

# Executive Summary



From  
The  
Tobacco  
Institute

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ENT ✓  
Book

## MAJOR DEVELOPMENT

The New York Supreme Court in Schoharie County yesterday struck down the state Public Health Council's regulations restricting smoking in most public places and workplaces.

In a strongly-worded opinion, Judge Harold J. Hughes concluded that the Council had usurped the prerogatives of the state legislature and exceeded its jurisdiction in issuing the regulations: "[The Council's] view of the executive power would have us come full circle from the old days of rule by benevolent autocrat to a modern rule of the benign bureaucrat. That is not the nature of our governing process."

Although TI was not a party to the suit, we monitored its progress carefully. We have not yet heard whether the Council will appeal this decision, but an appeal is expected. A copy of Judge Hughes' opinion is attached.

In response to media inquiries, TI is simply stating that "we are gratified."

## AT THE FEDERAL LEVEL

This morning the Environmental Protection Subcommittee of the Senate Committee on Environment and Public Works (chaired by Senator Mitchell) heard testimony on indoor air pollution. Although ETS was addressed (especially by John Spengler of Harvard), it was not the focus of the hearing. Several witnesses and senators emphasized the overall problem and the need for better ventilation, as well as the need for better government coordination; i.e., more power to EPA.

## IN THE STATES

\* At the sponsor's request, the California Senate Revenue Committee Thursday postponed indefinitely consideration of a 15-cent increase in the cigarette tax. TI staff and legislative counsel continue to implement a broad program of coalition and other efforts to oppose all increases in the state excise tax.

\* TI efforts helped ensure the Connecticut House's rejection of a bill to ban smoking in educational facilities. However, a workplace measure remains on the House calendar.

\* Reversing a previous decision, the Rancho Mirage, CA, City Council approved the first reading of an ordinance that would ban smoking in workplaces, restaurants and other public places. In early March, the Palm Springs suburb rejected a Beverly Hills-style restaurant ban. The final reading is scheduled for May 7. TI is coordinating a complete program in response to this proposal.

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\* Before adjourning, the North Dakota legislature passed an increase in the tax on tobacco products other than cigarettes, raising it from 11 to 20 percent. Meanwhile, Governor Sinner approved minor changes in the state's public smoking law, extending it to retail stores and modifying existing restrictions affecting restaurants and other public places.

### IN OTHER MATTERS

\* Eighty-seven percent of respondents to a poll sponsored by the Air Line Pilots Association believe "the current practice of separating smokers and nonsmokers [on aircraft] is a reasonable policy that respects the rights of each." The poll, which focused mainly on labor issues of concern to pilots, was fielded at the urging of the Tobacco Industry Labor Management Committee, which is working with ALPA to develop a plan for public release of all poll results.

\* At a series of press conferences Thursday, Maine and New Hampshire public employees launched an indoor air quality awareness program in both states. Service Employees International Union OSHA director Bill Borwegen noted his organization's position that workplace smoking restrictions are an ineffective way of dealing with the indoor air quality problem. Institute briefings with SEIU resulted in an invitation to ventilation consultant Gray Robertson to participate in the press conferences. Although he was unable to attend, he will participate in a Saturday educational conference sponsored by SEIU and the state employee associations.

\* Despite a major Wall Street Journal article on the growing antipathy to workers who smoke, a recent Roper survey found that an outright majority of workers do not mind working with cigarette smokers, with less than one in five strongly objecting to working around smokers. On the contrary, what really bothers employees is working with:

1. People who get high on drugs or alcohol (60%).
2. People who do not use a deodorant (38%).
3. AIDS victims (34%).
4. People who use foul language (31%).