



## Austin/Travis County Health and Human Services Department

*Our role in public health is to:*

**PROMOTE** community-wide wellness, preparedness, & self-sufficiency;

**PREVENT** illness, injury, & disease; and

**PROTECT** the community from infectious diseases, environmental hazards, & epidemics



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# BBQ Smoke

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## SURVEY OF BBQ ESTABLISHMENTS

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- During the week of 4/20 – 4/24, the EHSD conducted a survey of identified food establishments in Austin which primarily serve barbeque.
- EHSD staff assigned to produce data base searches and conduct phone-call surveys.
- Contact with 73 of 86 of the listed establishments was achieved. (85%)
  - See attached spreadsheet for the list of locations.

# SURVEY OF BBQ ESTABLISHMENTS

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## Questions/Information for the Survey:

1. List of BBQ establishments in Austin.
2. Hours of operation and hours the smokers are operated.
3. Do they have smoke scrubbers installed?
4. List of complaints against establishments for excessive smoke.
5. Other municipalities smoke regulations nationwide.

# SURVEY OF BBQ ESTABLISHMENTS

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- # of BBQ Establishments identified by EHSD & currently in operation: **86**
- # of BBQ Establishments w/Smokers: **54 (63%)**
- # of BBQ Fixed Food Establishments: **51**
- # of BBQ Mobile Food Establishments: **35**
- # of BBQ Food Establishments who report the use of “Air Scrubbers”: **0**

*Note: Scrubbers are air-pollution-control devices that remove harmful gases and particulates from smokestacks.*

# Number of BBQ Smoke Complaints Received

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- EHSD received a total of 10 complaints regarding excessive smoke from restaurants (Jan. 2007 – present). See attached list.
- One in the last 12 months - Fresca's Al Carbon at 915 N Lamar Blvd. on 9/15/14.
- Austin 311 was unable to identify any citizen complaints specific to excessive smoke.

*3-1-1 – “At this time, our Admin Team has conducted an extensive research and cannot locate any SRs related to excessive smoke.” 4/24/15*

# Municipal Regulations Nationwide

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- HHSD staff contacted 10 municipalities to inquire about their smoke regulations.
- 7 municipalities responded, none of them require BBQ restaurants to install smoke scrubbers.
  - Please see the attached spreadsheet for complete survey results.

# Texas Commission on Environmental Quality

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- TCEQ is the state agency responsible for monitoring air emissions and air quality.
- Per 30 Texas Administrative Code Ch. 106:
  - Food establishment emissions are “permitted by rule”.
- Currently complaints of excessive smoke emissions are referred to the TCEQ for investigation.
- 4 to 6 investigations made with no nuisance conditions confirmed.
- Nuisance defined in 30 TAC Ch. 101.4

# Nuisance Condition

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Question – Can excessive BBQ smoke create a nuisance condition?

Texas Health and Safety Code definition:

*Sec. 341.011. NUISANCE - an object, place, or condition that is a possible and probable medium of disease transmission to or between humans.*

City Code Ch. 15-12-213; 903 Definition of a nuisance:

*Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.*

# Nuisance Condition

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Texas Commission on Environmental Quality

30 TAC Ch. 101.4

Nuisance:

*“No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.”*

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Questions?