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PUBLIC HEARING

COMMITTEE ON PUBLIC WORKS

**COUNCILMEMBER
CAROL SCHWARTZ
CHAIRPERSON**

TESTIMONY

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RESTAURANT ASSOCIATION
METROPOLITAN WASHINGTON**

December 3, 2003

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Good Morning Chairperson Schwartz, members and staff of the Committee on Public Works. I welcome this opportunity to provide our association's input on Bill 15-0441, as written, the Smokefree Workplaces Act of 2003.

My name is Lynne Breaux and I am the Executive Director of the Restaurant Association Metropolitan Washington. RAMW is a trade association representing over 500 restaurants, educators and food service related businesses. Our membership runs the gamut from the large to the small, from neighborhood taverns to fine dining establishments, from smoking to non.

When it comes to smoking, emotions run high. RAMW is here to represent our DC members with regard to the impact of this proposed bill on their business, we not here to defend the use of tobacco. We are here to oppose proposed legislation that restricts the consumption of a legal product, especially when those restrictions hurt our businesses and we would not be here today if we did not have grave concerns on this proposed bill.

RAMW is emphatically not pro smoking, but in support of freedom of choice. There is a big difference. If customers choose to smoke, it should be allowed within the establishment's purview, if customers choose to not be exposed to smoke, that is their prerogative. There are smoke free establishments, there are smoke friendly establishments, there are well-ventilated establishments, choose the one you want, be the one you want.

We applaud restaurants that choose to be smoke-free because that is a business decision, not something that should be legislated. Decisions on smoking should be made by the individual restaurant owner and their customers

The hospitality industry is a huge and diverse sector of the District of Columbia's economy and personality, serving and accommodating locals, lobbyists, conventioneers and tourists everyday. The city's restaurants are garnering well deserved praise, serving as an attraction and an economic engine for DC, generating over 160,000,000 million is sales tax dollars alone in

2002 and employing over 28,000. Any decrease in the restaurant industries' contributions to the city's coffers would obviously negatively impact DC. Border hopping to smoke friendly jurisdictions is in fact a reality with New Jersey benefiting from New York's smoking ban. The Associated Press reported recently that New York state restaurants are down 20% to 50% and are losing customers to other states as a result of the smoking ban. My presence here today and the feedback of operators, employees and others in the hospitality industry is evidence that there are problems with this proposed legislation. There is no question that smoking bans have been detrimental to many restaurant/bar businesses.

According to a study conducted by KPMG on behalf of the American Beverage Institute, a majority of establishments, 60% experienced a decrease in business when the smoking ban went into effect in California. The average decline in sales was almost 30%. The most frightening finding of the report was that almost one-third reported laying-off employees or cutting hours or shifts.

It is also worth noting that a close comparison of a DC smoking ban to that in effect in California, Arizona or Florida is rather like comparing apples to oranges, since outdoor dining is not an option for as many months here as in those sunny climes.

Our concern is based on saving hospitality jobs and today you will here from owners and employees who will be most affected by this ban. A study conducted by the Massachusetts Restaurant Association found that cities that have enacted smoking bans have lost an average of 21% of their local jobs.

RAMW acknowledges legitimate and serious concerns about smoking and its effects. We believe, however, that a total ban on smoking is not a proportionate response to these concerns. There are also the unintended consequences of loitering and noise as patrons are forced out of establishments to smoke.

Thank you again for this opportunity to voice our strong opposition to this bill.