

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 00-100

Adopting Smoking Breakroom Ventilation Standards" and "Penalties for Violations of Ordinance No. 937."

The Multnomah County Board of Commissioners Finds:

- a. On December, 16, 1999, Multnomah County adopted Ordinance 937, prohibiting smoking in places of employment.
- b. Ordinance 937 authorized the Department of Health (Department) to adopt administrative rules governing ventilation standards for smoking breakrooms in the workplace and fines to be imposed for repeated violations of the ordinance.
- c. The Department of Health developed proposed rules addressing these two areas.
- d. Public notice of the proposed rules was published in the Oregonian, the Daily Journal of Commerce and the Oregon Business Journal. The rules were posted on the Department of Health's Smokefree Workplace Website, and available in hard copy.
- e. A public hearing on the proposed rules was held on June 1, 2000. The Department accepted written comments on the rules until June 1, 2000.
- f. The Department, after considering the questions and comments of citizens, established the attached rules setting ventilation standards for smoking breakrooms and fixing fines for repeated violations of the ordinance.
- g. Ordinance 937 authorizes the Director of the Department of Health to adopt these rules. The Board reaffirms the Director's authority to adopt rules without subsequent Board adoption.
- h. However, because of the high level of public interest in these rules and because these are the first rules established under Ordinance 937, the Board is formally adopting the attached rules.

The Multnomah County Board of Commissioners Resolves:

The Board adopts the attached Department of Health Administrative rules entitled: "Smoking Breakroom Ventilation Standards" and "Penalties for Violations of Ordinance No. 937."

Adopted this 15th day of June, 2000.



Thomas Sponsler, County Attorney
For Multnomah County, Oregon

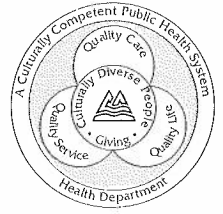
By Katie Gaetjens
Katie Gaetjens, Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein, Chair



MULTNOMAH COUNTY OREGON



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SMOKING BREAKROOM STANDARDS


Ventilation Standards *

1. Smoking breakrooms must have a negatively pressurized ventilation system that exhausts air to the exterior of the building with smoke-tight ducts. Termination of ducts must be not less than 30 feet from any air intake to the building, and any doors to the building.
2. Windows and doors of the smoking breakrooms shall be constructed in a manner that does not allow appreciable leakage of smoke (for example using weather stripping) .
3. Doors between the smoking breakrooms and other parts of the building shall be self-closing and shall not allow appreciable leakage of smoke.
4. Minimum room ventilation is 100 cubic feet per minute per occupant in the smoking breakroom. Occupant load is determined from the State or Oregon Structural Specialty Code.
5. Smoking breakroom ventilation is to operate at all times that the room is occupied.
6. The building HVAC system must be balanced to prohibit any migration of smoke from the smoking breakroom to other parts of the building.
7. Smoking breakrooms shall be clearly identified as such.

* These standards become effective for all smoking breakrooms on January 1, 2001.

Adopted this 15th day of June, 2000.

MULTNOMAH COUNTY
HEALTH DEPARTMENT


Lillian Shirley, Director



MULTNOMAH COUNTY OREGON



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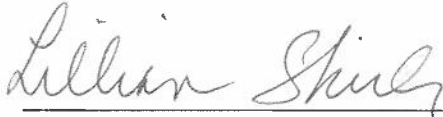
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EMPLOYER PENALTIES FOR VIOLATIONS OF ORDINANCE # 937

1. For a first violation, a notice and warning will be issued, together with educational materials and a referral phone number for the Tobacco Prevention Program. The Tobacco Prevention Program shall provide technical assistance to achieve compliance upon request.
2. For a second violation within a 12 month period, the employer and tobacco prevention staff will jointly develop a smokefree remediation plan. If a person other than the employer commits a second violation, the Tobacco Prevention Program staff will provide additional services and referral information designed to achieve compliance by that person.
3. For a third violation within a 12 month period, a civil fine of \$100 will be imposed.
4. For a fourth violation within a 12 month period, a civil fine of \$250 will be imposed.
5. For a fifth violation within a 12 month period, a civil fine of \$500 will be imposed.
6. Fines imposed may be appealed in writing to the Director of the Multnomah County Department of Health. The Director's decision will be final.

Adopted this 15th day of June, 2000.

MULTNOMAH COUNTY
HEALTH DEPARTMENT


Lillian Shirley, Director