

Ja. Suet. ETS

President Clinton Issues Executive Order to Protect Federal Employees from Environmental Tobacco Smoke

August 9, 1997

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Making Federal Facilities Smoke-Free

Federal agencies' smoking policies vary, and many must be strengthened to fully protect federal workers and visitors from ETS exposure. Over 15 federal agencies ban smoking indoors. But many agencies still allow smoking in areas where non-smokers and visitors may be exposed to ETS. The President's Executive Order:

- o Prohibits smoking in interior space owned, rented, or leased by the Executive Branch of the federal government, such as office space and National Park Service visitors' centers, except in limited circumstances.
- o Allows agencies to have indoor designated smoking areas that are enclosed and exhausted directly to the outside. Agency heads may not require workers to enter such areas during business hours while smoking is occurring.
- o Prohibits smoking in front of building air intake ducts in outside areas under the federal government's control.
- o Directs agency heads to evaluate the need to limit smoking at doorways and in courtyards.
- o Requires heads of Executive Branch agencies to implement the order within one year, and encourages agencies to offer smoking cessation assistance to their workforce.

Implementing Strong, Science-Based Measures

Strong scientific evidence documents that exposure to ETS is a serious health risk:

- o ETS is a known cause of lung cancer in healthy non-smokers, and is associated with increases in death rates from cardiovascular disease in non-smokers.
- o The Environmental Protection Agency (EPA) estimates that ETS is responsible for about 3,000 lung cancer deaths each year in nonsmoking adults.
- o Environmental tobacco smoke also threatens the health of hundreds of thousands of children with asthma and other respiratory illnesses.
- o In 1986 the Surgeon General found that simple separation of smokers and nonsmokers within the same airspace may reduce but does not eliminate ETS exposure to nonsmokers.

Building on the President's Record

In August, 1996 President Clinton announced a comprehensive Food and Drug Administration rule to protect children from tobacco. The regulation seeks to reduce children's tobacco use by 50% over seven years by restricting children's access to cigarettes and smokeless tobacco and by reducing the products' appeal. Two provisions of the rule are already in effect:

- o Retailers are prohibited from selling cigarettes and smokeless tobacco products to anyone under age 18;
- o Retailers must verify age by photo ID for anyone under the age of 27 purchasing these products.

Executive Order to Protect Federal Workers from Environmental Tobacco Smoke

Q&A

August 9, 1997

-- NOT FOR DISTRIBUTION --

Q: What will the executive order do?

A: The executive order announced today will prohibit smoking in federal executive branch facilities, with limited exceptions. Agencies may allow smoking in designated areas if they are ventilated directly to the outside and maintained under negative pressure to keep smoke from entering other indoor areas. In addition, agencies may allow smoking in residential accommodations such as military housing or prisons, or where necessary to accomplish agency missions, such as for undercover operations, certain military activities, or diplomatic situations.

Q: Does the order prohibit smoking in outdoor areas as well?

A: The order prohibits smoking in front of air intake ducts. It also directs the heads of federal agencies to evaluate the need to limit smoking at doorways and in courtyards.

Q: Didn't earlier drafts of the executive order include a much more restrictive ban on outside smoking?

A: All executive orders go through many drafts and are subject to many changes. After careful review, the Administration decided that a general ban on smoking at entranceways and in courtyards would be inappropriate, given the wide variation among such areas. Instead, agency officials have discretionary authority to restrict smoking in these areas, based on their evaluation of the need to do so to protect workers and visitors from exposure to ETS.

Q: What facilities will this executive order cover?

A: All federal executive branch workplaces under federal control, including leased space. This includes office buildings, visitors' centers and restaurants in federal parks, and the growing number of One Stop Shops or U.S. General Stores where federal agencies gather together to provide services to the public.

Q: Does the executive order cover the Congress and courts as well?

A: No. Executive Orders apply only to agencies and employees of the executive branch. The Congress and Judiciary are independent and separate branches of government. The

Administration encourages Congress and the Judiciary to adopt measures that protect their employees and members of the public from the adverse health effects of environmental tobacco smoke.

Q: Does this executive order cover the military?

A: Yes. The military has been subject to a 1994 policy prohibiting smoking in all Department of Defense workplaces. The executive order announced today goes further than the current DOD policy, because it also covers restaurants and recreational facilities.

Q: Why is it necessary to ban smoking in federal work areas? Aren't separate smoking areas sufficient?

A: The simple separation of smokers and nonsmokers within the same airspace reduces but does not eliminate exposure to environmental tobacco smoke. Separate smoking areas are acceptable only if they are enclosed and exhausted directly to the outside and away from air intake ducts, and are maintained under negative pressure with respect to surrounding spaces.

Q: What is the cost to the government of the EO?

A: GSA expects that the cost of complying with the EO will be minimal. Agencies may incur costs associated with improving ventilation. But prohibiting smoking in workplaces lowers employers' expenditures on health and life insurance, workers' compensation, property damage and maintenance, and employee absenteeism.

Q: How many federal agencies already have no smoking policies?

A: About 15 agencies are smoke-free; almost all the rest have policies in place to minimize exposure to second-hand smoke in the workplace. But many non-smoke-free agencies will have to upgrade their protections of nonsmokers in order to comply with the EO requirements, such as separate ventilation systems for any smoking areas. For example, the Department of Transportation allows smoking in smoking lounges that may not meet the strict ventilation requirements of the EO. Other agencies such as the Departments of Energy and Housing and Urban Development currently allow smoking areas in restrooms, offices, or other spaces used concurrently by smokers and nonsmokers. In all, more than half of the 1.9 million federal executive branch employees work in agencies that will have to strengthen their policies.

Q: Would the proposed settlement with the tobacco industry have any impact on workplace smoking?

A: The proposed settlement includes far-reaching provisions to protect workers and the

public from ETS. The settlement would restrict indoor smoking in "public facilities," including most private and public workplaces and fast-food restaurants. Certain facilities such as bars, clubs, casinos, and prisons would be exempt. The specifics of the settlement provisions will be carefully evaluated during the Administration's formal review of the proposed settlement led by Secretary Shalala and Domestic Policy Advisor Bruce Reed.

Q: Does the EO require agencies to aid smoking employees in the transition to more smoke-free workplaces by offering them cessation programs?

A: The EO encourages agency heads to offer smoking cessation programs. In the past, upon implementing more protective smoking policies, the majority of federal agencies have offered some type of cessation program at agency cost or for a nominal fee. The Office of Personnel Management (OPM) supports and encourages these programs and assists agencies in making them available to employees.

Q: Do federal employees' health insurance plans cover smoking cessation assistance?

A: The government provides health services to 10 million federal employees, retirees, and their families through 375 health benefit plans. Individual plan coverage to aid members in smoking cessation varies. Federal employees should refer to their plan brochure for specific coverage information.

Generally, fee-for-service plans cover up to \$100 towards the cost of enrollment in one smoking cessation program per member per lifetime after the calendar year deductible has been met. Many fee-for-service plans also cover the cost of smoking cessation drugs that require a prescription; some cover the cost of non-prescription drugs as a part of the \$100 lifetime benefit to aid in smoking cessation. Benefits in Health Maintenance Organizations (HMO's) vary.

Q: What other steps have you taken to reduce Americans' exposure to environmental tobacco smoke?

A: In 1993, the Administration supported legislation (H.R. 3434) to extend ETS workplace protection to most workers. And, in 1994, President Clinton signed into law the "Goals 2000: Educate America Act," which prohibited smoking in federally-funded children's services facilities, including most elementary and secondary schools.

The Administration has also vigorously pursued a research agenda that has revealed environmental tobacco smoke to be a cause of lung cancer, a risk factor for coronary heart disease in adult nonsmokers, and a cause of respiratory disease in hundreds of thousands of children.

Q: Isn't OSHA planning to issue a regulation on ETS?

A: OSHA has been working on a rule that addresses environmental tobacco smoke and other indoor air pollutants. With respect to ETS, OSHA's rule would require federal and private employers to prohibit smoking in workplaces, except in separately ventilated areas.

Q: When will OSHA publish its rule? Why has OSHA spent so long working on this proposal?

A: OSHA's April 4, 1994 proposal on indoor air quality evoked the largest public response in the agency's history, with more than 115,000 comments received when the comment period closed in August 1995. Public hearings began September 20, 1994 and ran until March 13, 1995, with more than 400 witnesses testifying. The post-hearing comment period ended January 16, 1996. OSHA is continuing to review the comments and testimony from concerned Americans before proceeding. This process was slowed significantly throughout Fiscal Years 1995 and 1996, due to the uncertainty surrounding OSHA's budget; this period included hiring freezes, staff cutbacks, and the government shutdown. OSHA is working hard to complete the rule, but has not set a release date.

HEALTH EFFECTS OF ENVIRONMENTAL TOBACCO SMOKE

Q: What are the health effects of environmental tobacco smoke (ETS)?

A: ETS causes disease in healthy nonsmokers and is a major source of harmful indoor air pollution.

The Environmental Protection Agency (EPA) has concluded that ETS is responsible for approximately 3,000 lung cancer deaths each year in nonsmoking adults. ETS also threatens the health of hundreds of thousands of children with asthma and other respiratory illnesses. Similar findings were made previously by the National Academy of Sciences, the Surgeon General, and the National Institute for Occupational Safety and Health.

A recent, well-received study by Harvard researchers (Kawachi et al., 1997) found that regular exposure among healthy, nonsmoking women to environmental tobacco smoke at home or at work increased their risk of coronary heart disease 91%. Even occasional exposure increased their risk by as much as 58%. The increased risk for heart disease is generally estimated at 30%. Further studies on the relationship between involuntary smoking and cardiovascular disease are needed in order to conclusively determine the causal relationship between involuntary smoking and cardiovascular disease.

Q: Haven't the EPA's numbers been largely discredited?

A: Absolutely not. The EPA's report was the subject of an extensive open review both by the public and by EPA's Science Advisory Board (SAB), a panel of independent scientific experts. The panel concurred in the methodology and unanimously endorsed the conclusions of the final report. The report has also been endorsed by the U.S. Department of Health and Human Services and many major health organizations.

Q: Do you have estimates of the total costs to society related to exposure to environmental tobacco smoke?

A: Such estimates are not available for environmental tobacco smoke exposure -- only for active smoking. Direct medical costs associated with smoking are estimated at \$50 billion per year. In 1990, the estimated indirect losses associated with premature morbidity and premature mortality from direct smoking were \$6.9 billion and \$40.3 billion, respectively.

Q: How many people are exposed to environmental tobacco smoke in the workplace?

A: In 1996, the Centers for Disease Control and Prevention (CDC) concluded that the workplace, in addition to the home environment, are significant sources of ETS exposure in the U.S. Of working adults who were non-tobacco users, 47.7% reported exposure to ETS at home or at work. Among adult non-tobacco users, the prevalence of reported exposure to ETS at work was greater than reported exposure to ETS at home. These findings support previous studies that have indicated the workplace is a major source of ETS exposure, particularly among nonsmokers who are not exposed at home.

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MEMORANDUM TO ELIZABETH DRYE

FROM: HIMA VATTI

DATE: AUGUST 9, 1997

SUBJECT: EO's EFFECT ON CURRENT AGENCY SMOKING POLICIES

The agencies that will be affected by the Executive Order can be divided into three categories: first, those agencies whose current policies clearly comply with the EO as presently written; second, those agencies whose policies may comply with the EO as presently written, but compliance must be verified; third, those agencies whose policies do not comply with the EO as presently written and which will be obligated by the EO to implement a stricter smoking policy in the workplace. The great majority of agencies updated their smoking policies during the Clinton Administration.

To summarize, approximately 754,000 employees in 18 agencies currently operate in a smoke-free workplace. Nearly 100,000 employees (excluding those at VA health care facilities) work in 6 agencies whose compliance with the EO must be verified. Finally, about 220,000 employees work in 12 agencies that must upgrade their smoking policies to conform to the EO.

Finally, I have provided a list of those agencies that offer a smoking cessation program of some type to smoking employees.

Category 1: Agencies Unaffected by the EO

The EO will have no affect on the following agencies, because these agencies currently have in place a smoking policy that goes beyond the EO by making no provisions for interior designated smoking areas. The buildings of these agencies are entirely smoke-free. Any minor exception that is made is "essential to accomplish the agency mission," and, therefore, will not violate the EO.

Agency	# Employees (As of 5/97)	Last Updated	Vehicle Ban
1. GSA	14,195	7/1/95	Yes
2. USDA	102,542	12/16/96	Yes
3. USIA	6,567	11/1/93	
4. HHS	126,628 (incl. SSA)	5/587	
5. SSA	67,800	10/3/88	
6. STATE	24,033	8/1/93	Yes
7. USTR	155	4/2/93	
8. DOL	15,497	12/1/94	
(main) 9. TREASURY	1,363	9/1/94	
10. OPM	3,480	10/93-2/1/94 (phase-in)	

11. FLETC	481	7/27/95	Yes
12. FMS	2,164	11/1/96	
13. FEMA	6,158	3/18/93	Yes
14. ONDCP	88	4/2/93	
15. VA (office)	243,948 (tot.)	10/1/90	
16. DOJ	113,881	1/1/95	
17. DOI	70,843	7/93	
smoke-free building complex; considering making all Interior-occupied space nationwide smoke-free			

Category 2: Agencies Whose Compliance Must be Verified

The following agencies may be in compliance with the EO as presently written. These agencies provide for limited designated indoor smoking areas. They will have to ensure that these areas meet the ventilation requirements outlined in the EO.

1. EPA-	description of smoking lounges seems to comply with EO requirements 17,586 employees; last updated 5/9/91
2. DOT-	63,050; 7/3/90
3. SBA-	4,707; 6/22/95
4. BATF HQ-	ban on smoking in motor vehicles 1,025 (DC); 6/18/96
5. US MINT-	2,118; 10/17/94
6. BEP-	2,736; 4/3/95
7. VA Health Care Facilities- building	each maintains a smoking area in a detached last updated 1/13/95

Category 3: Agencies Affected by the EO

The following agencies will implement more stringent smoking policies at the appropriate time pursuant to the EO as presently written.

1. DOC (34,497; 8/87), IRS (implemented GSA Smoking Regulations; 119,426; 7/1/96)

The EO goes beyond the GSA regulations in two significant ways:

- First, the EO curtails Agency Head discretion in identifying smoking areas by describing designated smoking areas in terms of ventilation requirements.
- Second, the ventilation requirements will preclude the provision of smoking areas in spaces in cafeterias, restrooms, and large offices that are used concurrently by smokers and nonsmokers.

Currently, DOC provides a smoking area in every cafeteria.

2. DOD (tot.- 766,086; military- 738,543; civilian- 27,543; 3/7/94)- The Agency permits smoking in residential housing, prison quarters, clubs, and restaurants. The housing and prison exceptions would survive. The situation with clubs and restaurants is unclear at present.
3. ED (4,540; 10/27/93)- Currently, the Agency allows smoking areas in cafeterias and restrooms. ED must verify that other designated areas comply with ventilation requirements.
4. BATF Field Offices (2,929; 6/18/96)- Certain field offices may currently provide smoking areas in coffee rooms, lounges, cafeterias, and other similar areas that are used concurrently by smokers and non-smokers.
5. CUSTOMS (19,628; 6/20/91)- There is a smoking area in the cafeteria. There is one smoking room whose ventilation system must be found in compliance with EO requirements.
6. BPD (1,698; 6/29/93)- The Bureau allows smoking in single occupant offices in the E Street building when no nonsmokers are present, the cafeteria smoking area, and smoking lounges that have independent ventilation systems. Smoking in offices and the cafeteria will cease. Motor vehicles are smoke-free.
7. THRIFT (1,352; 4/20/93)- The Agency allows smoking in the second floor restrooms and the sixth floor patio at headquarters.
8. HUD- (11,094; 1992) Locations of the designated smoking areas are negotiated at the local level and are chosen on the basis of loose guidelines, not strict ventilation requirements. Local management can designate areas in restrooms and general office space. There are designated smoking areas at headquarters. When the union contracts expire, HUD may institute smoke-free policies everywhere.
9. DOE (17,257; 8/7/96)- The Agency allows smoking in a portion of the public dining area in the Forrestal Cafeteria at headquarters. One courtyard at HQ is designated for smoking. There is no uniform nationwide policy. Each Field Office, Laboratory, and M&O contract makes its own policy based on state regulations and local union-management negotiations.
10. CIA (number of employees is classified; 10/23/91; 9/14/96)- Except during lunch hours between 11:00am-2:00pm, smoking is allowed in the courtyard at headquarters.
11. OCC (2,929), USSS (4,716)- These two agencies have no written smoking policies.

Smoking Cessation Programs:

1. Treasury Bureaus:

Main-	health fair and classes
CUSTOMS-	classes on cessation and stress management, counseling
FLETC-	clinics when necessary
US MINT-	classes
BEP-	classes, assistance in purchasing prescription nicotine patches
FMS-	classes
BPD-	classes when necessary; only first program is free
THRIFT-	classes
2. GSA, OGP-	classes for a nominal fee
3. DOL-	classes and clinics for free
4. ED-	classes on agency time
5. SSA-	classes around the clock, counseling
6. EPA-	classes for free
7. DOD-	extremely thorough program at all levels of command
8. STATE-	classes
9. USDA-	classes, counseling for free (well thought-out program)
10. FEMA-	assistance and counseling
11. HHS-	clinic for free (not negotiated at the local level)

WHITE HOUSE STAFFING MEMORANDUM

DATE: 8/8/97ACTION/CONCURRENCE/COMMENT DUE BY: 8/9/97 8:00AMSUBJECT: EO BANNING TOBACCO IN FEDERAL BUILDINGS / RADIO ADDRESS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	McCURRY	☐	☒
BOWLES	☒	☐	McGINTY	☐	☐
McLARTY	☐	☐	NASH	☐	☐
PODESTA	☒	☐	RADD	☐	☐
MATHEWS	☒	☐	REED	☒	☐
RAINES	☒	☐	RUFF	☒	☐
BAER	☐	☐	SMITH	☐	☐
BERGER	☐	☐	SOSNIK	☒	☐
ECHAVESTE	☐	☐	SPERLING	☐	☐
EMANUEL	☒	☐	STREETT	☐	☐
GIBBONS	☐	☐	TARULLO	☐	☐
HILLEY	☐	☐	VERVEER	☐	☐
IBARRA	☐	☐	WALDMAN	☒	☐
KLAIN	☐	☐	YELLEN	☐	☐
LEWIS	☒	☐	<u>ELENA KAGAN</u>	☒	☐
LINDSEY	☒	☐	<u>CHRIS JENNINGS</u>	☒	☐
MARSHALL	☒	☐	<u>210 ELIZABETH DRYE</u> →	☒	☐
				☐	☐

REMARKS:

COMMENTS TO JORDAN TAMAGNI

RESPONSE:

Draft 8/8/97 6:00pm

**PRESIDENT WILLIAM J. CLINTON
AND VICE PRESIDENT AL GORE
EXECUTIVE ORDER
BANNING TOBACCO IN FEDERAL BUILDINGS
Saturday, August 9, 1997**

Good morning. Vice President Gore has joined me today to talk to you about what we are doing to reduce smoking, especially by young people, and to protect all Americans from the dangers of deadly second-hand tobacco smoke.

Cigarette smoking is the most significant public health problem facing our people today. Every year, more Americans die from smoking-related diseases than from AIDS, car accidents, murders, suicides and fires combined. And the human cost doesn't begin to calculate the economic burden tobacco-related diseases put on our health care system, and on businesses across America.

Last year, my administration took bold action to shield our children from tobacco. We told tobacco companies: market and sell your products to adults if you wish, but draw the line at children. And we launched a comprehensive plan that prohibits retailers from selling tobacco to minors, and requires clerks to check I.D.s before selling cigarettes to young people. These regulations are critical to our goal of keeping tobacco out of our children's lives -- but they must be enforced. I requested \$34 million dollars for enforcement in my 1998 budget, but Congress cut that funding before they left for vacation. I urge the Congress to do the right thing, and restore the full \$34 million when they return in September. We need to do more to cut off our children's access to tobacco -- and this is no time to cut corners.

This week, I signed historic legislation that balances the budget in way that protects our values and invests in our people. Our balanced budget includes a 15-cents-a-pack cigarette tax that will help states provide health care for up to 15 million uninsured children, and help prevent many young people from taking up smoking in the first place.

But we must do more to protect all Americans from the dangers of smoking. One of the most important things we can do, is to protect those who don't use tobacco from the insidious threat of second-hand smoke. And I'd like to ask Vice President Gore to say a few words about what that threat means to our families and children.

VP: Thank you, Mr. President. There's no longer any debate about the dangers of second-hand smoke: study after study show that it's not just unpleasant -- it can cost you your life. Thousands of non-smokers die every year from lung cancer because of second-hand smoke. Thousands more develop tobacco-related diseases. Second-hand smoke is so dangerous that our Environmental Protection Agency puts it in the same category as asbestos, radon, and benzene -- some of the most potent and lethal carcinogens polluting the air we breathe.

At its heart, this isn't about scientific studies or statistics -- it's about our children, who are the most vulnerable to those clouds of poisonous second-hand smoke. Every year, hundreds of thousands of our youngest children get pneumonia or bronchitis from breathing the air of smokers. Children exposed to second-hand smoke have a much greater risk of developing serious, debilitating asthma.

The answer is simple: we've got to do more to protect people from second-hand smoke in our public places -- to clean up the air we all have to share. An important place to start is in the American workplace. Lots of employers are starting to realize that workers who smoke not only harm themselves, they harm other workers, and they harm America's businesses through higher disease rates and health care costs, greater absenteeism, and lower productivity on the job. That's why President Clinton has worked so hard to make federal government workplaces smoke-free. One of the first things he did when he took office in 1993 was to ban smoking here in the White House. Since then, many of our federal agencies have taken steps to protect their employees from second-hand smoke. But that's just the beginning. Mr. President . . .

[POTUS] Thank you, Mr. Vice President.

Today, I am signing an Executive Order that takes the next step, and bans smoking in all Federal facilities under the control of my administration. One year from today, every federal agency and office building, every visitor center at every national park, every facility owned or leased by the executive branch, must be smoke-free. This order does allow agencies to designate smoking areas for their employees who smoke, as long as these areas are ventilated to the outside, and non-smoking employees do not have to enter them. But make no mistake: our federal workers and the thousands of people who visit federal facilities will be protected from the dangers of second-hand smoke.

This Fall, I hope we will begin an important national debate on additional measures we can enact to reduce smoking, especially by children. I applaud the state attorneys general and public health advocates for providing us an extraordinary opportunity to engage in this debate, and build on the progress we have already made. I am particularly pleased that their plan includes a proposal -- based on a bill by Representative Henry Waxman -- to protect all Americans from second hand smoke, and I look forward to working together in the months ahead to meet this challenge.

Environmental tobacco smoke is a public health hazard that we can prevent. Americans who have made the choice not to use tobacco products should not be put at risk by those who choose to smoke. And with the step we are taking today, millions of Americans will be able to breathe a little easier.

Thanks for listening.

Questions To Be Answered re: the Draft Executive Order on Smoking in Federal Facilities

✓ What would this executive order do?

✓ What facilities would this executive order cover?

GSA How many federal work areas will this executive order cover?

✓ Does the executive order cover the Congress and courts as well?

✓ Will the executive order cover embassies and consulates abroad?

OPM Have unions been consulted on this executive order?

OPM Do unions support this executive order?

✓ Does this executive order cover the military?

✓ Are military facilities overseas covered by this executive order?

✓ Why are you issuing this executive order now?

✓ Why did it take you so long to issue this order?

GSA How will the executive order be enforced? - *Personnel managers in each agency would be responsible for administering and enforcing.*

GSA How many federal agencies already have no smoking policies?
GSA owns controls (owns or leases) 38% of office space; 10% all space.

GSA How many federal employees are not already covered by no smoking policies?
GSA's rule - strengthens;

What is the benefit of this executive order if most federal buildings are already smoke-free?

HHS How is this executive order different from the existing GSA regulation?

EOP Why don't you issue the final OSHA regulation on smoking in the workplace so all workers can be protected?

EOP *stet* Why is this regulation taking so long to go through?

EOP Do you still support this regulation?

DO- What would the OSHA regulation do?

OPM How many

10⁴ Would the OSHA regulation cover federal buildings anyway or is this separate action necessary to cover federal buildings?

HHS What other steps have you taken to reduce American's exposure to environmental tobacco smoke? *pro kids; 6-8.*

✓ *DAM* What smoking cessation policies or programs do you have for federal workers? *Shein*

HHS Would the proposed settlement with the tobacco industry have any impact on workplace smoking?

GAH What does this cost?