

Statement of
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Before the
Maryland Occupational Safety and Health Advisory Board
Concerning
Regulation to Ban Smoking in Places of Employment
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I would like to thank you for giving me the opportunity to address this delegation about this proposed regulation. I would also like to thank Local 100 of the Sheet Metal Workers' International Association for inviting me to testify on this important issue.

I represent the National Energy Management Institute (NEMI), which is a national, non-profit labor/management trust of the sheet metal industry with offices in 11 cities across the country.

Both here in Maryland and on a national scale, NEMI has been actively involved in the identification of practical solutions to indoor air quality problems. During this time we have investigated hundreds of buildings and conclude that the primary cause of worker indoor air quality complaints focuses on ventilation deficiencies.

In most buildings we have investigated, the best solution to the complaints and/or health problems is usually not banning a single source, but involves the proper design, installation, operation and maintenance of the ventilation system -- whether smoking is permitted or banned.

Our conclusion has been affirmed by the findings of the National Institute of Occupational Safety and Health (NIOSH) which also found that the majority of indoor air quality complaints stem from inadequate ventilation systems.

Based on our practical experience, NEMI believes the workers of Maryland would be better served by enacting legislation that calls for a comprehensive answer to all airborne constituents and one that relies on effective ventilation system design, installation, operation and maintenance.

Our experience has led NEMI to believe that it is possible and practical to design and install ventilation systems that effectively isolate one area from another, usually in conjunction with the guidelines of the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc. (ASHRAE) Standard 62-1989. The ASHRAE standard is rapidly becoming accepted nationwide and is currently the model for many indoor settings, from movie theaters to classrooms to hospital operating rooms.

Effective ventilation technology can be called on to segregate airflows so that one specific area does not mix with another. Depending on the building design, this may only involve minor modifications to the ventilation system controls (with a minor cost impact). In other cases it may involve more extensive ventilation system changes.

An example of effective ventilation is a project that NEMI recently completed for Blue Cross-Blue Shield in Michigan. Blue Cross-Blue Shield had a smoking ban in effect but reversed it when NEMI supervised the installation of effective ventilation changes for designated smoking areas in the Blue Cross-Blue Shield Michigan headquarters building. Based on ASHRAE Standard 62-1989, the project allowed their workers who choose to smoke to do so in selected areas.

Meanwhile, the proposal before us today, which calls for the ban of smoking in all places of employment, raises an important concern. Too often we limit our focus to one area to the detriment of major, more comprehensive solutions.

For example, NEMI recently worked with the American Federation of Government Employees in the Social Security Administration building in Richmond, California, where smoking has been banned for many years. We became involved after a lethal outbreak of

Legionnaire's disease in 1991 killed two people and rendered several others severely ill due to exposure to the Legionella bacteria -- attributed to poor indoor air quality and poor maintenance practices. This and other similar experiences have led us to conclude that in banning smoking alone we often ignore the larger comprehensive problems of poor indoor air quality.

It should also be noted that the federal Occupational Safety and Health Administration (OSHA) published a Request for Information in 1991 on the indoor air quality issue and received more than 1,200 submissions. Many of these were in support of comprehensive solutions rather than contaminant-by-contaminant bans. OSHA should soon be coming forward with a directive based on this material, and this ruling could take precedence over any policy that this body might legislate. I hope that this panel will direct attention to this federal rule-making process.

Finally, if in fact this body decides to move forward with a proposed regulation, I urge you to review the indoor air quality regulation currently being considered by the Washington state OSHA. The proposed Washington regulation, drafted by an advisory board consisting of labor, industry and other interested parties, not only addresses smoking concerns, but broadens the issue to include comprehensive solutions to poor indoor air quality in the workplace. NEMI supports the proposed Washington regulation and hopes that this delegation will consider this alternative.

I also want to add that NEMI works with many labor unions across the country. Many in the labor community agree with the AFL-CIO resolution that suggests the that these types of issues should remain within collective bargaining guidelines. Management and labor have successfully worked through this issue in the past, and we have every confidence that they can continue to do so in the future.

In closing, I would like to confirm that NEMI is looking forward to working with Maryland OSHA in developing legislation that will address effective ventilation strategies that result in improved air quality.

Thank you.