

STATEMENT OF JOSEPH P. CANNY
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BEFORE THE
AVIATION SUBCOMMITTEE OF THE
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
MAY 18, 1994

Mr. Chairman, members of the committee. I am Joseph Canny, Deputy Assistant Secretary of Transportation for Transportation Policy. With me, are Dr. Jon L. Jordan, FAA Federal Air Surgeon and Mr. Thomas E. McSweeney, Director of FAA's Aircraft Certification Service. We appreciate the opportunity to discuss with you the issue of airliner cabin air quality.

I shall discuss two areas of airliner cabin air quality that are directly managed by the Office of the Secretary--smoking and disinsection--before turning the presentation over to Dr. Jordan, who will discuss other air quality issues.

Smoking

Regarding smoking, the goal of the Department of Transportation is smoke-free travel in all modes of public transportation. Over the last few years, great progress has been made in fulfilling that goal. The one area in which we have been focusing our efforts over the last two years is the elimination of smoking on international flights. In 1992, the United States cosponsored and worked hard for the passage of a resolution by the Assembly of the International Civil Aviation Organization (ICAO) to prohibit smoking on international flights. As passed, the resolution urges ICAO member nations "to take necessary measures as soon as possible to restrict smoking progressively on all international passenger flights with the objective of implementing complete smoking bans by 1 July 1996."

Because it is non-binding, the ICAO Resolution can be fulfilled only if nations acting either alone or with others ban smoking. Shortly after ICAO adopted the resolution, the Department of Transportation approved a policy of entering into regional compacts to ban smoking through multilateral agreements. By April 1993, the State Department granted authority for the United States to enter into agreements to

ban smoking, and the U.S. proposed to the governments of Australia, Canada and New Zealand a quadripartite agreement that will ban smoking on non-stop flights between these countries.

Negotiations are now in progress to produce such an agreement and, we are confident that it will be signed in the near future. This agreement will go beyond enabling passengers and crew on the routes serving these countries to travel without exposure to environmental tobacco smoke (ETS). It should serve as a catalyst for the creation of other regional compacts by demonstrating to the world community that a smoking ban on flights over 14 hours in duration is not only feasible but welcomed by passengers and crew. However, our efforts have not been limited to the completion of the quadripartite agreement between our country and Australia, Canada and New Zealand.

The Department has also been pursuing other bilateral and multilateral agreements. One of our initiatives already showed some success with the statement last week by the Government of Jamaica announcing that its highest level of authority, i.e. the Cabinet, has authorized the continuation of negotiations with the United States and Canada, with a view toward arriving at an agreement to ban smoking on all international flights between Jamaica and signatory nations. The Jamaican Cabinet also recommended that Jamaica seek the support of the Caribbean Community (CARICOM) countries for the initiative with a view to having all CARICOM states become a party to the ICAO ban.

The Jamaican announcement is a very positive development. The U.S., Canada and the 13 nations of CARICOM constitute about one fourth of all U.S. international passenger flights. We look forward to the signing of an agreement.

Our efforts to date demonstrate an unswerving determination to protecting nonsmokers from exposure to environmental tobacco smoke. In fact, to our knowledge, no other nation is so aggressively pursuing multilateral actions to advance the ICAO goal. We are particularly seeking to establish agreements that will stimulate further smoking bans. We have also held discussions with Latin American, European and Asian countries and are confident that other future agreements will also be signed in a timely manner.

The mere introduction of the ICAO resolution for a global smoking ban on international flights forced nations to give thought to the difficulties faced by nonsmokers and to consider whether the established norm should be changed. Accordingly, some nations have instituted smoking restrictions on domestic flights and others have consulted us for advice on doing so.

Airlines have also begun to voluntarily prohibit smoking on some international flights. In this country, every domestic carrier providing service to Canada has banned smoking on trans-border flights, as have Canadian carriers in accordance with their government's regulations. Two U.S. carriers offer limited no-smoking flights between the United States and Europe and one offers no-smoking service between the United States and New Zealand. We believe a substantial shift toward international no-smoking flights is underway.

We shall continue to work toward the attainment of the ICAO goal and are strengthening our efforts to achieve the 1996 deadline.

Disinsection

For a number of years, the disinsection (insecticide spraying) of aircraft with passengers and crew on board was carried out routinely by a number of nations to prevent the spread of disease and the possible infestation of crops. The United States abandoned the spraying of aircraft with passengers and crew on board aircraft 15 years ago because of possible allergic reactions and concern over long-term health effects, because of the questionable effectiveness of spraying, and because the same results could be achieved without subjecting passengers and crew to the insecticide.

Recently, we became aware of public concern over the mandatory spraying of airplanes with passengers and crew on board arriving at entry points of a number of foreign countries. Travelers objected to being forced to be sprayed with an insecticide the label of which warns that the product is hazardous to humans and that it is harmful if swallowed or absorbed through the skin.

The response of the Secretary of Transportation has been to announce that the public will be notified of this requirement where it still applies, and to discourage its continued application. Such notification will permit the public to consider alternative travel arrangements. To compile an accurate list of countries that require disinsection, the State Department, through its embassies, last month delivered a letter from the Secretary of Transportation to the ministers of transportation of every country recognized by the United States. In addition to requesting information on disinsection requirements within 30 days, the letter "urged those nations that are continuing to spray while passengers and crew are on board to reconsider the practice and spray only when passengers and crew are not on board." Our efforts must be limited to notification as these nations have a right to require the disinsection of aircraft as a matter of state sovereignty. Further, ICAO has adopted procedures for it in Annex 9 to the Chicago Convention, Facilitation.

Our approach to resolving this issue has been coordinated closely with the State Department and the Environmental Protection Agency. The State Department has been chairing a working group of these three agencies, and the Department of Health and Human Services, to share information. Under its responsibility for product labelling registration, EPA has ordered aircraft insecticide manufacturers to provide acute toxicity data from which EPA will determine the health risk of the product and will require that it be properly labelled.

Because of reports of spraying on flights to some U.S. territories, we also requested the Department of the Interior to provide us with information on the disinsection requirements of the U.S. territories and insular areas and asked that the Secretary's concerns be shared with them. Further, we indicated our interest in learning whether the Department of the Interior has administrative authority to end the disinsection requirements.

The 30-day period for reply to the Secretary's disinsection letter is drawing to a close. The State Department has received a number of responses and is sending follow-up messages to its embassies seeking responses from those nations that have not replied. As a secondary source of

information should nations delay in replying, we have requested the Air Transportation Association to request its member airlines to share any information they have on which countries require disinsection.

We expect to issue a press release shortly after receiving reports from our embassies, so that the public will be informed. We plan to make additional efforts at making certain that travel magazines and the medical community are informed of our findings.

This concludes my remarks. I now turn the presentation over to Dr. Jordan.

