



INTERNATIONAL CIVIL AVIATION ORGANIZATION

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ASSEMBLY - 31ST SESSION

EXECUTIVE COMMITTEE

Agenda Item 19: Smoking restrictions on international passenger flights

BANNING SMOKING ON BOARD AIRCRAFT

(Presented by Australia, Canada and the United States)

SUMMARY

This paper describes the policies of the Governments of Australia, Canada and the United States regarding smoking on aircraft and actions taken to date to ban smoking on both domestic and international flights. The Australian Government has enacted legislation in support of ICAO Resolution A29-15 which calls for smoking restrictions on all international passenger flights.

REFERENCES

A31-WP/54

1. INTRODUCTION

1.1. The Australian, Canadian and United States' Governments are very concerned about the adverse health effects on people of active and passive smoking. These effects are accentuated in enclosed environments such as aircraft cabins.

1.2. Australia has had, and continues to have, a steady decline in tobacco consumption. This decline is largely the result of a broad ranging approach to tobacco control which includes strategies on: marketing, availability, taxation, education, passive smoking, cessation services and monitoring of achievement.

1.3. Nevertheless, Australian Government statistics indicate that, in 1992, tobacco related deaths accounted for 15 per cent of all deaths.

1.4. The Australian Government banned smoking on all flights within Australia by domestic airlines in 1987 and extended these domestic bans to all services operated by international carriers between airports within Australia from October 1990.

1.5. Canada, recognizing the hazards caused by tobacco smoking, enacted legislation that took effect in 1988 to regulate smoking in federally regulated workplaces, including common carriers, and to amend the Hazardous Products Act in relation to cigarette advertising.

1.6. The United States banned smoking on domestic flights of under two hours duration in 1988 and extended the prohibition to cover almost all domestic flights in 1990.

2. ICAO RESOLUTION ON SMOKING

2.1. The Forty-Fourth World Health Assembly of the World Health Organisation (WHO) in May 1991 adopted a resolution which, *inter alia*, provided for the "adoption of appropriate measures for effective protection from involuntary exposure to tobacco smoke in public transport". The Resolution requests the Director General of the WHO to assist the International Civil Aviation Organization, and all competent international and national agencies, in developing guidelines and recommendations for a smoke-free travel environment in all types of public transport.¹

2.2. In April 1992, at the 8th World Conference on Tobacco or Health, held under WHO auspices in Buenos Aires, the build up of tar and other residue from tobacco smoke was recognised as rendering life-saving oxygen masks ineffective and contaminating aircraft outflow valves. The conference also noted that the segregation of smokers from non-smokers in a relatively small, confined space, such as an aircraft cabin, would be ineffectual, since tobacco smoke moves through the cabin and is recirculated through the airconditioning. Another important observation made by the conference was that smoking adversely affects airline crew by impairing their vision, coordination and judgement and reducing tolerance to altitude, inhibiting their ability to react effectively to emergency situations.²

2.3. Strategies to reduce and control the use of tobacco are endorsed by a number of international health and peak bodies including the International Union against Cancer, the World Bank, the European Community and the Royal College of Physicians.

¹ *Tobacco Smoking in Aircraft - A fog of Legal Rhetoric?*, R.I.R. Abeyratne AIR and Space LAW, VOL XVIII, Number 2, 1993

² *ibid*

2.4. Australia, Canada and the United States have been actively involved in focusing international attention on this issue including through the WHO and ICAO forums. At the 1992 ICAO Assembly, our three States were amongst a small group of countries which sponsored a resolution urging States to progressively restrict smoking on aircraft and to implement a complete ban by 1 July 1996. This resolution was passed (A29-15).

2.5. Australia has decided to ban smoking on all Australian international flights from 1 July 1996. This decision fully implements the ICAO Resolution.

3. SMOKING BAN TREATY

3.1. A tripartite agreement signed by Australia, Canada and the United States on 1 November 1994 was the first multilateral response to Resolution A29-15. The agreement requires each Party to ban smoking, from 1 March 1995, on all direct passenger flights operated by its airlines between points in the territory of one party to the agreement and points in the territory of another party. The agreement is open to signature by other countries.

3.2. Legislation has been enacted to implement the ban in respect of carriers of the three countries.

4. CONCLUSION

4.1. The response within Australia to smoking bans on aircraft generally has been positive. Staff are pleased to be working in a cleaner environment and many passengers are grateful for the improved conditions. It has been Australia's experience that violations of smoking bans have been limited in number.

4.2. Many States have decided to implement bans in respect of their own aircraft and many airlines have taken commercial decisions to implement non-smoking bans or arrangements for international flights.

4.3. Australia, Canada and the United States are hopeful that many other States will decide to implement the Resolution A29-15 and ban smoking on international flights from 1 July 1996, or earlier.

4.4. States also may wish to consider adhering to the Australia/Canada/US agreement on smoking bans.

5. ACTION

5.1 The Assembly is invited to note the information in this paper.