

# The Pennsylvania Restaurant Association

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October 18, 1984

TO: THE VOTERS OF ERIE COUNTY AND NEWS MEDIA

RE: Erie County November 6 Referendum Proposal:

"Should the County of Erie enact a smoking pollution control ordinance that would have a positive effect on conditions within public places?"

Despite the general in contrast to specific phrasing of the above referendum language, the Pennsylvania Restaurant Association understands the goal of its advocates is simply to ban or severely restrict smoking in other than "private" areas. Without qualification, "public places" certainly includes restaurant facilities. We prefer not to react to "straw" issues and regret the referendum language addresses the smoking issue in an oblique manner.

As the recognized state-wide trade association representing the interests of Pennsylvania's restaurant industry, PRA is compelled to use this means to respond to the broad and intrusive government arm approach which proponents of this referendum maintain should be called into play to mandate how all members of the public as well as restaurant operators should treat any smoking issue.

In those instances where members of the public have no alternative to physically visiting or being obliged to utilize public premises to pursue their business or comply with a governmental directive, such as elevators, rest rooms and ticket stations, public transportation facilities, public administrative offices or meeting accommodations to participate in or pursue their rights as citizens, we have no quarrel with those who believe public smoking should be prohibited or restricted. Where a choice is available to and a preference can be expressed and demonstrated by members of the public, PRA strongly believes the approach to addressing the issue of smoking must be voluntary and a desire to accommodate the non-smoker.

Smoking is personal. The restaurant industry serves and caters to all segments of the public. The hospitality industry is completely dependent upon customer satisfaction, repeat business, reputation and loyalty for survival. Many establishments successfully cater to certain segments of the public.

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These particular groups of patrons are further expanded or narrowed, depending upon physical plant and location as well as time of day, to a level that in most instances experienced management can only accommodate through flexibility and advance reservations.

Usually the time of year and often outside influences, such as special events and celebrations, holidays and conventions influences and requires planning. Advance notice for patronage is not always possible. Disruptions in normal routines demands immediate attention and judgment decisions, purchasing and staff scheduling modifications and adjustments. Management ought not to be denied its right to manage by government edict.

The main point of this industry position statement on smoking is that under our free enterprise system restaurant management must remain free to manage their respective establishments in their constant quest to serve the public and assure survival in order to offer similar services in the future. The restaurant industry must plan ahead and maintain an appropriate food inventory, physical plant and personnel in order to be prepared to serve the public. Ours is not an industry where we can manufacture and stock product inventory on the shelf for future sales. Lost traffic today is lost forever. Simple economics demands that restaurant operators accommodate as many customers as desire to offer their patronage on any and every day their doors are open to the public.

If customer dissatisfaction arises, any disgruntled customer can easily find numerous other eating establishments eager to be of service. If a restaurant operator is convinced a segment of the public patronizing his or her place of business desires non-smoking accommodations an operator would be foolish to jeopardize their future patronage. On the other hand complying with a government edict requiring a fixed number of seats or tables to be set aside for the exclusive use of potential non-smoker patrons could pose a serious economic threat. It would obviously deny to management a right to make economic decisions that impact upon the future of their respective establishments, apart from perhaps depriving them of the utilization of their property by requiring non-smoker set-a-side tables that may or may not be utilized by potential non-smoker patrons.

The Pennsylvania Restaurant Association advocates and actively encourages restaurant operators, as well as endorses programs of local affiliated Chapter Associations, to undertake voluntary educational programs with respect to whether or not smoking/non-smoking sections should be established by individual restaurant licensees. Conversely, the Pennsylvania Restaurant

Association opposes any government mandated restraints for the following reasons:

First, the decision to establish a non-smoker section should be left to the individual judgment of each restaurant licensee who is uniquely able to determine and respond to the needs and desires of his or her particular clientele;

Secondly, a voluntary accommodation program recognizes and allows for the needed flexibility a licensee must have to address the multitude of business issues relevant to arriving at business decisions, such as labor committments, physical plant limitations, time and space restraints, alternatives to set-a-side accommodations, while striving to obtain and maintain the ambience necessary to offer a dining experience that is unique to their particular restaurant;

Thirdly, government imposed restrictions on smoking in the social atmosphere of a restaurant or dining room would be un-enforceable and attempts to enforce them would invite disorder and economic sanctions which the restaurateur and his employees should not have to bear; and

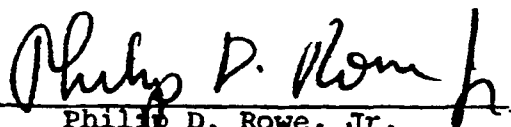
Fourthly, the patrons of restaurants are occasionally exposed to annoyances of many kinds, including those resulting from the personal character and traits of other patrons. However, the government does not and should not attempt to abridge individual freedoms in each of these instances for if it did, there would be virtually no end to the possible legislative restrictions on the rights of management to manage their respective establishments.

PRA urges the voters of Erie County to reject this purposely drafted vague and general blank check approach to a "personal" people problem. This smoking issue can easily be resolved on a voluntary and simple patronage basis without government disrupting and imposing arbitrary economic restraints or financial investment requirements upon restaurant operators and making them involuntary policemen and their smoking patrons potential law breakers.

As a matter of principle, the public is in the unique position of influencing the market place and shaping solutions which can far excel any arbitrarily imposed governmental sanctions or mandates. Restaurant operators rely on the discretion of the public and stake their individual business futures on their continued patronage.

PENNSYLVANIA RESTAURANT ASSOCIATION

By

  
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