



Indoor Air Quality and the Gaming Industry

Steven G. Barringer, Holland & Hart, LLP
Margaret Martin, Ropes & Gray, LLP
Thomas M. Susman, Ropes & Gray, LLP

Note to the Reader

Just as this paper was going to press, Richard Carmona, the U.S. surgeon general, published the latest in a series of studies on the health effects of secondhand smoke. Released June 30, 2006, *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*, details the U.S. government's most comprehensive statement on secondhand smoke to date.

According to the report, the only way to adequately protect people from the extreme risks of secondhand smoke is to make indoor spaces smoke-free. While the gaming industry has actively worked to improve indoor air quality by installing state-of-the-art ventilation systems in newer and renovated properties, the report concludes that any exposure to secondhand smoke is dangerous, citing the inability of even the most advanced ventilation systems to mitigate the risks.

"Restrictions on smoking can control exposures effectively, but technical approaches involving air cleaning or a greater exchange of indoor with outdoor air cannot," the report says.

According to the report, nearly half of nonsmoking Americans are exposed to dangerous levels of secondhand smoke, and the chance of a non-smoker developing heart disease or lung cancer is increased by nearly 30 percent with exposure to smoke.

The report does not offer any new data, but provides an analysis of what Carmona terms the best available research on the topic. Carmona commends the number of state and local mandates calling for smoke-free buildings across the country, indicating they are a great success for public health.

While gaming facilities thus far have been exempt from recently enacted smoking bans in New Jersey and Colorado, anti-smoking groups in each state continue to fight the exemptions and in some cases have filed legal action. According to experts, the surgeon general's report will bolster efforts toward tougher smoking restrictions in the states and jurisdictions still considering bans.

The main body of this paper has not been amended to reflect the new information in the report, but there is no doubt the surgeon general's warning will strengthen the efforts of those working for comprehensive smoking bans across the country. The release of the report reinforces the contention of this paper that the gaming industry must make the development of an industrywide approach to indoor air quality a primary concern, and suggests the industry may need to develop even more stringent IAQ controls than are suggested here.

While the gaming industry has actively worked to improve indoor air quality by installing state-of-the-art ventilation systems in newer and renovated properties, the report concludes that any exposure to secondhand smoke is dangerous, citing the inability of even the most advanced ventilation systems to mitigate the risks.
