Committee of Counsel
2.9.84
Offices of TI
Washington, D.C.

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Committee of Counsel 2.8.84 {Offices of T.I. Washington, DC

1. (b) Self-Extinguishing cigarettes (Federal)

Report by Cavanaugh; TI bill submitted to Weekly. Weekly reacted favorably. If bill is accepted, Weekly willing to go to Sen. Cranston in Senate & attempt to sell such so as to avoid conference; also, attempt for a simultaneous introduction in House and Senate.

(State) Kupper reports. An apparent collapse of effort in State of Washington. Committee did not schedule such for consideration.

1. (c) Other

(i) Federal Product Liability Act. Tanko reports. No mark-up before 3.12.84 — Consensus of thinking is that the bill is progressing very slowly in Senate.

Basic line: no hearings of any type scheduled prior to 3.12.84. → Bill as it presently stands is not one that the tobacco industry can support.

(ii) Taxes: Kornegay reports. Some possibility of action about April of 1984. Speculation at this point in time.

2. HHS - Ingredients. The 2.10.84 meeting w/ Dr. Brandt now re-scheduled for 2.14.84. No discussion, however, of ingredients since all companies in attendance (as: to avoid any anti-Trust problem)

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Temko: Dr. Brandt has other things to do — & the additive concern is not his top priority item. However, Dr. Luoto is the anti-thesis — & she represents the push on the additive inquiry.

→ Extended discussion focusing on probable future courses of dealing with Brandt/Luoto. Stevens suggests —

Stevens thinks this scenario should proceed before any direct communication between Brandt/Luoto & companies

Firstly: an independent scientist to accompany Temko/Konegay.

Secondly: some type of scientific panel to try to satisfy Brandt/Luoto as to the results of pyrolysis of ~~[illegible]~~ ingredients.

→ Temko thinks will NOT work. In any event, we will have no insight as to what is possible until after the Temko/Konegay — Brandt/Luoto meeting which is scheduled for 2.14.84.

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1.(a) Warning Notices

Report by Howard Liebengood. Strategy remains the same, — "... in contact ..." with Waxman & staff, with Dingle & staff, & with original "target group" — ie: Gore, Sikorsky, et al.

Good ~~[illegible]~~ areas:

(i) Attribution: good progress here.

(ii) Pre-emption: Waxman proving difficult here, but he is alone.

(iii) Circle & Arrow: a big issue for Waxman, but for no one else.

(iv) Addiction: Waxman wants this in somewhere. However, Waxman alone

Possible [illegible].

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Problem Areas:

(i) Multiple-label concept. Waxman's group taking position that such is needed in some way — especially if the "circle + arrow" graphic is dropped.

(ii) The issue of "...Cause...". Waxman's group takes position that "attribution" to surgeon general should allow industry to live with "cause" — since S.B. has found that smoking does "...cause..." certain forms of cancer as well as other things.

(iii) Tar + Nicotine + CO disclosure. The "Heart Disease Lobby" is pushing for this.

(iv) Additives: Waxman group wants such to be reported to Sec of HHS in full — w/ accomodation for (a) trade secret concerns, & (b) quantities used, & (c) which company uses which additive / additives.

[note: at least 4 problem areas — but possible 6 problem areas]

Lieberman reporting on the industry bill which was approved at the 11.16.93 call meeting of the Executive Committee of the TI.

On Q, Lieberman reports that tobacco friends in both House + Senate know of the fact that negotiations are going on between TI + Waxman sub-committee. Supposedly, Rep. Dingel supporting

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our position.

Sen Hatch has his labeling bill as his "second priority" for 1984 — & should come up for action by about April of 1984.

Q: can legislation of any type be carried over? ag — no bill until 1985.
Liebengood: a distinct possibility.

Q: would this be in the best interest of the industry? ag — should industry postpone enactment of labeling legislation?
Liebengood: his opinion is that the only way the industry can protect its flank is to see the enactment of an acceptable compromise bill that is liveable.
∴ answer to the possible postponement Q is ~~[illegible]~~ "when" can an acceptable compromise be enacted.

Liebengood: leadership supporters of industry can best be used to postpone bill until 1985 — not to expect a modification of Waxman bill to a former acceptable to the industry.

~~[illegible]~~ Status: no change in authority from that granted by Executive Committee at 11.16.83 meeting at Summit Hotel.

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3. Smoking on Aircraft — CAB Proposal
~~[illegible]~~ 2/14-15/84 Report by Wm Klopffer of T.I.
Schedule for oral argument distributed — an attempt will be made to change the argument schedule.

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4. TI Responses to Smoking and Health Matters — Chilcote reports as to the status of the anticipated report from HHS on addiction.

5. EPA Request : Ruppe reports.
The Chilcote letter to EPA was forwarded during first part of 2.7.84. [The 2 items in Q by EPA not used by Liggett; essence of Chilcote letter is that the 2 items in Q (2 chemical substances) are concerns of the manufacturers/suppliers of these 2 chemical substances.

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CTR Genie Projects : Q of Dr. Gerling Project. Lgt not participating.

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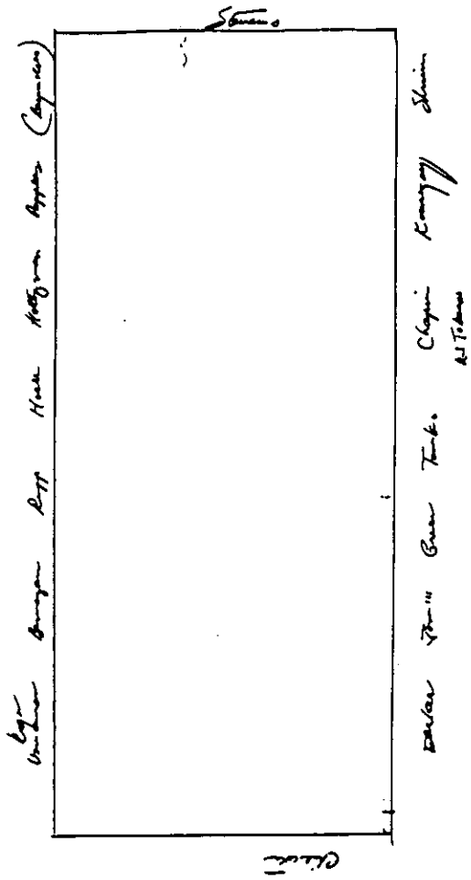
Committee of Council 2.8.84



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