

STATELINE

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**SPECIAL
REPORT**

INDOOR AIR POLLUTION AND VENTILATION 1988 STATE AND LOCAL LEGISLATION

On both the state and local levels, the amount of legislation calling for in-depth study of indoor air pollution and the development of ventilation standards to combat the problem is on the rise. This Special Report summarizes 1988 legislation to date.

STATE LEVEL

On the state level, 11 bills and two resolutions have been introduced in eight states:

California
Connecticut
Maryland
Massachusetts

New Hampshire
New Jersey
New York
Washington

So far, three proposals have been approved, three have been defeated and seven are pending. This legislation can be broken down into three categories:

- that which requests study into indoor air pollution,
- that which requests both investigation of and formal policies to deal with indoor air pollution, and,
- that which establishes ventilation requirements.

Legislation Requesting Investigative Study

The first step in understanding what causes poor indoor air quality is to identify the problem. There are several states that have set out to do just that. In 1986 the Massachusetts legislature resolved to study the public health effects of indoor air pollution. Since 1987, the Indoor Air Commission has held a series of public hearings looking at issues including radon, formaldehyde, environmental tobacco smoke and the "sick building syndrome." An interim report has been issued and a second and final report is to be issued by the close of 1988. The final report is expected to include legislative recommendations.

In 1988, one study bill has been defeated. Connecticut H5078, which would direct the Department of Health Services to conduct study of indoor air pollution problems in workplaces and private homes, was introduced by the Joint Public Health Committee and then referred to the Joint Appropriations Committee. There was no further action and the measure died upon legislative adjournment.

Maryland approved two resolutions, HJR24 and SJR16, requesting the Governor to establish a Task Force on Indoor Air Quality to study levels of indoor air pollutants in homes and buildings, and to make recommendations on how to improve air quality. The report is to be presented when the legislature convenes in January 1989.

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The only bill pending is **New Jersey S1809** which would direct the Department of Health to establish an Indoor Air Pollution Program to identify pollutants and evaluate potential health hazards. The bill was introduced in January but no action has been taken.

Investigative Study and Policy

California has taken the study of indoor air contaminants one step further by also calling for establishment of policies to protect individuals from such hazards. California has three bills pending. **A3343** would require the State Air Resources Board to identify the relative contribution to total exposure to toxic air contaminants from indoor concentrations, taking into account both ambient and indoor air environments. At one point, the bill would have authorized the Board to adopt an indoor air standard, but it was amended out of the measure. At present, the bill awaits action in the Senate Finance Committee.

Another California bill, **S419** which carried over from 1987, would require the State Division of Occupational Safety & Health to develop and propose regulations and standards regarding problems of indoor air pollution in commercial buildings. No action has been taken as of yet.

California **S1841**, introduced in January, would create the California Center of Environmental Disease Control. The Center would identify and research diseases caused by environmental agents and assess the risks of exposure to toxic substances. It would also establish state policies to guide and assist state regulatory agencies and local health officials in identifying means by which such diseases can be prevented. The proposal was later amended to delete the requirement of an annual report to the state legislature. The issue is still pending.

Ventilation Legislation

In response to the numerous questions raised by indoor air pollution legislation is the development and implementation of ventilation standards. Two bills have been defeated in **Washington State** this year. **S5069** which was first introduced in 1987 and carried over to 1988, called for revision of the state building code to comply with the state energy code. The council responsible for revising the code was directed to consider health problems caused by tightly insulated buildings that significantly "retarded" the rate of air exchange. **S5399**, as first introduced, restricted smoking in private and public workplaces and authorized the Department of Labor & Industries to adopt standards for "minimum volume of air per occupant, a minimum frequency of air changes in the workplace, and a minimum proximity of smokers to nonsmokers." It was later amended to ban smoking in state agency offices and vehicles but allowed for separately-ventilated smoking lounges.

Three ventilation bills are still pending in three separate states. **Massachusetts H2571**, providing for ventilation standards for state government office buildings, was placed into study bill **H5787**. The bill is now in Joint Rules Committee. In Massachusetts, to refer bills to study traditionally kills them.

New Jersey has two bills pending that would amend the state's 1985 law requiring restaurants to have smoking and nonsmoking policies. One of these bills, **A2545**, would require restaurants seating 50 or more to designate at least 50 percent as nonsmoking, have air cleaning devices and utilize floor-to-ceiling partitions to separate areas. Presently, the measure is pending in committee.

A bill originally introduced in 1987, **New York A2863**, would require the Long Island Rail Road Authority to establish ambient air standards for temperature and ventilation in commuter train cars. No action has been taken in 1988; the issue of environmental tobacco smoke on the LIRR is moot due to the smoking ban imposed administratively by the Metropolitan Transit Authority.

The only bill that has been approved this year was S269 in **New Hampshire**. The measure requires any state government building built, acquired or leased after January 1, 1989 to meet "clean air" standards set by the state Division of Public Health Services in consultation with the Department of Labor. Last year, legislation was approved in New Hampshire that requires restaurants seating 50 or more persons to "provide clean air" defined as meeting ASHRAE (American Society of Heating, Refrigerating and Air Conditioning Engineers) standards. Restaurants that already had nonsmoking sections established are exempt from the requirement.

LOCAL LEVEL

On the local level, one ordinance has been approved; three ordinances are pending:

Sonoma, CA

**Albany County, NY
Suffolk County, NY
Lorain, OH**

While almost all local smoking restriction ordinances masquerade as "clean indoor air" bills, there are currently no proposals dealing specifically with the range of problems associated with indoor air pollution. As for the need to establish ventilation standards, there are four local ordinances dealing with the issue this year. Before looking at pending measures, it is helpful to review two landmark case studies: Nassau County, NY, and Beverly Hills, CA.

Nassau County, NY, approved a smoking restriction ordinance in 1985 which permitted restaurants meeting certain ventilation restrictions to allow smoking throughout their establishments. Those meeting other, lesser standards were required to provide nonsmoking areas. The ventilation provisions were subsequently repealed in 1987 and restaurants were required to provide at least 75% of available seating to be nonsmoking. **Beverly Hills, CA**, City Council made substantial changes to its ordinance last year which at first called for a total smoking ban in restaurants. An alternative plan was devised that allowed smoking in 50 percent of seating areas if ventilation systems were effective in keeping smoke out of nonsmoking sections.

As of July 1, a recently approved smoking restriction measure in **Sonoma, CA**, went into effect. It requires restaurants to provide at least 50% of available seating as nonsmoking. The designated smoking area must be physically separated and ventilated so that the nonsmoking section receives no second-hand smoke. In the workplace, employers are required to maintain ventilation standards to ensure that designated nonsmoking areas are smoke-free.

Three ordinances are still pending. New York State currently has two counties trying to mimic their sister county, Nassau. **Albany County** has had an ordinance pending since 1986 that would allow restaurants to designate entire facilities as smoking if they meet specific ventilation standards, or a certain percentage if other, lesser standards are met. A draft ordinance is currently circulating in **Suffolk County** which would expand nonsmoking sections in restaurants from 20% to 70%. However, there is a ventilation provision that allows for temporary exemption from providing nonsmoking sections if air cleaning devices are installed. If this option is taken, restaurants would be given seven years to create nonsmoking sections.

Smoking restriction ordinances to be on the look-out for in the future are those which require establishments to meet certain ventilation standards. **Lorain, Ohio**, introduced such a bill in June. Like many smoking restriction measures, it calls for the "use of existing barriers and ventilation systems to maximum extent practicable to minimize the migration of smoke to adjacent nonsmoking areas." However, it also provides that "where modifications are made to such establishments for other reasons, barriers and ventilation systems shall be modified to the extent practicable to minimize smoke migration". While this ordinance doesn't specifically set standards for ventilation, increased interest and perceived need for proper ventilation is becoming evident.