

INDUSTRY ETS CONSULTANCY PROGRAMMES

General Objectives

1. It has been apparent to the industry for some time that we do not have sufficient credibility to put forward a position on ETS (or any other issue for that matter) unless we can identify independent scientists who are saying the same thing. If independent scientists back up our position, it becomes more credible, not only to the general public and the media, but to politicians and other decision-makers.
2. The importance of having independent spokespersons rather than relying on an industry-only message became even clearer during the APCO case. Although it is essential for the industry to speak up about its positions, there are some things that are better left to independent scientists to express.
3. The industry in the US, led largely by Philip Morris and with the assistance of the US law firm Covington & Burling (who are also lawyers to the US Tobacco Institute and advise B&W on certain issues), has had a huge programme to develop independent witnesses or consultants on ETS-related issues, for media as well as for legal and scientific purposes. It is believed by the US industry that this wide availability of independent witnesses has been critical in their track record to date of defeating approximately 90 % of all state initiatives to legislate on smoking restrictions. If the Tobacco Institute had had to go in without independent corroboration it is extremely unlikely that they would have been so successful.
4. Although this resource is widely available to those members of the US industry who participate in industry programmes and initiatives (i.e. excluding B&W and American Brands) it is not appropriate for use in other regions for the following reasons:
 - the scientists are American and have a particular American approach to science and to life in general. Frequently this does not export well. In many regions US scientists would have no use or credibility: the call would be for local or regional experts.
 - the scientists are used extensively in the US; many have university or medical institute positions to hold too, and so simply would not be available for work overseas.
 - it is extremely costly to export scientists from the US to many other regions.
5. There are other reasons why it has been felt to be essential to develop a regional consultancy resource rather than to rely on the so-called 'international experts':
 - from a purely BAT perspective, we have access to those international experts only through our continuing and developing good relations with Philip Morris internationally and with Covington and Burling. The rest of the industry, not B&W, has contributed to the development of that resource and so would not be willing to see BAT benefit from it without having contributed to the costs of developing them. However, this is no longer a problem for us due to our increasing participation and proactive development of smoking issues and consultancy programmes around the world.

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- local scientists are useful because they have political contacts in a country that international experts will never reach. If a government is proposing to introduce restrictions on smoking in public places they are more likely to be influenced by a prominent scientist in their own country who they may have known for some time and with whom they may have worked on other issues than with some otherwise obscure US scientist. [N.B. this is not to say that US or other 'international' experts do not have their role to play in certain circumstances - particularly when the issue of international reports e.g. the US Surgeon General's Report arises].
 - as well as lacking in local scientists, countries around the world are lacking in local data and research. If the government in Malaysia is proposing to introduce a ban on smoking in public places and the tobacco industry or its consultants go in to argue against this with data showing that ETS is not the no. 1 office pollutant in Washington D.C., or that in London offices it seems that ventilation provides the perfect solution to indoor air quality problems, the government will quite correctly ignore us. Situations and air quality, both indoors and outdoors, are very different in the Far East and in Latin America than it is in the USA and Europe. Office designs are different. Particularly, in many of these countries it is so easy to find major sources of outdoor air pollution or indoor air pollution (traffic fumes and among in cities like Santiago, for example) that it can easily be demonstrated that ETS is the last of anyone's worries on the air quality front. We must take advantage of these opportunities but we can only do it with locally relevant data.
 - often it is necessary for scientists to respond rapidly to what may appear to be minor local issues e.g. misleading newspaper articles. This is something that a local scientist can do quite naturally, but it looks suspicious if someone from another country does it. Of course, the tobacco industry can respond, but it will have less credibility and in some countries we may prefer to leave independent scientists to respond to protect us from a potential legal backlash.
6. Following the AFCC judgment in Australia, a group of international industry lawyers and public affairs people met in London to consider the implications for the industry. This then became the IEMC (International ETS Management Committee). One conclusion that was very clear from the industry lawyers was that we had to further develop our resources of independent spokespersons who were not directly associated with the tobacco industry, in order to minimise situations in which we respond as an industry and so potentially lay ourselves open to legal claims. It was agreed that the kind of programme that had been going on in the Far East and was being developed in Latin America was ideal, because the scientists were of good quality, were largely prepared to enter a more public arena than scientists normally would, and the programme was handled in such a way thanks to Covington & Burling that there was no direct association between the scientists and the tobacco industry.
 7. It must also be borne in mind that we have opportunities in the parts of the world where we are developing consultancy programmes that we do not have elsewhere: that is, to hold the line on smoking restriction measures in those many countries that do not yet have them, to seize the initiatives from our opponents, and to establish ourselves the ground rules for discussion of ETS/indoor air quality issues.
 8. The objective throughout the consultancy programmes is to place ETS in perspective - to demonstrate that a host of serious public health problems needs to be tackled by

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governments in certain countries before they address either indoor air quality in general, or ETS specifically.

Two programmes to develop ETS consultants are currently being funded by the industry:

Far East ETS Consultancy Programme

Supporting companies: Philip Morris, RJ Reynolds, BAT, and Japan Tobacco. Rothmans are now considering joining.

Key markets: Hong Kong, Malaysia, Singapore, Indonesia, Taiwan, Korea, Philippines, Japan.

Date of commencement: April 1989 (BAT joined early 1990).

Budget for 1991: US \$ 640,000.

Average Covington & Burling costs: US \$ 100, 000 (included in above. Includes administration of project, reporting on progress, training consultants, setting up activities/conferences etc. of group, monitoring research...)

BATCo, supporting companies: Hong Kong, BATUKE, Malaysia, Singapore, Indonesia.

Consultant profile: approximately 20 consultants in the following countries: Hong Kong, Malaysia, Singapore, Indonesia, Japan, Korea, Taiwan, Philippines, Thailand, China. Consultants cover a complete range of disciplines, from epidemiologists through to chemists. We have as consultants the past, present and future presidents of the Asian Association of Occupational Health, a very influential health organisation in the region. These consultants have provided us with many opportunities to carry out seminars etc. under the auspices of the AAOH.

Research carried out to date:

- indoor and outdoor air quality monitoring project in Hong Kong. Results to appear in press within next month or two. as a joint project between Hong Kong and Korean consultants. Results showed Hong Kong outdoor air exceptionally high in volatile organic compounds of the kind found in tobacco smoke, that they were not being filtered out of the air before its circulation indoors, and that ventilation in Hong Kong's air-conditioned buildings was woefully inadequate. Press attention is being cultivated and the results of the study publicised in as many countries as possible. The study illustrates the point that asian air and asian air quality problems are quite different from air and air quality problems in the west.
- through a Covington & Burling UK consultant, Professor Roger Perry of Imperial College London, who sits on a number of European and international research committees, a proposal has been put in to the EEC through the Third World Cooperative Grants Programme, to arrange for an air monitoring project to be carried out in the Philippines. This was accepted by the EEC who are now funding the project which, having been designed by Perry, will cover the same kind of issues as did the Hong Kong study, but for no cost to the industry.

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Major publications to date:

- conference proceedings published following the various seminars that have been organized (see below)
- translations of the McGill ETS conference summary and their publication by consultants in local medical journals
- research publication on Hong Kong study
- several reviews of indoor air quality published by consultants
- New Journal by Korean consultant: Indoor Environment News and Views.

Major seminars and conferences to date:

- consultants attended the conference on 'Indoor air quality and ventilation in warm climates', Lisbon April 1990 and made presentations.
- Seoul, June 1990: 'Environmental Health and Protection in the 1990s'. Participation of Korean Minister of the Environment, and President of the Korean Public Health Association.
- Seoul, June 1991: '2nd International Symposium on Environmental Health and Protection in the 1990s'; as above. Sponsored by Ministry of Environment.
- Philippines: joint meeting of the Philippine Society of Architects and Philippine Medical Association, Manila September 1990: 'Health Priorities in the Philippines for the 1990s.' Participation of government officials and considerable press attention.
- AAOH Conference, Bangkok, November 1991: Satellite conference on indoor air.
- Moutreaux May 1991: Indoor Air International conference.
- Indonesia: June 1991: 'Indoor Air Pollution Problems in Indonesia'. Sponsored by University of Indonesia and Indonesian Association of Industrial Hygiene, Occupational Health and Safety. Participation of Ministry of Manpower.
- Hong Kong, December 1991: POLMET '91 conference; workshop on Indoor Air Pollution.

Miscellaneous Other Activities

- Development within the AAOH of a standing committee on indoor air quality, chaired by one of our consultants.
- Many consultants have become members of Indoor Air International, a European-based association devoted to the study and discussion of issues relating to indoor air quality. It publishes a journal and sponsors conferences, and many European industry consultants are founder members.

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- Circulation by consultants of copies of the ETS McGill symposium book to government officials and other decision makers in all markets.
- The major consultant in Korea is the country's top expert on air quality and has made a number of TV, radio and print appearances in which ETS was dismissed as a potential source of concern.
- Selected consultants (one or two from each country) being briefed on EPA situation so that they can respond locally when necessary.

Subsidiary Activities

- Involvement of the Australian branch of Healthy Buildings International, run by Joe Robertson. They have been active in Hong Kong, where they were awarded a contract to study the government-owned Prince of Wales Hospital in Hong Kong, and have been employed as consultants to the Hong Kong government on IAQ issues. They also made presentations to the Ministries of Health and Environment in Singapore, and received considerable press attention. They have been asked by both the Hong Kong government and that of Singapore to run a series of government-sponsored seminars on IAQ issues.
- Preparation of programmes for seminars on indoor air quality in Australia, to follow up on issues arising from AFCCO.

Latin American ETS Consultancy Programme

Supporting companies: BAT (60 %) and Philip Morris (Latin American Division, New York, 40 %).

Key markets: Argentina, Brazil (with Souza Cruz), Chile, Costa Rica, Ecuador, Guatemala, Venezuela.

Date of commencement: January 1991

Budget: US \$ 340,000

Average Corington & Burling costs: US \$ 60,000

BAT Supporting Companies: Argentina (22 %), Brazil (Souza Cruz, 22 %), Chile (22 %), Costa Rica (8 %), Guatemala (4 %), Venezuela (22 %).

Consultant profile: Argentina, 2 consultants; Brazil, 3 consultants; Costa Rica, 2 consultants; Chile, 2 consultants; Ecuador, 2 consultants; Venezuela, 3 consultants (total 14 consultants).

Consultants are currently being recruited. Latin America is very different from Asia in that scientists are generally perfectly happy to make media appearances and take on a more public role. This is how the Latin American project differs from the Asian one, in that all consultants will be required to be capable of being spokespersons. In Asia, scientists are

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either too diffident or fear (in countries like Taiwan, Hong Kong and Singapore) recriminations from their colleagues or government. We already have a number of consultants identified who fall into this category (including one in Venezuela who already has his own TV show) and the final selected list, agreed by all supporting companies, is expected by the end of this month.

In each country we will also identify someone who is capable, or at least who would appear to be credible, to carry out research on ETS levels and IAQ, as all supporting countries would like to have access to local data. Argentina, Brazil, Chile and Venezuela are facing extremely severe legislation on smoking in public places, and Costa Rica already has them. Although there is not much public awareness in many of these countries, there is certainly government awareness.

The Role of Covington and Burling

For this type of programme it is absolutely essential to ensure that administration of the programme and contact with the consultants is made quite independently of the tobacco industry, and that no tobacco industry executives have direct contact with them.

It is therefore necessary to select an external organisation to manage the programme. There are not many possibilities for doing this. A public relations agency would clearly be inappropriate, and anyway would have no idea of how to interact with scientists. There is no scientific version of a public affairs agency, and anyway it would not be appropriate to hand it over to a scientist to manage as the project is actually being carried out for public affairs reasons.

The only option is to select a group of people who have expertise in both the scientific arena and public affairs arena, and who can be trusted by the industry to manage the programme in accordance with their wishes. The only such groups of people are US lawyers.

Not all US law firms would be appropriate for such a task. Most are (naturally) geared towards the fighting of product liability lawsuits and the provision of witnesses for this purpose rather than for a public affairs purpose. Covington and Burling, however, are quite different. On the tobacco front they are not litigating lawyers; rather, they are legislative lawyers and act as much as a public relations agency as they do to provide legal advice. When they look for consultants they do so to enable them to be used at legislative hearings or other public fora. As the lawyers to the US Tobacco Institute and to a number of large US companies (including B&W on certain legislative issues) they have many years of experience in handling both scientific and public affairs issues. They have developed the industry's consultancy programme in the USA, and so again have many years of experience in running such programmes. They are also one of the largest law firms in Washington D.C. and one of the best known. In spite of this they are considerably cheaper than either (a) other law firms such as Shook, Hardy & Bacon, or (b) P.R. firms. We also benefit from the added protection of legal advice and privileged communications. The scientific acumen of Covington & Burling is extremely impressive and they have proven, in their administration of both programmes, to be highly reliable.

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