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2022-2023 ASHRAE President

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February 2, 2023

The Honorable Senator Gerald Ortiz y Pino  
Chairman  
Senate Committee on Health & Public Affairs  
490 Old Santa Fe Trail, Santa Fe, NM 87501

Sent via email to: [jortizyp@msn.com](mailto:jortizyp@msn.com)

Dear Chairman Ortiz y Pino:

I am writing on behalf of ASHRAE regarding SB 130 (HB 168), which proposes to eliminate the smoking ban exemption for racinos. ASHRAE, a not-for-profit organization founded in 1894, is a professional and technical society that focuses on building systems, energy efficiency, indoor air quality, refrigeration and sustainability.

ASHRAE encourages the Committee to support the proposed elimination of the smoking ban exemption. ASHRAE's Position Document on Environmental Tobacco Smoke (ETS) states that with regard to indoor environments with mixed occupancy of smokers and nonsmokers, "If smoking is allowed throughout a space or a collection of spaces served by a single air handler, with no effort to isolate or separate the smokers and nonsmokers, **there is no currently available or reasonably anticipated ventilation or air cleaning system that can adequately control or significantly reduce the health risks of ETS to an acceptable level.** This situation includes unrestricted smoking in homes, dormitories, casinos, bingo parlors, small workplaces, and open plan office spaces." (*ASHRAE Position Document on Environmental Tobacco Smoke, p. 9.*)

As a technical Society developing standards for indoor environmental quality, **ASHRAE holds the position that the only means of avoiding health effects and eliminating indoor ETS exposure is to ban all smoking activity inside and near buildings.** This position is supported by the conclusions of health authorities that any level of ETS exposure leads to adverse health effects, and therefore:

- The building and its systems can reduce only odor and discomfort but cannot eliminate exposure when smoking is allowed inside or near a building.

- Even when all practical means of separation and isolation of smoking areas are employed, adverse health effects from exposure in non-smoking spaces in the same building cannot be eliminated.
- Neither dilution ventilation, air distribution (e.g., “air curtains”) nor air cleaning should be relied upon to control ETS exposure.
- For multifamily buildings, complete smoking bans inside and near them protects nonsmoking adults and children.
- Further research is needed from cognizant health authorities on the health effects of involuntary exposure in the indoor environment from smoking cannabis, using hookahs, using electronic nicotine delivery systems (ENDS), and engaging in other activities commonly referred to as vaping or using e-cigarettes.

Again, thank you for your consideration of SB 130 and its proposed elimination of the smoking ban exemption, which ASHRAE supports. I am attaching a copy of the ASHRAE Position Document on Environmental Tobacco Smoke, which more thoroughly discusses this matter. ASHRAE would be happy to address any questions you might have. Please feel free to contact me or have your staff contact [GovAffairs@ashrae.org](mailto:GovAffairs@ashrae.org).

Sincerely,



Farooq Mehboob  
2022-2023 ASHRAE President

Enclosure

cc: The Honorable Elizabeth L. Thomson, Chair, House Committee on Health and Human Services