

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA WINSTON-SALEM DIV

FLUE-CURED TOBACCO COOPERATIVE STABILIZATION CORPORATION,
THE COUNCIL FOR BURLEY TOBACCO INC., UNIVERSAL LEAF
TOBACCO COMPANY INCORPORATED, PHILIP MORRIS INCORPORATED,
R.J. REYNOLDS TOBACCO COMPANY,
and GALLINS VENDING COMPANY,

Plaintiffs,

V.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, and CAROL BR
Administrator, Environmental Protection Agency,

Defendants.

6:93CV00370

ORDER AND JUDGMENT

OSTEEN, District Judge

For the reasons set forth in the memorandum opinion
entered contemporaneously herewith,

IT IS ORDERED AND ADJUDGED that Plaintiffs' Motion for Partial Summary
Judgment is granted [1171.

IT IS FURTHER ORDERED AND ADJUDGED that Defendants' Cross Motion for
Summary Judgment is denied [1261. The court vacates Chapters 1-6 of and
the Appendices to EPA's <u>Respiratory Health Effects of Passive
Smoking: Lung Cancer and other Disorders, </u>EPA/600/6-90/006F
(December 1992). To ripen its judgment for purposes of appellate review,
pursuant to Federal Rule of Civil Procedure 54(b), the court finds there
is no just reason for delaying entry of judgment.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiffs, Motion for Leave to
File Supplement Pleading under Rule 15(d) is granted (1201.

This the 17th day July, 1998.

[signed William L. Osteen]

United States District Judge

1. SUMMARY AND CONCLUSIONS

1.1. MAJOR CONCLUSIONS

Based on the weight of the available scientific evidence, the U.S. Environmental Protection Agency (EPA) has concluded that the widespread exposure to environmental tobacco smoke (ETS) in the United States presents a serious and substantial public health impact.

In adults:

- ETS is a human lung carcinogen, responsible for approximately 3,000 lung cancer deaths annually in U.S. nonsmokers.

In children:

- ETS exposure is causally associated with an increased risk of lower respiratory tract infections (LRIs) such as bronchitis and pneumonia. This report estimates that 150,000 to 300,000 cases annually in infants and young children up to 18 months of age are attributable to ETS.
- ETS exposure is causally associated with increased prevalence of fluid in the middle ear, symptoms of upper respiratory tract irritation, and a small but significant reduction in lung function.
- ETS exposure is causally associated with additional episodes and increased severity of symptoms in children with asthma. This report estimates that 200,000 to 1,000,000 asthmatic children have their condition worsened by exposure to ETS.
- ETS exposure is a risk factor for new cases of asthma in children who have not previously displayed symptoms.