALTH EFFECTS OF PASSIVE SMOKING: LUNG CANCER AND OTHER DISORDERS [EPA/600/6-90/006F] is available free from: CERL, U.S. EPA, 26 West Martin Luther King Dr., Cincinnati, OH 45268;

or phone (513) 569-7562.

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