



February 27, 2023

Industry, Business and Labor Committee
North Dakota Senate
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

Sent via email to: jklein@ndlegis.gov

Re: House Bill 1229

Dear Chairman Klein and Members of the Senate Industry, Business and Labor Committee,

I am writing regarding House Bill 1229, which would create exemptions to the indoor smoking prohibition for bars and cigar lounges. ASHRAE, founded in 1894, is a global society advancing human well-being through sustainable technology for the built environment. The Society and its more than 53,000 members worldwide focus on building systems, energy efficiency, indoor air quality, refrigeration and sustainability. Through research, standards writing, publishing, certification and continuing education, ASHRAE shapes tomorrow's built environment today.

I urge you to consider the health effects of this proposed exemption for indoor smoking in bars and cigar lounges. **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 environmental tobacco smoke (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.
- 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.

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 or to offer technical assistance through our experts from relevant technical committees within ASHRAE. Please feel free to contact me or have your staff contact GovAffairs@ashrae.org.

For more information on ASHRAE and its standards, programs and resources, please visit www.ashrae.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter J. Koneck-Wilwerding". The signature is fluid and cursive, with the first name "Peter" and last name "Koneck-Wilwerding" clearly distinguishable.

Peter J. Koneck-Wilwerding
ASHRAE Government Affairs Committee
Regional Vice Chair Region IX
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Enclosure