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To Hospitality Employers:

On March 15, 2002, the Board sent out an information package to assist hospitality industry partners with the implementation of the revised health and safety regulations for ETS.

Many of the ETS requirements are performance-based which means compliance can be achieved in a variety of ways and permits employers the flexibility to develop a site-specific compliance solution. However, with performance-based requirements, many employers and their mechanical contractors prefer to have a specification that they can design to with confidence that the approach they have chosen will meet the intent of the OHS Regulation.

Hospitality employers and their mechanical contractors have asked for guidance on the portion of the regulation which deals with the requirement that: "the air only discharges in a manner that does not re-circulate or transfer it from a designated room to non-smoking areas."

Here is the challenge. Clearly this is a performance-based requirement, however industry wants to design with assurance that the approach taken will meet the compliance test. With this in mind, engineering staff from the Prevention Division field tested a number of velocity flows through various sizes of openings in different establishments, and concluded that airflow of seventy feet per minute would work. (The American Conference of Government Industrial Hygienists – the ACGIH also recommended that a flow of 50–100 feet per minute would contain contaminants "released with practically no velocity into quiet air.")

The guidance that the Division is offering is intended to assist technical designers and mechanical contractors. It is NOT required by the regulation. The regulation clearly contemplates a performance-based approach so any approach that works and meets the test of the regulation is acceptable. Please assure your members that the Division is open to any approach that will work.

On a second matter that has been brought to our attention, the Division has clarified that the floor area of outdoor patios is not to be considered when determining the percentage of total floor area required for designation as a separate place for smoking. Ross Pallett, Director of Regional Services has advised Board officers that this is the case.

If we can be of any further assistance or if you have any questions, please don't hesitate to contact the Regional Manager at the WCB office nearest you.

Sincerely,

Roberta Ellis  
Vice President  
Prevention Division