

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.. 20250

DEPARTMENTAL REGULATION		NUMBER: 4400-6
SUBJECT: USDA Smoking Policy	DATE: December 16, 1996	
	OPI: Procurement and Property Management; Property Management Division	

1 PURPOSE

This regulation establishes the smoking policy for the Department of Agriculture (USDA). Environmental tobacco smoke, also termed second-hand smoke, is classified as a known human carcinogen by the Environmental Protection Agency. In order to protect USDA employees, contractors, and visitors from the health hazards of environmental tobacco smoke, this regulation prohibits smoking inside all USDA facilities and motor vehicles.

2 SPECIAL INSTRUCTIONS/CANCELLATION

This regulation is effective 30 days from issuance. However, changes in conditions of employment for bargaining unit employees must be implemented pursuant to 5 U.S.C. Chapter 71.

This regulation supersedes the memorandum signed by the Assistant Secretary for Administration dated February 2, 1987, entitled "GSA Smoking Regulation"; AGPMR 104-20.105-3, "Smoking in Federally controlled space"; AGPMR 10438.5007, "Smoking in Motor Vehicles"; and the memorandum signed by the Director, Office of Operations, on December 2, 1994, entitled "Revision of USDA Headquarters Complex Smoking Policy."

3 SCOPE

a Affected Areas. This policy applies to:

(1) All buildings and facilities (or portions thereof) owned, leased, or occupied by USDA nationwide and everyone who enters such USDA buildings and facilities including, but not limited to, USDA employees, contractor employees, and visitors; and

(2) All USDA owned or leased motor vehicles and everyone who occupies such USDA vehicles including, but

not limited to, USDA employees, contractor employees, and visitors.

b Areas Not Affected. This policy does not extend to:

(1) Outdoor areas except as required for fire safety, and as defined in 6h below; and

(2) Space in buildings used as personal quarters.

4 AUTHORITY

This regulation is issued in accordance with 5 U.S.C. 301; 5 U.S.C. 7901; 29 U.S.C. 668; 41 CFR 101-20.105-3; and 41 CFR 101-39.300(d).

5 POLICY

a Inside USDA Facilities. All interior space in USDA facilities shall be smokefree.

b Outside Smoking Areas. Outdoor smoking areas will be designated when possible, which are reasonably accessible to workers and provide a measure of protection from the weather elements. These smoking areas must be a minimum of 15 feet away from common points of ingress and egress of facilities. Areas within parking garages may only be designated as smoking areas 15 feet from entrance, and if proper ventilation (see section 6f) exists.

Appropriate ash and filter receptacles will be provided and maintained at all established smoking areas. Additional receptacles may be placed at entrances not designated as smoking areas. However, they should display a sign containing the no smoking symbol.

c Multi-tenant Buildings. In multi-tenant buildings this policy will apply within the confines of the assigned space over which USDA agencies have exclusive custody and control including corridors, rest rooms, cafeterias, stairways, and other public space on floors or within blocks of space assigned to USDA agencies.

d Motor Vehicles. Smoking is prohibited in USDA owned and GSA or commercially leased vehicles which are leased for more than 60 days within the -custody and control of USDA.

6 DEFINITIONS

a Smoking. The carrying or inhaling of a lighted cigar, cigarette, pipe, or other -lighted tobacco product.

b USDA facility. Federally owned, leased, or occupied buildings and space in buildings under the custody and/or control of USDA including GSA-leased space occupied by USDA.

c GSA-Leased Space. Space in privately owned buildings which is leased through GSA for use by USDA.

d Labor/management agreements. Union and bargaining unit representation for USDA employees. Where there is an exclusive representative for the employees, USDA shall meet its obligations under 5 U.S.C. Chapter 71 before this order becomes effective.

e Motor Vehicles. All types of motorized government-owned or leased vehicles assigned to USDA including, but not limited to, automobiles, ships, and aircraft.

f Proper Ventilation. Consists minimally of an outside area (as defined in h below) with no air intake into the building. An individual familiar with the building's ventilation system shall determine whether an area is suitable for a smoking area. For additional information contact the Washington Area Service Center, Engineering and Space Management Branch, WASC on (202) 7202902.

g Personal Quarters. Housing provided by USDA for the exclusive use as the employee's residence.

h Outside. Areas not within the building, facility, or motor vehicle or within 15 feet of entrances to enclosed areas.

i Multi-tenant. Buildings or facilities that are not solely occupied by, or under the sole custody or control of, USDA.

j Agency-approved. Smoking cessation programs specifically authorized by the employee's agency.

7 ABBREVIATIONS

a USDA United States Department of Agriculture

b AGPMR Agriculture Property Management Regulation

- c DR Departmental Regulation
- d FPI Federal Prison Industries, Inc.
- e GSA General Services Administration
- f WASC Washington Area Service Center

8 RESPONSIBILITIES

a Under and Assistant Secretaries will support and ensure compliance with the USDA smoking policy as outlined in this regulation and implement this policy at facilities and in motor vehicles under their control.

b Agency Administrators and Staff Office Heads will support and ensure compliance with the USDA smoking policy as outlined in this regulation and implement this policy at facilities and in motor vehicles under their control as directed by their Mission Area. Furthermore, the lead agency at each USDA facility has the authority to select outside locations for smoking.

Agencies are responsible for assuring that property owners/managers or appropriate GSA representatives are consulted as required prior to implementation of this directive. They shall assure that all employees receive advance notice of policy changes, including the location of any outside smoking areas. Agencies are also responsible for having an effective plan in place, and for providing employees with smoking cessation materials or smoking-cessation program(s) as stated in 9 below.

c USDA Employees shall abide by the requirements of the USDA smoking policy. Employees may pursue available training, educational, and counseling services for smoking cessation, if desired.

d Contractors and Visitors shall abide by this regulation.

e The Washington Area Service Center will oversee smoking areas within the DC Complex. Questions or comments related to the implementation of this regulation in the DC Complex may be directed to 720-6858.

9 SMOKING CESSATION PROGRAMS

USDA supports agency use of available funds for smoking cessation programs and materials as follows:

- a Agencies may use available funds for education, training, and counseling related to smoking cessation programs;

b Agencies should develop program guidelines that address specifically what they will fund and the number of times employees can attend smoking cessation programs. Agencies may survey employees on an annual basis to assess the need for smoking cessation materials or programs. Employee participation in educational, counseling, or cessation programs related to smoking is strictly voluntary. However, employees should participate in agency surveys to help assess agency need for smoking cessation materials or programs; and

c When agency-approved smoking cessation programs are scheduled during duty hours, agencies may provide employees with short periods of excused absence to participate in such programs. (Such programs should not be recurring and should not continue over an extended or indefinite period.) Agencies may contact organizations such as the American Cancer Society and their Employee Assistance Program or utilize existing programs from local area sources for the employees.

10 ENFORCEMENT

The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of smokers and nonsmokers alike.

a Employees should report situations of non-compliance with this policy to their immediate supervisor. Employees shall not be subject to retribution or reprisal for reporting these situations.

b Supervisors must exercise sound and reasonable judgement when enforcing the smoking policy. Initial violations of the smoking policy will be handled by counseling unless other instances of misconduct are involved. Recurring violations will subject employees to disciplinary action. The employee or supervisor may seek assistance from the agency's Employee Relations unit.

11 SIGNS

Suitable signs announcing a "Smoke Free Environment" shall be placed on or near entrance doors of all USDA facilities and motor vehicles subject to this regulation. Signs should be procured and installed in cooperation with the GSA Buildings Manager in buildings managed by GSA. It should not be necessary to display a sign in every room of each building.

In accordance with the Federal Acquisition Regulation, Part 8, the mandatory source of supply for the purchase of the aforementioned signs is UNICOR, FPI. Prior approval from FPI is required before using any other source of supply. Purchase Orders should be submitted to:

UNICOR, Federal Prison Industries, Inc.

320 First Street, NW.

Washington, DC 20534

(202) 724-8239

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