

Staff Comments
Community Development Committee
September 7, 2005

DISCUSSION ITEM

1. Results of air quality sampling to determine levels of environmental tobacco smoke (ETS) in restaurants.

Policy Issue: Discussion relating to whether the current methods of separating smoking and nonsmoking areas in restaurants protect nonsmokers against exposure to ETS.

Staff Recommendation: This report is presented in response to a request made by the Committee at their July 6, 2005, meeting. Staff is prepared to provide any further information or draft specific ordinance revision proposals, but has no specific recommendations at this time.

Background: The issue of possibly amending existing Chapter 11.52 of the Overland Park Municipal Code to further restrict smoking in Overland Park was discussed at the November 2004, February 2005, May 2005 and July 2005 meetings of the Community Development Committee.

At the July 6 meeting, the Committee requested staff conduct air quality sampling in Overland Park restaurants to get a sense of the effectiveness of the current methods of separating smoking and nonsmoking areas in effectively protecting nonsmokers against exposure to ETS.

This survey, while not a scientific study, revealed that in both smoking and smoke-restricted establishments, patrons in non-smoking areas were exposed to some level of ETS. The level of exposure correlated to the number of active smokers at the time of sampling and the distance from the smoking area. There is no established “safe” dose of carcinogens such as those contained in ETS. A copy of the report is attached.

Also attached is a position paper issued in July by ASHRAE (American Society of Heating, Refrigeration, and Air-Conditioning Engineers), the predominant organization related to engineered solutions to indoor air quality. ASHRAE has concluded that:

- The only means of effectively eliminating health risks associated with indoor exposure to ETS is to ban smoking activity.
- No engineering approaches have been demonstrated to control health risks from ETS exposure in spaces where smoking occurs.

During a recent discussion with Committee Chairman Goodman, he expressed some interest in conducting a survey of Overland Park residents and business owners such as one that was conducted in the City of Mission. Attached is the report of the City of Mission survey regarding the regulation of ETS.

Budget Impact: None

Attachments: Attachment A – Evaluation of Environmental Tobacco Smoke in Six
Restaurants in Overland Park, Kansas
Attachment B – ASHRAE Position Document on Environmental Tobacco
Smoke
Attachment C – The Opinions of Mission Voters & Business Owners
Regarding the Regulation of Environmental Tobacco Smoke