

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	re: agency contacts [partial] (1 page)	06/04/1997	P3/b(3)
002. fax	To Mac Reed (1 page)	07/22/1997	P3/b(3)
003. letter	To: Mac Reed [CIA Act] [partial] (1 page)	07/22/1997	P3/b(3)
004. fax	To: Mac Reed (1 page)	07/22/1997	P3/b(3)
005. letter	To: Mac Reed [CIA Act] [partial] (1 page)	07/22/1997	P3/b(3)
006. fax	To: Hima Vatti (4 pages)	07/22/1997	P3/b(3)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Elizabeth Drye
OA/Box Number: 13021

FOLDER TITLE:

Agency Smoking Policies - Before EO [1]

2014-0046-S

rc1419

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

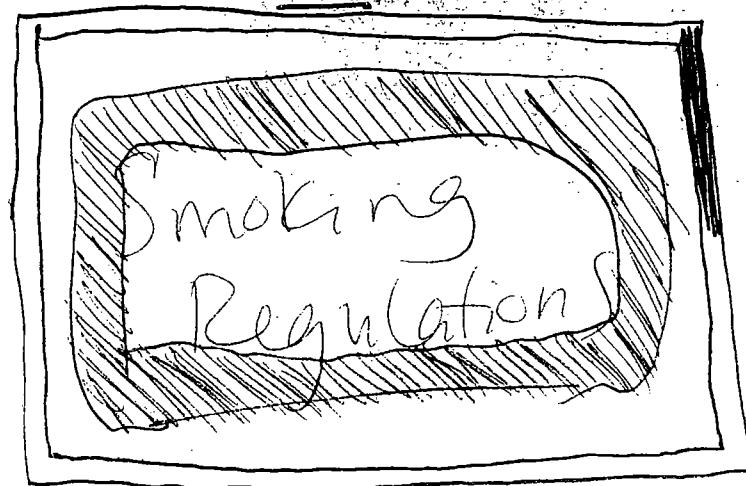
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Executive
Agency
Smoking
Policies
Before EO



MEMORANDUM TO ELIZABETH DRYE

FROM: HIMA VATTI

DATE: JULY 28, 1997

SUBJECT: EO's EFFECT ON CURRENT AGENCY SMOKING POLICIES

1-8 non
postal
Ex Branch

The agencies that will be affected by the Executive Order can be divided into three categories: first, those agencies whose current policies clearly comply with the EO as presently written; second, those agencies whose policies may comply with the EO as presently written, but compliance must be verified; third, those agencies whose policies do not comply with the EO as presently written and which will be obligated by the EO to implement a stricter smoking policy in the workplace. The great majority of agencies updated their smoking policies during the Clinton Administration.

To summarize, approximately 754,000 employees in 18 agencies currently operate in a smoke-free workplace. Nearly 100,000 employees (excluding those at VA health care facilities) work in 6 agencies whose compliance with the EO must be verified. Finally, about 220,000 employees work in 12 agencies that must upgrade their smoking policies to conform to the EO.

Finally, I have provided a list of those agencies that offer a smoking cessation program of some type to smoking employees.

Category 1: Agencies Unaffected by the EO

The EO will have no affect on the following agencies, because these agencies currently have in place a smoking policy that goes beyond the EO by making no provisions for interior designated smoking areas. The buildings of these agencies are entirely smoke-free. Any minor exception that is made is "essential to accomplish the agency mission," and, therefore, will not violate the EO.

Agency	# Employees (As of 5/97)	Last Updated	Vehicle Ban
1. GSA	14,195	7/1/95	Yes
2. USDA	102,542	12/16/96	Yes
3. USIA	6,567	11/1/93	
4. HHS	126,628 (incl. SSA)	5/587	
5. SSA	67,800	10/3/88	
6. STATE	24,033	8/1/93	Yes
7. USTR	155	4/2/93	
8. DOL	15,497	12/1/94	
(main) 9. TREASURY	1,363	9/1/94	
10. OPM	3,480	10/93-2/1/94 (phase-in)	

11. FLETC	481	7/27/95	Yes
12. FMS	2,164	11/1/96	
13. FEMA	6,158	3/18/93	Yes
14. ONDCP	88	4/2/93	
15. VA (office)	243,948 (tot.)	10/1/90	
16. DOJ	113,881	1/1/95	
17. DOI	70,843	7/93	
smoke-free building complex; considering making all Interior-occupied space nationwide smoke-free			

Category 2: Agencies Whose Compliance Must be Verified

The following agencies may be in compliance with the EO as presently written. These agencies provide for limited designated indoor smoking areas. They will have to ensure that these areas meet the ventilation requirements outlined in the EO.

- | | |
|-------------------------------|--|
| 1. EPA- | description of smoking lounges seems to comply with EO requirements
17,586 employees; last updated 5/9/91 |
| 2. DOT- | 63,050; 7/3/90 |
| 3. SBA- | 4,707; 6/22/95 |
| 4. BATF HQ- | ban on smoking in motor vehicles
1,025 (DC); 6/18/96 |
| 5. US MINT- | 2,118; 10/17/94 |
| 6. BEP- | 2,736; 4/3/95 |
| 7. VA Health Care Facilities- | each maintains a smoking area in a detached building
last updated 1/13/95 |

Category 3: Agencies Affected by the EO

The following agencies will implement more stringent smoking policies at the appropriate time pursuant to the EO as presently written.

1. DOC (34,497; 8/87), IRS (implemented GSA Smoking Regulations; 119,426; 7/1/96)

The EO goes beyond the GSA regulations in two significant ways:

- First, the EO curtails Agency Head discretion in identifying smoking areas by describing designated smoking areas in terms of ventilation requirements.
- Second, the ventilation requirements will preclude the provision of smoking areas in spaces in cafeterias, restrooms, and large offices that are used concurrently by smokers and nonsmokers.

Currently, DOC provides a smoking area in every cafeteria.

2. DOD (tot.- 766,086; military- 738,543; civilian- 27,543; 3/7/94)- The Agency permits smoking in residential housing, prison quarters, clubs, and restaurants. The housing and prison exceptions would survive. The situation with clubs and restaurants is unclear at present.
3. ED (4,540; 10/27/93)- Currently, the Agency allows smoking areas in cafeterias and restrooms. ED must verify that other designated areas comply with ventilation requirements.
4. BATF Field Offices (2,929; 6/18/96)- Certain field offices may currently provide smoking areas in coffee rooms, lounges, cafeterias, and other similar areas that are used concurrently by smokers and non-smokers.
5. CUSTOMS (19,628; 6/20/91)- There is a smoking area in the cafeteria. There is one smoking room whose ventilation system must be found in compliance with EO requirements.
6. BPD (1,698; 6/29/93)- The Bureau allows smoking in single occupant offices in the E Street building when no nonsmokers are present, the cafeteria smoking area, and smoking lounges that have independent ventilation systems. Smoking in offices and the cafeteria will cease. Motor vehicles are smoke-free.
7. THRIFT (1,352; 4/20/93)- The Agency allows smoking in the second floor restrooms and the sixth floor patio at headquarters.
8. HUD- (11,094; 1992) Locations of the designated smoking areas are negotiated at the local level and are chosen on the basis of loose guidelines, not strict ventilation requirements. Local management can designate areas in restrooms and general office space. There are designated smoking areas at headquarters. When the union contracts expire, HUD may institute smoke-free policies everywhere.
9. DOE (17,257; 8/7/96)- The Agency allows smoking in a portion of the public dining area in the Forrestal Cafeteria at headquarters. One courtyard at HQ is designated for smoking. There is no uniform nationwide policy. Each Field Office, Laboratory, and M&O contract makes its own policy based on state regulations and local union-management negotiations.
10. CIA (number of employees is classified; 10/23/91; 9/14/96)- Except during lunch hours between 11:00am-2:00pm, smoking is allowed in the courtyard at headquarters.
11. OCC (2,929), USSS (4,716)- These two agencies have no written smoking policies.

Smoking Cessation Programs:

1. Treasury Bureaus:

Main-	health fair and classes
CUSTOMS-	classes on cessation and stress management, counseling
FLETC-	clinics when necessary
US MINT-	classes
BEP-	classes, assistance in purchasing prescription nicotine patches
FMS-	classes
BPD-	classes when necessary; only first program is free
THRIFT-	classes
2. GSA, OGP-	classes for a nominal fee
3. DOL-	classes and clinics for free
4. ED-	classes on agency time
5. SSA-	classes around the clock, counseling
6. EPA-	classes for free
7. DOD-	extremely thorough program at all levels of command
8. STATE-	classes
9. USDA-	classes, counseling for free (well thought-out program)
10. FEMA-	assistance and counseling
11. HHS-	clinic for free (not negotiated at the local level)



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

**Assistant Secretary for Health
Office of Public Health and Science
Washington D.C. 20201**

MEMORANDUM FOR THE PRESIDENT

I respectfully submit for your consideration a proposed Executive Order to prohibit smoking in federal executive branch facilities.

Strong scientific evidence documents that exposure to environmental tobacco smoke (ETS) is a serious risk to health. ETS is a known cause of diseases, including lung cancer, in healthy nonsmokers and is a major source of harmful indoor air pollution. ETS is responsible for approximately 3,000 lung cancer deaths each year in nonsmoking adults. ETS also threatens the health of hundreds of thousands of children with asthma and other respiratory illnesses.

Major scientific reports of the Department of Health and Human Services (HHS 1986, 1991, 1996, 1997) and the Environmental Protection Agency (EPA 1993) document these findings. HHS, EPA, and most recently the Department of Labor (DOL), recommend that smoking either be prohibited indoors, or be permitted indoors only in separately-ventilated areas. Protecting nonsmokers from the health consequences of ETS exposure is the primary goal of restrictions on smoking in the workplace.

Our Administration has supported and advocated eliminating indoor exposure to ETS. The most far-reaching effort is DOL's proposed occupational standard to eliminate ETS exposure in virtually all workplaces nationwide. During the 103rd Congress the Administration also supported legislation (H.R. 3434) to prohibit ETS exposure in public buildings and on March 31, 1994 you signed P.L. 103-227, the "Goals 2000: Educate America Act" which prohibited smoking in federally-funded children's services facilities, including most elementary and secondary schools.

Existing General Services Administration (GSA) regulations on this subject were published seven years before the EPA report. The GSA regulations apply to approximately 10 percent of federal domestic facilities and do not cover those federal buildings which are under the control of federal departments and agencies with statutory real property authority. The 1986 GSA rules permit smoking in areas designated by agency heads and do not require that such areas be ventilated separately.

Mr. President, the simple separation of smokers and nonsmokers within the same airspace does not eliminate ETS exposure. As a result, many federal agencies are not now smokefree and federal workers and visitors to federal buildings are exposed unnecessarily to ETS. In view of

the solid science base and the Administration's public commitment to reducing ETS exposure, it seems inadvisable to continue to permit smoking in federal indoor workplaces.

The Executive Branch has legal authority and strong scientific justification to move ahead to prohibit smoking in federal workplaces. The most expedient mechanism to announce and implement an Executive Branch smoke-free workplace policy would be a Presidential Executive Order. An Executive Order would apply more broadly and could be implemented more quickly than other approaches.

The issuance of an Executive Order would produce substantial savings rather than costs. The federal Government would be promoting the health of its employees while saving money due to reduced sick days, building maintenance, and furniture and carpet replacement. Some studies estimate conservatively that smoking in the workplace costs employers one thousand dollars annually for each employee who smokes. As the nation's largest employer, the issuance of an Executive Order to protect worker health would set an important example to other employers considering adopting smokefree policies.

A proposed Executive Order is attached for your consideration.



Donna E. Shalala

Attachment

SMOKING IN THE FEDERAL WORKPLACE

Employees of the Federal Government and members of the public visiting or using federal facilities should be protected from exposure to environmental tobacco smoke. The health risks of smoking and exposure to smoke are clearly documented by reports of the Department of Health and Human Services and of the Environmental Protection Agency (EPA). In 1986, the U.S. Surgeon General concluded that exposure to environmental tobacco smoke (ETS) was a cause of lung cancer in otherwise healthy nonsmokers. In 1993, the U.S. Environmental Protection Agency confirmed this finding and categorized ETS as a Group A carcinogen, meaning that it was a known cancer-causing agent in humans. Since these reports, numerous studies have linked ETS exposure to various illnesses including asthma and heart disease. In fact, two recent studies found that exposure to secondhand smoke increases the risk of death from heart disease. The number of nonsmokers who die from exposure to ETS has been estimated to be as high as 56,000 each year. The evidence indicates that smoking is a preventable cause of diseases; exposure to environmental tobacco smoke is a cause of diseases, including lung cancer, in exposed persons, including healthy nonsmokers; and the simple separation of smokers and nonsmokers within the same air space does not eliminate the exposure of nonsmokers to environmental tobacco smoke.

Accordingly, by the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. It is the policy of the Executive Branch to establish a smoke-free environment for federal employees and members of the public visiting or using federal facilities. The smoking of tobacco products is thus prohibited in all interior space owned, rented or leased by the Executive Branch of the federal government, except as otherwise provided in this order.

Section 2. Exceptions. The general policy established by this order is subject to the following exceptions.

- (a) The order does not apply in designated smoking areas ^{that} ~~which~~ are enclosed and exhausted directly to the outside and away from air intake ducts, and are maintained under negative pressure (with respect to surrounding spaces) sufficient to contain tobacco smoke within the designated area. Employers shall not require workers to enter such areas during business hours while smoking is ongoing.
- (b) The order does not extend to outdoor areas under Executive Branch control except within 50 feet of the entrance of federal buildings, within 50 feet of air intake ducts or within courtyards. — prison rec. area is centered around a ctyd.
- (c) The order does not extend to ^{any} ~~any enclosed~~ residential accommodation for persons voluntarily or involuntarily residing, on a temporary or long-term basis, in a building owned, leased, or rented by the federal government.

- (d) The order does not extend to federally-owned buildings leased, rented, or otherwise provided in their entirety to nonfederal parties.
- (e) The order does not extend to places of employment in the private sector or in other nonfederal governmental units that serve as the permanent or intermittent duty station of one or more federal employees.
- (f) The head of any agency may establish limited and narrow exceptions which are essential to accomplish agency missions. Such exception shall be in writing, approved by the agency head and to the fullest extent possible provide protection of nonsmokers from exposure environmental tobacco smoke. Authority to ~~approve~~ ^{establish} such exceptions may not be delegated.

What does this mean?

Section 3. Responsibility for Implementation of Order. The heads of agencies of the Executive Branch are responsible for implementing and ensuring compliance with the provisions of this order. "Agency" as used in this order means an Executive Agency, as defined in 5 U.S.C. 105, and any employing unit or authority of the Federal Government, other than those of the Legislative and Judicial Branches.

Section 4. Phase-In of Implementation of Order. Implementation of the policy set forth in this order shall be achieved no later than one year after issuance of this order. This one year phase-in is designed to establish a fixed but reasonable time for implementing this policy. Agency heads are directed during this period to inform all employees and visitors to Executive Branch facilities about the requirements of this order and the health risks of exposure to environmental tobacco smoke, and to undertake related activities as necessary. All heads of agencies should consult with employee representatives about the implementation of this order.

Section 5. Consistency with Other Law. The provisions of this order shall be implemented consistent with applicable law, including the Federal Service Labor-Management Relations Statute, 5 U.S.C. 7101 et seq., the National Labor Relations Act 29 U.S.C. 151 et seq. Nothing herein shall be construed to impair or alter the powers and duties of federal agencies established under law. Nothing herein shall be construed to replace any agency policy currently in effect, if such policy is legally established, in writing, and consistent with the terms of this Executive Order. Agencies are required to review their current policy to confirm that agency policy comports with this Executive Order. Agency policies found not in compliance shall be revised to comply with the terms of this Executive Order.

Section 6. Cause of Action. Nothing in this order shall be construed to create a new cause of action against the United States, or to affect in any way the liability of the Executive Branch under the Federal Tort Claims Act.

Section 7. Construction. Nothing in this order shall limit an agency head from establishing more protective policies for employees and members of the public visiting or using federal facilities.

Withdrawal/Redaction Marker

Clinton Library

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001. list	re: agency contacts [partial] (1 page)	06/04/1997	P3/b(3)

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Domestic Policy Council
Elizabeth Drye
OA/Box Number: 13021

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Agency Smoking Policies - Before EO [1]

2014-0046-S

rc1419

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as of June 4, 1997

<u>DEPT</u>	<u>SECRETARY</u>	<u>COS/SR ADVISOR</u>	<u>PHONE</u>	<u>FAX</u>	<u>ROOM</u>
✓ State	Madeleine Albright	Elaine Shocas	647-5548	736-4535	7234A
✓ Treasury	Robert Rubin	Mike Froman	622-1906	622-0073	3408
✓ Defense	William Cohen	Robert Tyrer	(703) 695-5261	(703) 697-9080	3E880
✓ Justice	AG Janet Reno	John Hogan	514-3892	616-5117	5119
✓ Interior	Bruce Babbitt	Anne Shields	208-7351	208-6956	6144
✓ USDA	Dan Glickman	Greg Frazier	720-3631	690-2119	202A
✓ Commerce	William M. Daley	Paul Donovan	482-4246	482-2741	5858
✓ Labor	Alexis Herman	Ted Mastroianni	219-8271	219-7659	S2018
✓ HHS	Donna Shalala	William Corr	690-7431	401-5783	606G
✓ HUD	Andrew Cuomo	Margie Sullivan	708-2713	708-2476	10000
✓ DOT	Rodney Slater	Michael Huerta	366-1103	366-3956	10200
✓ Energy	Federico Peña	Elgie Holstein	586-6210	586-7644	7A-257
✓ Education	Richard Riley	Leslie Thorton	401-6143	401-2098	6153
✓ VA	Jesse Brown	Harold Gracey	273-4808	273-4877	1000
✓ EPA	Adm Carol Browner	Peter Robertson	260-4700	260-0279	1200
✓ CEA	Chair Janet Yellen	Michele Jolin	395-5084	395-6958	314
✓ OMB	Dir Frank Raines	Rebecca Culberson	395-7224	395-1005	253
✓ UN(STATE)	Amb William Richardson	Karen Hancox	736-7555	736-7551	6333
✓ USTR	Amb Charlene Barshefsky	Nancy Leamond	395-6850	395-4549	209
✓ ONDCP	Dir Barry McCaffrey	Janet Crist	395-6732	395-6708	8th fl
✓ SBA	Adm Aida Alvarez	Paul Weech	205-6605	205-6802	7000
✓ WHO CoS	Erschine Bowles	Victoria Radd	456-7176	456-1213	1st fl/ww
✓ Counselor	Mack McLarty	Nelson Cunningham	456-2000	456-2464	grfl/ww
(b)(3)					
✓ FEMA	Dir James Lee Witt	Jane Bullock	646-3923	646-3930	828
✓ OPM	Dir Jim King	Janice LaChance	606-1000	606-2183	5305
✓ USIA	Dir Joe Duffey	Joyce Kravitz	619-4742	619-6705	800
✓ GSA	Adm David J. Barram	Martha Johnson	501-0800	219-1243	6147
✓ SSA	John J. Callahan (acting)	Brian Coyne	358-6013	358-6076	714
✓ DPC	Bruce Reed	Paul Weinstein	456-5577	456-7028	218A
✓ NEC	Gene Sperling	Kathy Wallman	456-5385	456-2878	2nd fl/ww
✓ NSC	Sandy Berger	Jim Steinberg	456-9461	456-9460	



**United States
Office of
Personnel
Management**

**FAX
TRANSMITTAL
SHEET**

**OFFICE OF THE DIRECTOR
1900 E STREET, NW., ROOM 5H09
WASHINGTON, DC 20415-0001**

Date:

7/28

Number of Pages

2

**Please
Deliver
To:**

Name: Hima Vatti

Office: DPC

Room:

Telephone:

From:

Name: Mary Strand

Office: Chief of Staff

Room: 5H09

Telephone: (202) 606-1000

FAX Number: (202) 606-2183

Remarks

of Federal employees
excluding Postal Service

WARNING: Many Fax machines produce copies on thermal paper. The image produced is highly unstable and will deteriorate significantly in a few years. It should be copied on a plain paper copier prior to filing.

U.S. OFFICE OF PERSONNEL MANAGEMENT FACT SHEET

TOTAL FEDERAL CIVILIAN EMPLOYMENT (ALL AREAS)

AGENCY	AS OF MAY 1997
TOTAL	2,813,121
LEGISLATIVE BRANCH	32,250
JUDICIAL BRANCH	29,888
US POSTAL SERVICE & POST RT COMM	852,787
EXECUTIVE BRANCH (EXCL USPS & Postal Rate Comm)	1,698,196
STATE	24,033
TREASURY	156,394
DEFENSE TOTAL	766,086
DEFENSE, MILITARY TOTAL	738,543
ARMY, MILITARY FUNCTIONS	228,294
DEPT OF THE NAVY	209,645
DEPT OF THE AIR FORCE	173,930
DEFENSE LOGISTICS AGENCY	48,109
OTHER DEFENSE ACTIVITIES	78,565
DEFENSE, CIVIL TOTAL	27,543
JUSTICE	113,881
INTERIOR	70,843
AGRICULTURE	102,542
COMMERCE	34,497
LABOR	15,497
HEALTH & HUMAN SERVICES (incl. SSA)	126,628
HOUSING & URBAN DEVELOPMENT	11,094
TRANSPORTATION	63,050
ENERGY	17,257
EDUCATION	4,540
VETERANS AFFAIRS	243,948
ENVIRONMENTAL PROTECTION AGENCY	17,568
EQUAL EMPLOY OPP COMM	2,625
FEDERAL DEPOSIT INS CORP (incl. RTC)	8,763
FEDERAL EMERGENCY MGMT AGENCY	6,158
GENERAL SERVICES ADMIN	14,195
NATIONAL AERO & SPACE ADMIN	19,893
NATL LABOR RELATIONS BD	1,979
NUCLEAR REGULATORY COMM	3,133
OFFICE OF PERSONNEL MGMT	3,480
PANAMA CANAL COMMISSION	9,553
SMALL BUSINESS ADMIN	4,707
SMITHSONIAN SUMMARY	5,112
TENNESSEE VALLEY AUTHORITY	15,364
U.S. INFORMATION AGENCY	6,567
AGENCY FOR INTERNATL DEVEL	2,870
ALL OTHER AGENCIES	25,841

* Preliminary; subject to agency revisions.

Note: As of October 1, 1996, the Defense Mapping Agency no longer reports 113 A data.

The above statistics reflect a drop of about 7,000 employees as of that date.

SOURCE: U.S. Office of Personnel Management
Office of Workforce Information
Monthly Report of Federal Civilian Employment (SF 113-A).
07/28/97



Office of Legislation and Congressional Affairs
Social Security Administration
Fax Sheet

Date: 7/8-97

Pages: Cover + 2

Fax to: ELR Dye

Fax number: _____

Phone number: _____

From: Judy Chesser

Phone number: (202) 358-6030

Fax number: (202) 358-6074

Please contact Paulette Anderson or Regina Williams (202) 358-6030 if transmission is incomplete.

Message: Non
Social Security - Smoking Policy

Section 17-Smoke Free Environment

In keeping with the parties' concern for the health, safety and well-being of all SSA employees, there shall be 'no smoking' in any SSA facility.

The parties agree that they will intensify efforts to assist those employees who are interested in breaking the smoking habit. We are committed to making cessation programs available to each and every employee who wishes to participate in them. The cost of SSA-sponsored or approved programs will be paid by SSA, not by the employees. SSA-sponsored programs will be offered on the clock unless not available during duty hours. Programs approved by or sponsored by SSA will include or be similar to programs conducted by the American Lung Association or the American Heart Association. The parties recognize that these programs will be more easily developed in the large installations, e.g., PSCs, Headquarters and DOCs.

Employees who wish to stop smoking but who are unable to successfully complete a smoking cessation program, or who have quit smoking but are experiencing related difficulties, may seek additional assistance through the Employee Counseling Service. Employee participation in counseling or cessation programs related to smoking is strictly voluntary.

~~Section 18-Job Safety Analysis~~

- A. In situations where information indicates that employees in a particular occupation are suffering from a pattern of accidents, disabling injuries and/or illnesses, management will conduct a Job Safety Analysis (JSA).
- B. JSA may consist of but not be limited to the following:
 - 1. General conditions under which the job is performed.
 - 2. An explanation of the job steps.
 - 3. An explanation to determine the hazards that exist or might occur.
 - 4. Recommendations to eliminate any of the hazards identified.
- C. Who shall receive a copy:
 - 1. Copies of all studies and all completed JSA's will be provided to the Union within 30 days after completion of that JSA.
 - 2. Each employee covered by a particular JSA will receive a copy within 30 days after completion of the JSA which covers his/her position.
 - 3. When a new employee reports to duty or is reassigned to a new position, he/she will receive a copy within 30 days after reporting to duty in that new job.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20410-0001

FAX TRANSMISSION

DATE:

July 22

NUMBER OF PAGES (including this page)

4

TO:

Elizabeth Dye

FROM:

Sky Gallegos

PHONE:

67028

COMMENTS:

I faxed this to Anne McGinnis
this morning — Sorry for the delay —
I was having a hard time getting
this out of our Admin. Shop. Plse
call me if you need more information —

Thanks. Sky

07/21/97 15:59

LEAD -> 96198129

2027082155

NO.432 P002

ARTICLE 43 SMOKING

Section 43.01 - Purpose. This Article establishes the Department's smoking policy, designed to protect the health and safety of employees and visitors.

Section 43.02 - Definition. Smoking is defined as a lighted cigar, cigarette, pipe, or any other lit tobacco product.

Section 43.03 - Scope. This policy shall apply to all HUD-occupied space and facilities with AFGE bargaining unit employees; however, it shall be implemented in individual offices through local negotiations. For purposes of this policy, an office is defined as Headquarters, a Regional Office, or a Field Office.

Section 43.04 - Policy. Smoking is prohibited in HUD-occupied space, except in designated smoking areas. Specifically, there shall be no smoking in:

- (1) Classrooms, training rooms (including contract training space), conference rooms, and auditoriums. Separate break rooms for smokers may be negotiated at the local level.
- (2) Elevators and stairways.
- (3) Corridors and rest rooms (except as negotiated locally by the parties. At least half of the number of rest rooms per sex shall be designated as nonsmoking. At least one (1) rest room per sex on each floor with facilities for the disabled shall be designated nonsmoking).
- (4) Health units and libraries.
- (5) General office space, defined as space occupied by personnel performing their daily work functions. This includes, but is not limited to, ADP areas, mail rooms, file rooms, duplicating areas, and office space (except as locally negotiated by the parties.) Where general office space has been negotiated locally as a designated smoking area, smoking shall be prohibited in such space when meetings are held which include nonsmokers.

Section 43.05 - Designated Smoking Areas. Smoking areas with appropriate ventilation, furnishings, smoke eliminators as necessary and ashtrays, may be negotiated by the parties at the local level, with the following guidance:

- (1) Smoking areas shall be clearly identified with signs.

- (2) HUD Management officials in multi-tenant buildings shall work with other agencies to identify appropriate smoking areas outside HUD-occupied space.
- (3) Management and the Union shall encourage users of the smoking area to keep it clean. Further, Management shall be responsible for monitoring the cleanliness of those areas that are designated smoking areas.

Section 43.06 - Smoking While on Government Travel. When smoking and nonsmoking employees share a vehicle on official travel, smoking shall be prohibited in that vehicle. In such situations, periodic smoke breaks outside the vehicle shall be authorized as necessary.

Section 43.07 - Smoking Transition. A transition period is established for employees who are no longer allowed to smoke at their work stations. The transition period is a ninety (90) calendar day period from the time smoking is prohibited at the work station. During this transition period, supervisors shall liberally allow smokers reasonable periods of time to use designated smoking areas and be sensitive to difficulties experienced by smokers in changing their habits.

Section 43.08 - Vacancy Announcements. All vacancy announcements shall include a statement that smoking is allowed only in designated areas.

Section 43.09 - Smoking Cessation Programs. The Department supports and encourages all efforts by employees to quit smoking. In this regard, the Department shall sponsor the American Cancer Society (ACS) Smoking Cessation Program (or comparable program in offices where this program is not available) and provide appropriate time and bear the cost for such HUD-sponsored programs. If Management is trained by ACS (or comparable program) to conduct future smoking cessation programs, the Union shall also be trained and joint training by Management and the Union shall be conducted. Participation in the smoking cessation program shall be voluntary. Smoking cessation programs shall not be negotiated at the local level.

Section 43.10 - Compliance. Employees may courteously remind others to refrain from smoking in nonsmoking areas. Normally, employees who believe that smoking regulations are being violated should report such violations to their immediate supervisor or, if he/she is not available, the nearest available supervisor. The exception is when the immediate supervisor has allegedly violated the regulations. Failure to abide by the Department's policy on smoking in the workplace shall be dealt with in the same manner as any other violation of an administrative directive or rule.

Section 43.11 - Local Negotiations. Those areas which may be negotiated at the local level are:

- (1) Location(s) of smoking areas.
- (2) The physical layout of the furniture, equipment, and space in the smoking areas.
- (3) Smoke eliminators, ashtrays, ventilation systems and actual furniture to be used in the smoking areas.
- (4) Methods of notifying employees of available programs.
- (5) Other related subjects appropriate to local negotiations on smoking.

Any resulting agreement must be in conformance with this Agreement and the Governmentwide regulations. Management and the Union shall consult and shall work out ways to resolve problems regarding implementation of the local agreements.



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1600 Clifton Road, N.E. (Mailstop D-14)

Atlanta, Georgia 30333

Telephone (404) 639-7120

FACSIMILIE (404) 639-7121

DATE: July 25, 1997 **NUMBER OF PAGES** _____ (including cover)

TO: Hima Batti **Telephone:** 202-456-5589

OFFICE: _____ **Facsimilie:** 202-456-7028

FROM: **Candice Nowicki**
 Deputy Director
 Executive Secretariat

COMMENTS:

Robert Wood Johnson Study to Redesign the U.S. Poison Control System

The Robert Wood Johnson Foundation has funded George Washington University to study
the poison control center system for economies of scale. According to the Poison
Control Center Advisory Work Group's Final Report, the study results could lead
to recommendations that provide valuable information to be used in designing a poison
control system for the future. The Study results are expected to be available in
the Fall of 1997.

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Fax: (703) 693-7616

fax

t r a n s m i t t a l

to:

HIMA VATTI

fax:

202-456-7028

from:

Mr. John A. Casciotti, ODGC(P&HP),
(703) 697-9657

date:

7/31

re:

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26

NOTES:

In 2 parts



Table 6.5 Serious Attempt to Stop Smoking Cigarettes During the Past Year

Group/Status	Service				Total DoD
	Army	Navy	Marine Corps	Air Force	
Among All Personnel					
Never smoked ^a	53.8 (1.1)	50.4 (1.5)	53.5 (1.1)	60.3 (1.4)	54.6 (0.7)
Former smoker, quit over a year ago	9.4 (0.9)	11.5 (0.6)	8.1 (0.9)	11.9 (0.5)	10.6 (0.4)
Former smoker, quit within past year	3.0 (0.4)	3.4 (0.4)	3.7 (0.3)	3.1 (0.3)	3.2 (0.2)
Current smoker, tried to quit	16.2 (1.0)	16.7 (0.9)	18.8 (1.0)	11.9 (0.7)	15.4 (0.5)
Current smoker, didn't try to quit	17.7 (1.0)	17.9 (1.1)	15.8 (1.1)	12.8 (0.8)	16.2 (0.6)
Among Smokers, Past Year					
Former smoker, quit within past year	8.1 (1.0)	8.9 (0.9)	9.7 (1.0)	11.3 (1.1)	9.3 (0.5)
Current smoker, tried to quit	44.0 (1.8)	44.0 (1.8)	49.1 (1.7)	42.7 (1.2)	44.3 (0.9)
Current smoker, didn't try to quit	47.9 (1.8)	47.2 (1.6)	41.2 (1.4)	46.0 (1.5)	46.4 (0.9)

Note: Entries are column percentages (with standard errors in parentheses). Estimates have not been adjusted for sociodemographic differences among Services.

^aSmoked fewer than 100 cigarettes in the lifetime.

Source: DoD Survey of Health Related Behaviors Among Military Personnel, 1995.

from the 1995 DoD survey for military personnel who were stationed in the United States (including Alaska and Hawaii).

Results of the comparison of the prevalence of current smoking for the civilian and U.S.-based military populations are shown in Table 6.6. It should be noted that the smoking measure used in this table does include those who had smoked in the past 30 days, but to be comparable to the NHSDA measure, the other criterion of current smoking used in this report (i.e., smoking at least 100 cigarettes over one's lifetime) was not included in the measure reported in Table 6.6. As stated previously, we standardized the civilian data to the demographic distribution of the U.S.-based military population by sex, age, education, race/ethnicity, and marital status. Details about the standardization procedures are in Appendix F.

Table 6.6 thus presents data on the prevalence of current smoking within different age groups and among males, females, and the total population, for the civilian and the U.S.-based military populations. The prevalence of current smoking was significantly greater among military personnel in 1995 who were between the ages of 18 and 25 (39.4%) than it was among persons in the same age group in the household population (35.5%). However, no other comparisons (ages 26 to 55 and all ages) between the military and civilian populations were significant.

In 1995, findings for the individual Services followed the general pattern for the total DoD, although different comparisons were significant; in some cases, smoking rates for military personnel were lower than those for the civilian population. In particular, the Army showed the same pattern as did the DoD comparison (only the 18- to 25-year-old comparison was significant), whereas comparisons of the other two groups (the older group and all ages together) were significant for the Navy, and all three group comparisons were significant for the Marine Corps. For all three Services, the rates of current smoking were higher for the military than the civilian population. However, for Air Force personnel, the rates were significantly lower than the civilian rates for the older group and all ages together. There was no significant difference in the younger age group of Air Force personnel.

Not surprisingly, because the Military has a majority of males, the comparisons for males in the three age groups mirror that of the total DoD and civilian population comparisons. However, only one of the comparisons among the female groups was significant. The youngest group of Marine women was significantly more likely to smoke than the comparable age group of civilian women (35.4% vs. 28.6%).

These findings indicate that although the Military has made considerable progress in reducing smoking among its personnel since the DoD survey series began in 1980, U.S.-based military personnel overall and males in the Military are still significantly more

Table 6.6 Standardized Comparisons of Any Cigarette Smoking Among Military Personnel and Civilians, Past 30 Days, for Persons Aged 18-55

Sex/ Age Group	Comparison Population					
	Civilian	Total DoD	Army	Navy	Marine Corps	Air Force
Males	N=5,261	N=11,320	N=2,149	N=3,113	N=3,381	N=2,677
18-25	36.6 (1.7)	40.7 (1.1) ^a	42.7 (2.6) ^a	40.0 (1.4)	45.1 (1.7) ^a	34.1 (1.1)
26-55	28.4 (1.2)	29.1 (1.5)	30.4 (3.1)	35.1 (2.4) ^a	24.7 (1.2) ^a	22.1 (2.0) ^a
All ages	31.9 (1.0)	34.2 (1.1)	36.3 (2.4)	37.0 (1.8) ^a	37.3 (1.9) ^a	26.2 (1.7) ^a
Females	N=7,019	N=2,445	N=496	N=743	N=575	N=631
18-25	28.6 (1.2)	30.9 (1.5)	30.2 (3.4)	32.1 (2.3)	35.4 (2.8) ^a	29.7 (2.5)
26-55	24.5 (1.4)	25.4 (1.8)	28.1 (2.7)	28.1 (2.8)	21.9 (2.2)	21.3 (3.3)
All ages	26.5 (0.9)	28.0 (1.3)	29.1 (2.2)	30.0 (2.2)	30.1 (2.1)	25.1 (2.4)
Total	N=12,280	N=13,765	N=2,645	N=3,856	N=3,956	N=3,308
18-25	35.5 (1.5)	39.4 (0.9) ^a	41.0 (2.1) ^a	39.0 (1.5)	44.7 (1.7) ^a	33.2 (0.9)
26-55	27.9 (1.1)	28.7 (1.3)	30.1 (2.8)	34.5 (2.3) ^a	24.6 (1.1) ^a	22.0 (1.9) ^a
All ages	31.3 (0.9)	33.4 (1.0)	35.4 (2.2)	36.3 (1.8) ^a	37.0 (1.9) ^a	26.0 (1.6) ^a

Note: Table entries are percentages with standard errors in parentheses. Civilian data have been standardized to the military data by sex, age, education, race/ethnicity, and marital status. Data for the total DoD and the individual Services are U.S.-based population estimates (including personnel in Alaska and Hawaii). N's show the number of cases on which the weighted estimates are based. Significance tests were conducted between military and civilian populations only. Only those differences that were statistically significant are indicated.

^aSignificantly different from civilian estimate at the .05 significance level.

Civilian data source: National Household Survey on Drug Abuse, 1994.

Military data source: DoD Survey of Health Related Behaviors Among Military Personnel, 1995.

likely to smoke than are their civilian counterparts. Two encouraging findings from these comparisons are that (a) two of the prevalence rates of smoking among Air Force personnel were significantly lower than that of the civilian population, and (b) that most of the rates for females in the Military were comparable to those for females in the civilian population.

As was stated in Chapters 4 and 5, however, a new data collection instrument was developed for the NHSDA and fielded for the first time in the 1994 NHSDA. To identify potential effects of the change to the new instrument, a subsample of 1994 NHSDA respondents was administered the previous version of the instrument. Comparison of cigarette use estimates from the new instrument version with those from the prior version indicated that the new version of the NHSDA instrument produced somewhat higher estimates of the prevalence of cigarette use in the past 30 days, particularly among youth aged 12 to 17 and young adults aged 18 to 25 (SAMHSA, 1995b, 1995c). Thus, some of the military/civilian differences in Table 6.6 that were *not* statistically significant may reflect the increased measurement of cigarette use in the 1994 civilian population based on the new NHSDA instrument. Nevertheless, estimates of cigarette use in the Military among young military men were still significantly greater than civilian estimates despite standardization to take into account differences between the two populations and the somewhat higher estimates of cigarette use based on the new 1994 NHSDA instrument.

6.2 Smokeless Tobacco Use

The 1995 DoD survey confirmed that cigarette use was by far the most pervasive form of tobacco use in the Military, but that military personnel also used other forms of tobacco. Knowing the extent of tobacco use other than cigarette use is necessary to develop comprehensive policies and programs for prevention and cessation of tobacco use. In this section, we examine data related to smokeless tobacco use.

6.2.1 Prevalence of Use, by Service

Table 6.7 presents the prevalence of current smokeless tobacco use for the total DoD and for each of the Services. It should be noted that these prevalence estimates have not been adjusted for sociodemographic differences among Services. As shown, 13.2% of all military personnel used smokeless tobacco. Males of all ages (15.0%) were more likely than females in the Military (only 0.7%) to report smokeless tobacco use. Among males, prevalences of use decrease sharply as the age of personnel increases. Nearly 22% of males aged 18 to 24 reported smokeless tobacco use, but only 5.5% of those aged 35 and older reported such use.

Comparisons across the four Services show that personnel in the Marine Corps had the highest prevalence of use (24.0%) and those in the Air Force had the lowest (7.9%). The second highest prevalence was for Army personnel (15.3%), although this prevalence

Table 6.7 Prevalence of Smokeless Tobacco Use, Past 30 Days

Group	Service				Total DoD
	Army	Navy	Marine Corps	Air Force	
All Personnel	15.3 (1.1)	12.0 (1.7)	24.0 (1.4)	7.9 (1.0)	13.2 (0.7)
Females, All Ages	1.3 (0.5)	0.3 (0.3)	1.6 (0.8)	0.4 (0.2)	0.7 (0.2)
Males					
All ages	17.4 (1.1)	13.4 (1.7)	25.1 (1.3)	9.3 (1.1)	15.0 (0.7)
Ages 18-24	21.5 (1.4)	21.2 (2.7)	30.6 (1.0)	15.9 (1.6)	21.9 (1.0)
Ages 25-34	18.6 (1.5)	12.2 (1.5)	21.2 (2.2)	9.0 (1.1)	13.9 (0.7)
Ages 35+	7.3 (1.0)	4.6 (0.9)	11.6 (1.4)	3.3 (0.9)	5.5 (0.5)

Note: Entries are percentages of personnel who used smokeless tobacco at least 20 times in the lifetime and who used it in the past 30 days (with standard errors in parentheses). Estimates have not been adjusted for sociodemographic differences among Services.

Source: DoD Survey of Health Related Behaviors Among Military Personnel, 1995.

was not much different than that for Navy personnel (12.0%). This pattern across the four Services was also found within each age group of male personnel. It should be noted that 62% of all the personnel in the Marine Corps were aged 25 or younger in 1995, compared with 48% of Army personnel, 41% of Navy personnel, and 36% of Air Force personnel; moreover, the Marine Corps had a higher proportion of males than did the other Services (see Table 2.4). Therefore, differences in smokeless tobacco use between the Marine Corps and the other Services may in part reflect these differences in demographics.

The related *Healthy People 2000* objective is to reduce current smokeless tobacco use by males aged 24 or younger to a prevalence of no more than 4%, with "current" users being defined as persons who have used smokeless tobacco on 20 or more occasions in their lifetimes and who have used smokeless tobacco in the past month (PHS, 1991). As shown in Table 6.7, 21.9% of males aged 18 to 24 in the DoD used smokeless tobacco in the past month. This and the prevalence estimates for young men in all four Services were still well above the 4% prevalence objective. Although this *Healthy People 2000* objective for the general population includes males who are under age 18, these high rates of smokeless tobacco use among young males in the Military, and particularly in the Marine Corps, are clearly a cause for concern.

6.2.2 Adjustments for Sociodemographic Differences

As mentioned in the previous section, one possible explanation for the higher prevalences of smokeless tobacco use among Marines compared to personnel in the other three Services is that the Marine Corps' sociodemographic composition is different from that of the other Services. To examine the possibility that differences in rates of

smokeless tobacco use might have been due to sociodemographic differences across the Services, we present adjusted prevalence estimates in Table 6.8. These estimates were calculated by standardizing the sociodemographic compositions of the Services to the sex, age, education, race/ethnicity, and marital status distributions for the total DoD (see Appendix F).

Table 6.8 Smokeless Tobacco Use, Past 30 Days for All Personnel and for Males, Unadjusted and Adjusted for Sociodemographic Differences

Group/Estimate	Service			
	Army	Navy	Marine Corps	Air Force
All Personnel				
Unadjusted	15.3 (1.1) ^{a,b}	12.0 (1.7) ^{a,b}	24.0 (1.4) ^a	7.9 (1.0)
Adjusted ^c	15.6 (0.8) ^{a,b,d}	12.3 (1.1) ^{a,b}	19.7 (1.0) ^a	8.3 (0.8)
Males, All Ages				
Unadjusted	17.4 (1.1) ^{a,b}	13.4 (1.7) ^{a,b}	25.1 (1.3) ^a	9.3 (1.1)
Adjusted ^c	17.6 (0.9) ^{a,b,d}	14.0 (1.2) ^{a,b}	22.3 (1.2) ^a	9.5 (0.9)

Note: Entries are percentages of personnel who used smokeless tobacco at least 20 times in their lifetime and who used it in the past 30 days (with standard errors in parentheses).

^aEstimate is significantly different from the Air Force at the 95% confidence level.

^bEstimate is significantly different from the Marine Corps at the 95% confidence level.

^cAdjusted estimates have been standardized by sex, age, education, race/ethnicity, and marital status to the total DoD.

^dEstimate is significantly different from the Navy at the 95% confidence level.

Source: DoD Survey of Health Related Behaviors Among Military Personnel, 1995.

Significance tests of differences between the unadjusted estimates of smokeless tobacco use across the Services for all DoD personnel and for males of all ages indicate several significant differences between Services. Marines were significantly more likely to use smokeless tobacco than were personnel in all three of the other Services; conversely, Air Force personnel were significantly less likely to use smokeless tobacco than those in all of the other Services.

When estimates were adjusted for sociodemographic differences, these significant differences remained. In fact, Army personnel were significantly more likely than those in the Navy to use this type of tobacco. Sociodemographic differences across services, then, did not appear to explain the observed differences in rates of smokeless tobacco use. For whatever reasons, Marines were the most inclined to use this type of tobacco, and Air Force personnel were the least inclined toward this behavior.

6.3 Cigar and Pipe Use

Table 6.9 presents the unadjusted prevalence of cigar and pipe use for the total DoD, for males of all ages and of the three age groups, for females of all ages, and for each of the Services. As shown, 18.7% of all military personnel smoked cigars or pipes in the 12 months prior to the 1995 survey. This rate was up slightly, but not significantly, from the 17.1% rate reported in 1992 (Bray et al., 1992). Information from future surveys will help determine whether this slight upturn from 1992 to 1995 might be signaling the start of a trend toward increasing use of cigars or pipe tobacco.

Table 6.9 Prevalence of Cigar or Pipe Use, Past 12 Months, for All Personnel and for Males

Group	Service				Total DoD
	Army	Navy	Marine Corps	Air Force	
All Personnel	22.1 (1.5)	17.1 (1.5)	28.4 (1.3)	12.8 (0.7)	18.7 (0.7)
Females, All Ages	2.6 (0.7)	2.5 (0.6)	4.0 (0.7)	1.0 (0.4)	2.1 (0.3)
Males					
All Ages	25.0 (1.5)	18.9 (1.5)	29.6 (1.3)	15.1 (0.7)	21.1 (0.8)
Ages 18-24	31.1 (1.7)	23.6 (1.9)	33.4 (1.6)	20.2 (1.5)	27.3 (1.0)
Ages 25-34	24.8 (1.4)	18.3 (1.5)	25.8 (1.1)	15.5 (1.1)	20.0 (0.8)
Ages 35+	13.3 (1.3)	13.4 (1.8)	21.7 (1.9)	9.3 (1.1)	12.7 (0.8)

Note: Entries are percentages (with standard errors in parentheses). Estimates have not been adjusted for sociodemographic differences among Services.

Source: DoD Survey of Health Related Behaviors Among Military Personnel, 1995.

Table 6.9 also shows that males of all ages had higher prevalences of cigar and pipe use than did females (21.1% compared to only 2.1%) and that younger males had higher rates than did older males (27.3% for the youngest group compared to 12.7% for the oldest group). In addition, Marines (28.4%) were more likely to smoke cigars and pipes than were personnel in the other Services (12.8% to 22.1%). This difference across the four Services also held within each age group.

6.4 Summary

This chapter has described tobacco use among military personnel. It has focused primarily on the most prevalent form of tobacco use, cigarette smoking and its correlates.

6.4.1 Trends in Cigarette Use

Prior studies among civilians and military personnel show a decline in the prevalence of cigarette smoking. This trend is supported by findings of the 1995 DoD

survey, which show smoking levels at their lowest since the survey series began in 1980 (see Tables 6.1 and 6.2).

- The prevalence of any cigarette smoking for the total DoD declined from 51.0% in 1980 to 31.9% in 1995. For all four Services, the prevalence of any cigarette smoking in 1995 was also significantly lower relative to the start of the survey series in 1980.
- The prevalence of heavy cigarette smoking (one or more packs per day) for the total DoD also showed a significant decline from 34.2% in 1980 to 15.0% in 1995. We observed similar overall trends in the decline in heavy smoking relative to 1980 for all four of the Services.
- Despite the continued decline in smoking, the rates of any smoking in the total DoD and in all four Services were all still well above the 20% target set for military personnel by *Healthy People 2000*.
- Overall, the comparisons of unadjusted and adjusted rates for any smoking and heavy smoking suggest that variations in the sociodemographic composition of the Services play a small role in explaining Service differences in smoking.

6.4.2 Correlates of Smoking

Development of sound policies and programs regarding smoking requires knowledge of characteristics of tobacco users. We compared the prevalences of current smoking across various demographic groups and tested for the simultaneous effects of these demographic characteristics in a multivariate logistic regression model (see Table 6.3).

- In the Military, males were significantly more likely than females to be current smokers (32.7% vs. 26.3%).
- Whites (34.4%) were significantly more likely than personnel in all other racial/ethnic groups to smoke (blacks, 23.4%; Hispanics, 28.1%; others, 32.9%).
- Cigarette smoking was significantly and negatively related to education, with 41.0% of personnel with a high school education being smokers, compared to only 11.5% of personnel with a college degree or higher.
- Prevalence estimates suggested that age was negatively associated with smoking, but odds ratios in the logistic regression model showed that the relationship was significant but positive. Older military personnel were found to be more likely to smoke than younger personnel once factors related to age, such as education, family status, and pay grade, were simultaneously controlled.
- Unmarried personnel were significantly more likely than married personnel living with their spouses to be current smokers (35.7% vs. 29.0%).

- Pay grade was negatively and strongly related to current smoking. Personnel in pay grades E1 to E3 were almost six times more likely to smoke than those in pay grades O4 to O10 (40.8% vs. 7.1%).

6.4.3 Attempts to Stop Smoking

Information about attempts to quit smoking provides useful insights about needs for additional program emphasis and groups likely to be receptive to "quit smoking" messages.

- In the total DoD, 13.8% of all personnel successfully stopped smoking, with 3.2% having quit in the past year (Table 6.5). Overall, 18.6% of all military personnel were current or former smokers who had tried to quit in the past year; 15.4% made a serious, but unsuccessful, attempt to quit. Overall, nearly 55% of military personnel never smoked.
- During the past year among those who smoked, 53.6% made an attempt to quit smoking. However, only 9.3% of the personnel who were smokers in the past year successfully quit.

6.4.4 Military and Civilian Comparisons

Using the 1995 DoD survey data and 1994 NHSDA data, we compared rates of *current* smoking among the military and civilian populations after we adjusted the civilian data to reflect the demographic characteristics of the military population (see Table 6.6).

- Younger military personnel (ages 18 to 25) showed higher rates of current smoking (39.4%) compared to civilians in the same age group (35.5%). However, comparisons of rates for older age groups and for all ages of military and civilian personnel were not significantly different.
- Comparisons between the Army and civilian estimates showed the same pattern as that for the total DoD. Air Force personnel were significantly *less* likely than civilians to smoke, whereas personnel in the Navy and Marine Corps were significantly *more* likely than civilians to smoke.
- Only one comparison for females was significant--young women in the Marines were more likely than young civilian women to smoke (35.4% vs. 28.6%).

6.4.5 Other Tobacco Use

Planners and policymakers must be aware of the prevalences of other tobacco use (smokeless tobacco, cigars, and pipes) and cigarette use before they can develop comprehensive policies and programs for smoking prevention and cessation (see

Tables 6.7 through 6.9). Considerable effort is needed to achieve the *Healthy People 2000* objective of 4% current smokeless tobacco use among males aged 24 and younger.

- Overall, 13.2% of military personnel used smokeless tobacco in the past 30 days. Use was highest among men aged 18 to 24 (21.9%). Between 16% and 22% of young men in the Army, Navy, and Air Force used smokeless tobacco products in the past 30 days. Nearly 31% of the young men in the Marine Corps used smokeless tobacco in this time period.
- Marines (24.0%) were significantly *more* likely than personnel in the Army (15.3%), Navy (12.0%), and Air Force (7.9%) to use smokeless tobacco.
- An estimated 18.7% of military personnel smoked cigars or a pipe in 1995 (Table 6.9), a slight but nonsignificant increase from 17.1% in 1992.
- Males had higher rates of cigar and pipe use than did females in the Military (21.1% vs. 2.1%). Younger males had higher rates than did older males (27.3% for the youngest group vs. 12.7% for the oldest group). Rates of use were substantially higher among Marine Corps personnel (28.4%) than personnel in the other Services (12.8% to 22.1%).

Taken together, findings from the 1995 DoD survey indicate that the Military has made considerable progress since 1980 in reducing the prevalence of cigarette smoking among its personnel. Overall, military rates were not significantly different from civilian rates, although younger military personnel were more likely to smoke than were their civilian counterparts. Nonetheless, the rates of any cigarette smoking in the total DoD (32%) and in all four Services (25% to 35%) were all still well above the *Healthy People 2000* target of 20% for the Military.

Smokeless tobacco use in the Military, and particularly among young males, is also cause for concern. Nearly 22% of all military men ages 24 and younger used smokeless tobacco in the past 30 days, and nearly 31% of young men in the Marine Corps used smokeless tobacco in this time period. Given that one of the *Healthy People 2000* objectives is to reduce the current prevalence of smokeless tobacco use to no more than 4% of males ages 24 and younger, these findings indicate that DoD and the Services will have to engage in considerable effort to reduce smokeless tobacco use among young males if this objective is to be met within the Military.

Now we would like to ask some questions about cigarettes and other tobacco products.

41. How old were you when you first started smoking cigarettes fairly regularly?

- First, enter the age in the boxes. Use both boxes. Write ONE number in each box.

- Then, darken the matching circle below each box.

- ☐ I have never smoked at least one cigarette a day for a week or longer.

AGE

0	0
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9

42. For how many years altogether have you smoked daily? (Do not count any time when you quit smoking.)

- First, enter the number of years in the boxes. Use both boxes, ONE number to a box.

- If you have smoked regularly for less than 1 year, record "01."

- Then, darken the matching circle below each box.

- ☐ I have never smoked at least one cigarette a day for a week or longer.

YEARS

0	0
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9

44. Think about the past 30 days. How many cigarettes did you usually smoke on a typical day?

- ☐ About 3 or more packs a day (more than 55 cigarettes)
- ☐ About 2½ packs a day (46-55 cigarettes)
- ☐ About 2 packs a day (36-45 cigarettes)
- ☐ About 1½ packs a day (26-35 cigarettes)
- ☐ About 1 pack a day (16-25 cigarettes)
- ☐ About ½ pack a day (6-15 cigarettes)
- ☐ 1-5 cigarettes a day
- ☐ Less than 1 cigarette a day, on the average
- ☐ Did not smoke any cigarettes in the past 30 days

45. For about how many years have you smoked the number of cigarettes in question 44? (Do not count any time when you quit smoking.)

- First, enter the number of years in the boxes. Use both boxes, ONE number to a box.

- If you have smoked regularly for less than 1 year, record "01."

- Then, darken the matching circle below each box.

- ☐ I did not smoke in the past 30 days, or I have never smoked cigarettes.

YEARS

0	0
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9

46. Have you smoked at least 100 cigarettes in your entire life? (That would be 5 packs or more in your entire life.)

- ☐ Yes
- ☐ No

47. During the past 12 months, have you made a serious attempt to stop smoking cigarettes; that is, did you go for at least a week without smoking?

- ☐ Yes
- ☐ No
- ☐ Didn't smoke cigarettes in the past 12 months
- ☐ Never smoked cigarettes

43. When was the last time you smoked a cigarette?

- ☐ Today
- ☐ During the past 30 days
- ☐ 5-8 weeks ago
- ☐ 2-3 months ago
- ☐ 4-6 months ago
- ☐ 7-12 months ago
- ☐ 1-3 years ago
- ☐ More than 3 years ago
- ☐ Never smoked cigarettes

48. Are you seriously intending to quit smoking cigarettes in the next 6 months?

- ☐ Yes
☐ No
☐ Don't smoke cigarettes

49. Are you planning to quit smoking cigarettes in the next 30 days?

- ☐ Yes
☐ No
☐ Don't smoke cigarettes

50. When was the last time you used chewing tobacco or snuff or other smokeless tobacco?

- ☐ During the past 30 days
☐ More than 1 month ago but within the past 6 months
☐ More than 6 months ago but within the past year
☐ More than 1 year ago but within the past 2 years
☐ More than 2 years ago
☐ Never used smokeless tobacco

51. How old were you when you first used chewing tobacco or snuff or other smokeless tobacco?

- First, enter the age in the boxes. Use both boxes, ONE number to a box.

- Then, darken the matching circle below each box.

- ☐ I have never used smokeless tobacco.

AGE

0	0
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9

52. For how many years have you used chewing tobacco, snuff, or other smokeless tobacco?

- First, enter the number of years in the boxes. Use both boxes, ONE number to a box.

- If you have used smokeless tobacco for less than 1 year, record "01."

- Then, darken the matching circle below each box.

- ☐ I have never used smokeless tobacco.

YEARS

0	0
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9

53. During the past 12 months, how often on the average have you used chewing tobacco or snuff or other smokeless tobacco?

- ☐ About every day
☐ 5-6 days a week
☐ 3-4 days a week
☐ 1-2 days a week
☐ 2-3 days a month
☐ About once a month
☐ 7-11 days in the past 12 months
☐ 3-6 days in the past 12 months
☐ Once or twice in the past 12 months
☐ Never in the past 12 months
☐ Don't use smokeless tobacco

54. Have you used chewing tobacco or snuff or other smokeless tobacco at least 20 times in your entire life?

- ☐ Yes
☐ No

55. Have you started using chewing tobacco, snuff, or other smokeless tobacco because of military restrictions on where you can smoke cigarettes?

- ☐ Yes
☐ No
☐ Don't use smokeless tobacco

56. During the past 12 months, how often on the average have you smoked cigars or a pipe?

- ☐ About every day
☐ 5-6 days a week
☐ 3-4 days a week
☐ 1-2 days a week
☐ 2-3 days a month
☐ About once a month
☐ 7-11 days in the past 12 months
☐ 3-6 days in the past 12 months
☐ Once or twice in the past 12 months
☐ Never in the past 12 months
☐ Don't smoke cigars or pipe

57. Please indicate how much you agree or disagree with each of the following statements.

(Darken one circle on each line)

	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know/No Opinion
Smoking will harm my health or physical fitness	☐	☐	☐	☐	☐
The number of places to buy cigarettes at this installation makes it easy to smoke	☐	☐	☐	☐	☐
Disciplinary action will be taken against any person smoking indoors while at work	☐	☐	☐	☐	☐
Education about smoking at this installation helps keep people from starting to smoke	☐	☐	☐	☐	☐
The personnel at this installation sincerely try to help people quit smoking	☐	☐	☐	☐	☐
Use of tobacco is against my religious beliefs	☐	☐	☐	☐	☐
There are times at work when I could use a cigarette	☐	☐	☐	☐	☐
Most of my friends smoke	☐	☐	☐	☐	☐
Smoking is part of being in the military	☐	☐	☐	☐	☐
My spouse or the person I date disapproves of my smoking (or would disapprove if I did smoke)	☐	☐	☐	☐	☐
I don't like being around people when they're smoking	☐	☐	☐	☐	☐
Smoking is a good way to relieve tension	☐	☐	☐	☐	☐
Being around people who are smoking will harm my health	☐	☐	☐	☐	☐
So many things cause cancer that it really doesn't matter if you smoke	☐	☐	☐	☐	☐
Smokers should be allowed extra break time to get to a designated smoking area	☐	☐	☐	☐	☐

58. The following list includes some of the reasons people give for smoking cigarettes. Please tell us how important each reason is to you, for your smoking.

(Darken one circle on each line)

	Very Important	Fairly Important	Slightly Important	Not at All Important	Don't Smoke
To fit in with the group	☐	☐	☐	☐	☐
To help me relax	☐	☐	☐	☐	☐
To keep my weight down	☐	☐	☐	☐	☐
To show that I'm "cool"	☐	☐	☐	☐	☐
To show that I'm tough	☐	☐	☐	☐	☐
To look and feel like an adult	☐	☐	☐	☐	☐
To help me when I'm bored	☐	☐	☐	☐	☐
To help me concentrate	☐	☐	☐	☐	☐
To satisfy a craving	☐	☐	☐	☐	☐
To help me handle stress	☐	☐	☐	☐	☐
For the taste	☐	☐	☐	☐	☐
For the enjoyment of it	☐	☐	☐	☐	☐
To give me a break from work	☐	☐	☐	☐	☐



DEPARTMENT OF HEALTH & HUMAN SERVICES

Chief of Staff

Washington, D.C. 20201

F A C S I M I L E

DATE

7/21/97

TO

NAME AND ORGANIZATION

Elizabeth Dye

FROM:

MARY BETH DONAHUE
DEPUTY CHIEF OF STAFF
DHHS

Telephone: (202) 690-7431

FAX: (202) 401-5783

RECIPIENT'S FAX NUMBER ()

456-7431

NUMBER OF PAGES (INCLUDING COVER SHEET):

10

COMMENTS:

ATTACHMENT B

UNSOLICITED PROPOSAL

LIMITED USE OF DATA

If the offeror wishes to restrict disclosure of the data in an unsolicited proposal to evaluation, then the title page must be marked with the following legend:

"USE AND DISCLOSURE OF DATA

The data in this proposal shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed in whole or in part for any purpose other than to evaluate the proposal; provided, that if a contract is to be awarded to this offeror as a result of or in connection with the submission of these data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the contract. This restriction does not limit the Government right to use information contained in the data if it is obtainable from another source without restriction. The data subject to this restriction are contained in Sheets _____

The offeror also shall mark each restricted sheet with the following legend:

"Use of disclosure of proposal data is subject to the restriction on the title page of this Proposal."

Because data contained within the unsolicited proposal may have to be disclosed as a result of a request submitted pursuant to the Freedom of Information Act, the following notice is provided to prospective offerors of unsolicited proposals:

"The Government will attempt to comply with the "Use and Disclosure of Data" legend. However, the Government may not be able to withhold a record (data, document, etc.) nor deny access to a record requested by an individual (the public) when an obligation is imposed on the Government under the Freedom of Information Act, 5 U.S.C. 552, as amended. The Government's determination to withhold or disclose a record will be based upon the particular circumstances involving the record in question and whether the record may be exempted from disclosure under the Freedom of Information Act. Records which the offeror considers to be trade secrets and commercial or financial information and privileged or confidential must be identified by the offeror as indicated in the referenced legend."

ATTACHMENT A

UNSOLICITED PROPOSAL

CERTIFICATION BY OFFEROR

This is to certify, to the best of my knowledge and belief, that:

- a. This proposal has not been prepared under Government supervision.
- b. The method and approaches stated in the proposal were developed by this offeror.
- c. Any contact with employees of the Department of Health and Human Services has been within the limits of appropriate advance guidance set forth in FAR 15.504.
- d. No prior commitments were received from departmental employees regarding acceptance of this proposal.

Date

Organization

Name of Responsible Official

Title

Signature

(This certification shall be signed by a responsible official of the proposing organization or a person authorized to contractually obligate the organization.)

07/21/97 MON 17:43 FAX 202 4015783
07/17/97 14:28 301 402 0818

CHIEF OF STAFF
NHLBI/OD

007
008

DHVD/OD 301-480-1336 ID:4801336

JUL 17 '97 11:04 No.010 P.07

Evaluators rate the proposal as acceptable or unacceptable. If the proposal receives a favorable evaluation, then the contracting officer must obtain approval to proceed with negotiations for a sole source award, i.e. using other than the full and open competition otherwise required by law. If approval is given, then negotiations between the offeror and the Government may begin. These negotiations continue until agreement is reached on all terms and conditions, e.g., contract type, workscope, personnel, price, payment terms, deliverables, etc.

8. Instructions for identifying and marking proprietary information are provided in ATTACHMENT 8. These conform to FAR 15.509 and HHSAR 315.509.

the offeror will be informed that the proposal does not relate to the missions of NHLBI and that it will not be evaluated further. If NHLBI official(s) know of other agencies whose missions bear a reasonable relationship to the proposal's subject matter the agencies will be identified for the prospective offeror.

In addition to assessing whether the proposal is related to the NHLBI mission, the scientific program official(s) will assist the contracting officer in deciding whether an unsolicited proposal is valid. A valid unsolicited proposal must:

- a. be innovative and unique;
- b. be independently originated and developed by the offeror;
- c. be prepared without Government supervision;
- d. include sufficient detail to permit a determination that Government support can be worthwhile and the proposed work could benefit the agency's research and development or other mission responsibilities; and
- e. not be an advance proposal for a known agency requirement that can be acquired by competitive methods.

An unsolicited proposal shall not be refused consideration merely because it was initially submitted as a grant application. However, contracts shall not be awarded on the basis of unsolicited proposals which have been rejected for grant support on the ground that they lack scientific merit.

7. If the proposal relates to the NHLBI mission and is considered to be valid, then it is sent for a comprehensive technical evaluation. Normally at NIH this review is peer review, conducted by experts in the field(s) addressed by the proposal, at least 75% of whom are from outside of the Government. When performing a comprehensive evaluation of an unsolicited proposal, evaluators shall consider the following factors, in addition to any others appropriate for the particular proposal:
 - a. Unique and innovative methods, approaches, or concepts demonstrated by the proposal.
 - b. Overall scientific, technical, or socioeconomic merits of the proposal.
 - c. Potential contribution of the effort to the agency's specific mission.
 - d. The offeror's capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives.
 - e. The qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel who are critical in achieving the proposed objectives.

and regulations.

To assist the contracting officer in obtaining the information necessary to make a determination, the contracting officer may request Government auditors to do a preaward survey of the prospective contractor.

4. Technical correspondence means written requests for information regarding Government interest in research areas, submissions of research descriptions, preproposal explorations, and other written technical inquiries. Potential offerors are encouraged to make preliminary contacts with appropriate agency personnel before expending extensive effort on a detailed unsolicited proposal or submitting proprietary data to the Government. These preliminary contacts should include:
 - a. inquiries as to the need for the type of effort contemplated;
 - b. contacts with agency technical personnel for the limited purpose of obtaining an understanding of the agency mission and responsibilities relative to the type of effort contemplated.

To ensure against contacts between DHHS employees and prospective offerors which would exceed the above limits taken from FAR 15.604, the attached certification (Attachment A) is furnished. The executed certification is to be included as part of any unsolicited proposal. The purpose of these limits is to ensure that no unfair competitive advantage is conveyed to any offeror.

5. The initial contact point regarding unsolicited proposals and other information, e.g., solicitation mailing lists, for the National Heart, Lung, and Blood Institute is:

Mr. Robert R. Carlsen
Chief, Contracts Operations Branch
Division of Extramural Affairs
National Heart, Lung, and Blood Institute
Room 6100, Rockledge II (RKL2) Building
6701 Rockledge Drive MSC 7902
Bethesda, MD 20892-7902

Mr. Carlsen's telephone number is (301) 435-0330.

6. Unsolicited proposals should be submitted to the above address. Upon receipt the proposal will be checked to see if it: (a) contains sufficient technical and cost information; (b) has been approved by a responsible official or other representative authorized to contractually obligate the offeror; and (c) complies with the marking requirements of FAR 15.509 (see below). If the proposal does not meet these requirements, the offeror will be given an opportunity to submit the required data.

When the proposal meets the above requirements, it will be sent to the appropriate scientific program official(s) to determine whether the proposal is related to the missions of NHLBI. Agencies are not required to perform comprehensive evaluations of unsolicited proposals not related to their missions. If such proposals are received,

DHVD/OD 301-480-1336 ID:4801336

JUL 17 '97 11:03 No.010 P.04

suggested);

iii. type of contract preferred;

iv. proposed duration of effort;

v. brief description of the organization, previous experience in the field, and facilities to be used; and

vi. required statements, if applicable, about organizational conflicts of interest, security clearances, and environmental impacts. An organizational conflict of interest exists when the nature of the work to be performed under a proposed Government contract may, without some restriction on future activities, (a) result in an unfair competitive advantage to the contractor or (b) impair the contractor's objectivity in performing the contract work. If the contracting officer decides that a solicitation involves a significant potential organizational conflict of interest, then before awarding the contract the contracting officer and senior contracting officials work with the contractor to resolve the potential conflict. This may include drafting specific contractual language that restrains the contractor in a manner appropriate to upholding the principles of preventing the existence of conflicting roles that might bias a contractor's judgment and preventing unfair competitive advantage.

3. Contracts shall be awarded to responsible prospective contractors only. The contracting officer is charged with determining whether or not a prospective contractor is responsible. To be determined responsible, a prospective contractor must:

- a. have adequate financial resources to perform the contract, or the ability to obtain them;
- b. be able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments;
- c. have a satisfactory performance record;
- d. have a satisfactory record of integrity and business ethics;
- e. have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them (including, as appropriate, such elements as production control procedures, property control systems, and quality assurance measures applicable to materials to be produced or services to be performed by the prospective contractor and subcontractors);
- f. have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and
- g. be otherwise qualified and eligible to receive an award under the applicable laws

INFORMATION FOR POTENTIAL OFFERORS OF UNSOLICITED PROPOSALS

1. An unsolicited proposal means a written proposal that is submitted to an agency on the initiative of the submitter for the purpose of obtaining a contract with the Government and which is not in response to a formal request (other than an agency request constituting a publicized general statement of needs).
2. An unsolicited proposal acceptable for formal evaluation should contain:
 - a. Basic information including:
 - i. offeror's name and address and type of organization, e.g., profit, non-profit, educational, small business;
 - ii. names and telephone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes;
 - iii. identity of proprietary data to be used only for evaluation purposes;
 - iv. names of other Federal, State, local agencies, or parties receiving the proposal or funding the proposed effort;
 - v. date of submission; and
 - vi. signature of a person authorized to represent and contractually obligate the offeror.
 - b. Technical information including:
 - i. concise title and abstract (approximately 200 words) of the proposed effort;
 - ii. a reasonably complete discussion stating the objectives of the effort or activity, the method of approach and extent of effort to be employed, the nature and extent of the anticipated results, and the manner in which the work will help to support accomplishment of the agency's mission;
 - iii. names and biographical information on the offeror's key personnel who would be involved, including alternatives; and
 - iv. type of support needed from the agency; e.g., facilities, equipment, materials, or personnel resources.
 - c. Supporting information including:
 - i. proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation;
 - ii. period of time for which the proposal is valid (a six month minimum is

DHVD/OD 301-480-1336

ID:4801336

JUL 17 '97

11:02 No.010 P.02

May 29, 1997

Jeffery C. Lerner, Ph.D.
Vice President, Strategic Planning
Emergency Care Research Institute
5200 Butler Pike
Plymouth Meeting, PA 19462-1298

Re: Public Access Defibrillator Clinical Trial

Dear Dr. Lerner:

This letter concerns the potential submission of an unsolicited proposal by Emergency Care Research Institute (ECRI) for the purpose of performing as a Coordinating Center in a multi-site clinical trial investigating the efficacy and effectiveness of public access to automated external defibrillators.

The enclosed "Information for Potential Offerors of Unsolicited Proposals" combines the requirements of the Federal Acquisition Regulation (FAR) with our internal policies and procedures. We hope it will be of assistance to you in preparing your proposal.

Nearly all contracts awarded by the National Heart, Lung, and Blood Institute (NHLBI) are awarded for proposals submitted in response to competitive solicitations to fulfill specific requirements. These requirements are identified by the NHLBI scientific program staff, with assistance from advisory committees having a broad range of scientific expertise applicable to the NHLBI mission. Few contracts over the years have been awarded as a result of receiving unsolicited proposals; for this reason it is very important that the proposal be written in a format consistent with the enclosed guidance. Only proposals demonstrating the highest degree of scientific merit are considered for award.

Should you need clarification on any aspects of the unsolicited proposal process, you may discuss this with Mr. Robert R. Carlson, Chief, Contracts Operations Branch, at 301-435-0330.

This research topic is of high interest to the Institute and shows promise for public health benefit. We wish you luck as you embark upon the proposal preparation process.

Sincerely yours,

/s/
Lawrence Friedman, M.D.
Director
Division of Epidemiology and Clinical Applications

/s/
Michael J. Horan, M.D., Sc.M.
Director
Division of Heart and Vascular Diseases

Enclosure

cc: Robert R. Carlson
Myron L. Weisfeldt, M.D.

bcc: Dr. Friedman, Dr. Horan, Mr. Fryc, Mr. Taylor

July 17, 1997

NOTE TO MS. MARY BETH DONAHUE:

Ms. Donahue, I apologize for not having followed up sooner to our last phone conversation. It was not from neglect, but rather because there is not much that can be said. Let me explain.

After many back and forth discussions between the Institute and Dr. Weisfeldt (on behalf of the American Heart Association), and the organization that was slated to become the Coordinating Center of the study, it was agreed by all the parties that it would be easier if the proposed Coordinating Center submit an unsolicited proposal. To assist them in the process, we sent them information on what they should include in the proposal.

They are now working on it. It happens that last night, we called Dr. Weisfeldt to ask him the status of all this. He responded that it may take about three months before all the "pieces" fall into place. The complexity comes from the fact that the Institute will support only the Coordinating Center, while the rest of the money will come from the private sector.

For your information, I am attaching the letter that we sent to the proposed Coordinating Center. As I indicated, I will fax any other information we receive or prepare to you.



Claude Lenfant, M.D.

Attachment

ACTION MEMO APPROVED ON 2/18/93

COPIES TO:



United States Department of State

Washington, D.C. 20520

S
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ACTION MEMORANDUM

SSJ

9302697

93 FEB-12 2:34 PM
February 11, 1993

M/DGP
M/MED
R67/jwh

TO: M - Ambassador Holmes, Acting

THRU: M/DGP - Mr. Peter Burleigh, Acting

FROM: M/DGP/MED - LaRae W. Kemp, M.D.

SUBJECT: Review of the Department's Smoking Policy

ISSUE FOR DECISION

Whether the Department of State should establish a smoke free workplace as of July 1, 1993.

If the Department does set this course, a task force, chaired by the Medical Director and co-chaired by the Office of Safety, Health, Environment Management (OSHEM), should be convened to make appropriate implementing decisions and recommendations.

BACKGROUND

The Department's current partial ban on smoking, effective June 8, 1987, revised December 5, 1990, and negotiated with AFSA July 25, 1990, applies to all domestic space managed and/or occupied by Department of State personnel. The current Department smoking policy (Tab A - December 1990 Department-Notice) is based upon the negotiated agreement and GSA regulations (41 CFR 101-20.105-3), which were established after interagency review and are applicable government-wide. The June 16, 1987 ALDAC cable, State 184889 (Tab B) requires overseas posts to establish smoking policies based on the Department policy. The current regulations prohibit smoking in federal buildings, except in designated areas. The exception is intended to accommodate the needs of smokers without impacting on worker productivity and the health of non-smokers. The regulations, however, do not prohibit agencies from establishing more stringent guidelines.

The current policy was intended to ensure that non-smoking be the norm with limited accommodation made for smokers in designated areas of the cafeteria and private offices. Yet, employees are not satisfied with supervisory ability or willingness to enforce

FAX TRANSMITTAL COVER

United States Information Agency

Office of the Director

Suite 800

301 4th Street, S.W.

Washington, D.C. 20547

Telephone: (202) 619-~~4742~~ 6559 Fax: (202) 619-6705TO: Ann McGuireFROM: Pamela SklarDATE: 7/18Number of Pages: 2
(including fax transmittal cover)Message: USIA Smoking Policy410-965-
362-
29E

**United States
Information
Agency**

Washington, D.C. 20547

Office of the Director



July 18, 1997

MEMORANDUM FOR: Elizabeth Drye
Domestic Policy Council
The White House

FROM: Pamela Sklar *Pamela Sklar*
Office of the Director

SUBJECT: UNITED STATES INFORMATION AGENCY SMOKING POLICY

It is the policy of the United States Information Agency, as part of its responsibility to provide a safe and healthful workplace, that smoking in Agency occupied space is banned. This policy applies to all domestic locations managed, owned and/or occupied by USIA employees, contractors or visitors. Overseas posts/stations develop smoking policies which are based on the Agency's domestic policy, but which consider cultural norms of each post.

Employees should comply voluntarily and courteously with the requirements outlined in this policy. It is the obligation of all employees to be mindful and considerate of their co-workers. Employees who do not comply may be subject to disciplinary action.

If you have any questions, please contact me at (202) 619-6559.



**United States
Office of
Personnel
Management**

**FAX
TRANSMITTAL
SHEET**

**OFFICE OF THE DIRECTOR
1900 E STREET, NW., ROOM 5H09
WASHINGTON, DC 20415-0001**

Date:

7-29

Number of Pages

3

Please

Name: *Hima Vatti*

Deliver

Office: *DPC*

Room:

To:

Telephone:

From:

Name: *Mary Strand*Office: *Chief of Staff*Room: *5H09*Telephone: *(202) 606-1000*FAX Number: *(202) 606-2183*

Remarks

Employment #'s For the EOP + Treasury

** For Treasury, we've given you nationwide figures
+ the DC area.*

WARNING: Many Fax machines produce copies on thermal paper. The image produced is highly unstable and will deteriorate significantly in a few years. It should be copied on a plain paper copier prior to filing.

TOTAL FEDERAL CIVILIAN EMPLOYMENT (ALL AREAS)
(EXECUTIVE OFFICE OF THE PRESIDENT)

AGENCY	AS OF MAY 1997 *
TOTAL, EXECUTIVE OFFICE OF THE PRESIDENT	1,552 1/
WHITE HOUSE OFFICE	382
OFFICE OF VICE PRESIDENT	19
OFFICE OF MANAGEMENT AND BUDGET	501
OFFICE OF ADMINISTRATION	174
COUNCIL ECONOMIC ADVISERS	29
COUNCIL ON ENVIRONMENTAL QUALITY	18
OFFICE OF POLICY DEVELOPMENT	28
EXECUTIVE RESIDENCE AT WHITE HOUSE	85
NATIONAL SECURITY COUNCIL	40
OFFICE OF NATIONAL DRUG CONTROL	88
OFFICE OF SCIENCE AND TECHNOLOGY POLICY	33
OFFICE OF U.S. TRADE REPRESENTATIVE	155 2/

* Preliminary; subject to agency revisions.

1/ Total Federal Civilian employees for Washington D.C. Metropolitan Area is 1,545.

2/ Includes seven employees outside Washington D.C. Metropolitan Area.

SOURCE: U.S. Office of Personnel Management

Office of Workforce Information

Monthly Report of Federal Civilian Employment (SF 113-A).

07/29/97

TOTAL FEDERAL CIVILIAN EMPLOYMENT
(DEPARTMENT OF TREASURY)

AGENCY	AS OF MARCH 1997 *	
	ALL AREAS	D.C. METRO AREA
TOTAL, DEPARTMENT OF TREASURY	162,845	21,567
INTERNAL REVENUE SERVICE	119,426	8,973
U.S. CUSTOMS SERVICES	19,628	1,996
U.S. SECRET SERVICE	4,716	2,811
BUREAU OF ALCOHOL TOBACCO AND FIREARMS	3,954	1,025
OFFICE OF THE CONTROLLER OF THE CURRENCY	2,929	827
BUREAU OF ENGRAVING AND PRINTING	2,736	2,125
FINANCIAL MANAGEMENT SERVICE	2,164	1,479
U.S. MINT	2,118	331
BUREAU OF THE PUBLIC DEBT	1,698	139
DEPARTMENTAL OFFICES	1,363	1,323
OFFICE OF THRIFT SUPERVISION	1,352	352
FEDERAL LAW ENFORCEMENT TRAINING CENTER	481	4
OFFICE OF INSPECTOR GENERAL	280	182

* Preliminary; subject to agency revisions.

SOURCE: U.S. Office of Personnel Management
Office of Workforce Information
Central Personnel Data File (CPDF).
07/29/97

THE UNITED STATES TRADE REPRESENTATIVE
EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON, D.C. 20508



FROM: Jennifer Thompson

FAX NO. 202-395-4549

To: Kris Balderston
fax: 6-6704

PHONE NO. 202-395-6890

DATE: July 18, 1997

Total Pages:

Message:

In response to request that we share our "smoking policy", USTR follows the attached policy. Thanks.

THE WHITE HOUSE
WASHINGTON

April 2, 1993

MEMORANDUM FOR EXECUTIVE OFFICE OF THE PRESIDENT EMPLOYEES

FROM: DAVID WATKINS *D. Watkins*
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: Smoking Policy

The Environmental Protection Agency and the Surgeon General have concluded that passive smoking exposure is a major health hazard. Effective today, the following smoking policy will be implemented in the Executive Office of the President (EOP).

Smoking is prohibited in all buildings in the EOP complex. This includes the New and Old Executive Office Buildings, the Winder Building, and the Jackson Place Townhouses.

If you have any questions regarding this policy, please contact John Dawson, Acting Director, Facilities Management Division, Office of Administration, on 395-2335.

We appreciate your cooperation.



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

Facsimile Cover Sheet

To: HMA
Company: DPC
Phone: _____
Fax: 456-7028

From: Sandy for Harold Thacey
Company: _____
Phone: 273-4808
Fax: _____

Date: 7/24
Pages including this
cover page: 4

Comments:

Sorry for the confusion -
our people faxed it to Ann
McGuire in Cabinet Affairs.



VA CENTRAL OFFICE POLICY

October 1, 1990

**OI-1, Part III
Chapter 3****CHAPTER 3. SMOKE-FREE WORKPLACE POLICY FOR CENTRAL OFFICE****1. PURPOSE**

The purpose of this chapter is to establish policies and responsibilities concerning the establishment of a smoke-free workplace in VA Central Office facilities, to include VA-maintained and GSA-owned buildings as well as those privately owned buildings in which the VA Central Office has occupied leased space.

2. BACKGROUND

The health risks of smoking and exposure to smoke are clearly documented by reports of the U.S. Surgeon General. VA accepts the evidence that: passive smoke is a cause of disease, including lung cancer, in healthy nonsmokers; and, the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate the exposure of nonsmokers to environmental tobacco smoke.

3. POLICY

a. The policy of the Department of Veterans Affairs is to maintain a quality environment for employees and beneficiaries within VA facilities. In support of this policy, all VA elements occupying VA Central Office-maintained and GSA-owned buildings as well as privately owned buildings will establish a smoke-free environment. This means that smoking is completely prohibited anywhere in VA Central Office facilities to include VA-maintained and GSA-owned buildings as well as those privately owned buildings in which the VA Central Office has occupied leased space. In addition to work areas, this includes all common areas such as auditoriums, classrooms, conference rooms, and rooms in which meetings are conducted; elevators, corridors, lobbies, restrooms, and stairways; health units and fitness centers; libraries; hazardous areas which involve flammable liquids, gases, or vapors or in other locations where there is readily ignitable or combustible material; cafeterias and snack bars.

b. Implementation of this policy will be achieved through the cooperation, understanding, and support of both the operating management of this Department and the Department's employees and employee representatives.

4. AUTHORITY

The authority to implement this policy is provided in General Services Administration regulations for controlling smoking in GSA-controlled buildings and facilities as prescribed in 41 CFR Part 101-20. 109-10.

5. COVERAGE

This policy applies to all VA employees *and* all other persons visiting or working in VA Central Office facilities.

6. RESPONSIBILITIES

a. Administration Heads, Assistant Secretaries, and other key officials are responsible and accountable for implementing the provisions of this Operating Instruction. Officials responsible for implementing the requirements of this policy shall inform employees under their jurisdiction in writing of its provisions.

b. In multiple occupancy buildings, the senior VA official will negotiate with the senior officials of other occupant Government agencies to insure that, as a minimum, the GSA smoking policy is enforced in non-VA occupied space in the building. Additionally, the senior VA official is encouraged to seek adoption of the VA policy by all occupants in a multiple occupancy building.

c. The Deputy Assistant Secretary for Administration shall place suitable signs on or near entrance doors. While the accepted international symbol for no smoking may be used as appropriate, it should not be necessary to display a sign in every room of each building.

VHA POLICY

Department of Veterans Affairs
Veterans Health Administration
Washington, DC 20420

VHA DIRECTIVE 10-95-003

January 13, 1995

SMOKING POLICIES FOR PATIENTS IN VA HEALTH CARE FACILITIES

1. **PURPOSE:** The purpose of this Veterans Health Administration (VHA) Directive is to replace VHA Directive 10-93-078 and to provide smoking policies for patients in Department of Veterans Affairs (VA) health care facilities.

2. **POLICY:** The goal of the Smoke-Free Program remains to eventually eliminate smoking in VA facilities. As a result of Public Law 102-585, section 526, "Use of Tobacco Products in Department Facilities," it is VA policy that each VA health facility establish and maintain a smoking area in a detached building that is accessible, heated and air conditioned.

3. **ACTION**

a. VA medical facility Directors may allow smoking on the grounds to the extent that it does not interfere with safety and public access. Entrances, particularly main entrances, to a health care building are not "grounds" for smoking. The detached building or open areas on the grounds are to be used for smoking.

b. VA health facilities that have formally recognized long-term care and/or mental health programs may also establish and maintain an indoor smoking area where only these patients may smoke. The area must have a separate ventilation system that prevents smoke from entering other areas of the facility.

c. Enforcement is an integral component of the program. Essential steps are as follows:

(1) The first step toward enforcement is to communicate the smoke-free policy to patients, visitors, volunteers and employees both verbally and in writing.

(2) All employees are asked to assist in enforcing the policy, the same as many other policies are enforced throughout a VA health care facility.

(3) Friendly reminders to individuals not adhering to the policy are recommended. If verbal communication is ineffective, a written violation (VA Form 6160 Courtesy Violation Notice) is to be used.

d. Signs should be posted at the entrances to VA health facilities indicating the facility is Smoke-Free and that smoking is allowed only in the designated Smoking Area. (A map showing the location of the detached building smoking area is highly recommended)

e. Acute care, ambulatory care, outpatients, and domiciliary patients are to use the detached building smoking area

f. Readjustment Counseling Service Vet Centers are smoke-free facilities. However, because of the potential for additional emotional and/or physiological stress among clients, consideration will be given to frequent breaks during counseling sessions to permit clients to leave the building to smoke. Participation in smoking cessation programs will be encouraged

THIS VHA DIRECTIVE EXPIRES JANUARY 13, 1998

VHA DIRECTIVE 10-95-003
January 13, 1995

g. An aggressive educational effort stressing the benefits of quitting tobacco use with a strong emphasis on smoking cessation is to continue. Directors are encouraged to conduct their own smoking cessation programs. However, if local programs such as those sponsored by the American Cancer Society, American Heart Association, American Lung Association, etc. are available in the community, it would be appropriate to share smoking cessation activities with these programs in order to conserve resources.

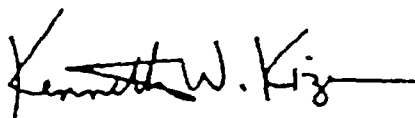
h. Nicotine replacement therapy should be used only in conjunction with a behaviorally based cessation program and then only with patients that have seriously expressed a commitment to quit smoking.

i. The active involvement of the smoke-free coordinator at each health facility is essential to the success of the VA smoke-free program.

4. REFERENCES: Public Law 102-585, Section 526. The 1995 JCAHO standard management of the environment of care, E.C.5.

5. FOLLOW-UP RESPONSIBILITY: Office of Public Health and Environmental Hazards (103D) is responsible for this Directive.

6. RESCISSIONS: This VHA directive will expire on January 13, 1998.



Kenneth W. Kizer, M.D., M.P.H.
Under Secretary for Health

DISTRIBUTION: CO: E-mailed 1/20/95
FLD: RD, MA, DO, OC, OCRO and 200 - FAX 1/20/95
EX: Boxes 104, 88, 63, 60, 54, 52, 47 and 44 - FAX 1/20/95

FAX**Date** 07/22/97**Number of pages including cover sheet** 2**TO:** *Hina Vatti**Phone*
*Fax Phone***FROM:** *Eric M. Dodds*
GSA*Phone* (202) 501-0945
Fax Phone (202) 208-5430**CC:****REMARKS:** ☐ *Urgent* ☐ *For your review* ☐ *Reply ASAP* ☐ *Please Comment*

Hina,

Please call me or Stanley Langfeld if you have any questions. Stanley is at 501-1737.

Eric

Author: Stanley Langfeld at GSA-MP — 501-1737
Date: 7/22/97 12:56 PM
Priority: Normal
TO: Eric Dodds at GSA-A
CC: JohnD Thomas
Subject: Fwd:FPMR Part 101-20 - Management of Buildings and Grounds
Eric:

We are providing you with the following information per our conversation on Monday evening, July 21, 1997.

Please let me know if you have any questions.

Thanks, Stan Langfeld.

Forward Header

Subject: FPMR Part 101-20 - Management of Buildings and Grounds
Author: JohnD Thomas
Date: 7/22/97 10:55 AM

The following listing contains examples of agencies with buildings/facilities not under the control of GSA. Buildings/facilities not under the control of GSA are not subject to the regulations in FPMR Part 101-20.

However, there may be instances where the following agencies may also occupy space in GSA-controlled buildings/facilities and, therefore, be subject to the regulations in FPMR Part 101-20.

Federal National Mortgage Association
Federal Reserve System
National Aeronautics and Space Administration (outside Washington Metropolitan Area)
Nuclear Regulatory Commission (non-office space)
United States Postal Service
Securities and Exchange Commission
Comptroller of the Currency
Smithsonian Institution
Tennessee Valley Authority
DOD-controlled military bases
Department of Housing and Urban Development (HUD) housing units
National Park Service controlled properties
Bureau of Indian Affairs controlled properties
Department of Justice prisons
Department of State controlled property outside United States
Department of Veterans Affairs hospitals
Commodity Futures Trading Commission
Federal Deposit Insurance Corporation (FDIC)
Federal Emergency Management Agency (FEMA) special purpose space
United States Information Agency controlled property outside United States
United States Enrichment Corporation



DEPARTMENT OF DEFENSE
LEGISLATIVE REFERENCE SERVICE

DATE/TIME:

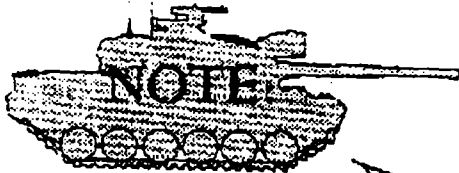
TO:

MAC REED OMB GC

FROM:

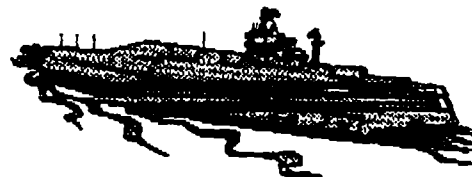
Sam Brick DOD

Pages to follow: 1



ON SMOKING EO
REQUEST EXCEPTION AS
FOLLOWS.

fx



THE PENTAGON, ROOM 3D282
WASHINGTON, D.C. 20301-1600
TELEPHONE: (703) 697-1305
FAX: (703) 614-8391
E-MAIL: DODLRS@OSDGC.OSD.MIL

Workplace Smoking Executive Order

Recommend including an exception as follows:

"The Secretary of Defense may establish exceptions to allow smoking in the bar areas of military clubs".

Reasons for the exception are as follows:

Many club patrons will not use the on-base clubs if they are not able to smoke in the bar areas. They will instead go to civilian bars off-base. The result will be less control over the service members drinking since they are off the base. The volume of drinking, and potentially disruptive behavior can be better monitored and controlled on the military base. In addition, if the service members begin to drive in larger numbers to civilian clubs to drink alcoholic beverages, we can expect the result will be increased drunk driving incidents and accidents.

Patrons of military clubs expect to be able to smoke in the bar areas of their clubs just like their civilian counterparts. Undue restriction of this privilege will have a negative impact on the morale of service members who smoke. They will see that they cannot smoke while in their club on-base as they would be able to in the civilian community representing a significant departure from the prevailing customs of contemporary society.



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600



July 22, 1997

MEMORANDUM FOR MAC REED, OFFICE OF GENERAL COUNSEL, OFFICE OF
MANAGEMENT AND BUDGET

FROM: SAM BRICK, LEGISLATIVE REFERENCE SERVICE,
DEPARTMENT OF DEFENSE

SUBJECT: Proposed Smoking Executive Order

The Department of Defense has further examined the proposed order and withdraws its comment of last Friday evening, 18 July. Instead, in conjunction with discussions with you on this issue, we suggest a broad authority to the head of each Federal agency to authorize exceptions that may be necessary to support their mission. The exception should provide the Secretary of Defense authority to except circumstances unique to military life such as smoking in a bar area of a military club, in a designated section of a naval ship at sea, or bowling alleys. Specifically, the following language is offered in lieu of that in paragraph (f) of the proposed order:

"(f) The head of any agency may establish exceptions as are necessary and appropriate for the accomplishment of the agency's mission."



Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. fax	To Mac Reed (1 page)	07/22/1997	P3/b(3)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Elizabeth Drye
OA/Box Number: 13021

FOLDER TITLE:

Agency Smoking Policies - Before EO [1]

2014-0046-S

rc1419

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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003: letter	To: Mac Reed [CIA Act] [partial] (1 page)	07/22/1997	P3/b(3)
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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Elizabeth Drye
OA/Box Number: 13021

FOLDER TITLE:

Agency Smoking Policies - Before EO [1]

2014-0046-S

rc1419

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Office of General Counsel

July 22, 1997

Mr. Mac Reed, Esquire
Assistant General Counsel
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Reed:

As we discussed yesterday morning, the Central Intelligence Agency concurs with the proposed Executive Order on Smoking in the Federal Workplace as currently drafted.

We also would support your suggested change to section 2(b) of the proposed Order, replacing the 50 foot standard with one that permitted agencies to establish reasonable boundaries for nonsmoking areas. In addition, we suggest deleting the prohibition on the delegation of authority to make exceptions to the Order set forth at section 2(f). In our view, these types of decisions could be made by appropriate high level officials within federal agencies without requiring the personal attention of agency heads.

Thank you for including us in the review of this proposed Order and please contact me at (b)(3) if I may be of any further assistance to you in this matter.

Sincerely,

(b)(3)

[003]



United States
Office of
Personnel
Management

FAX
TRANSMITTAL
SHEET

OFFICE OF THE DIRECTOR

Number of Pages

73

Please
Deliver
To:

Name:	ELIZABETH DRYE	456-5581
Office:	DPC	Room:
Telephone:		

From:

Name:	LEIGH SHEIN	
Office:	Deputy Chief of Staff and Director of Interagency Affairs	Room: 5315
Telephone:	202-606-1000	FAX Number: 202-606-2183

Remarks



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

OFFICE OF THE DIRECTOR

July 22, 1997

MEMORANDUM FOR ELIZABETH DRYE
ASSOCIATE DIRECTOR
DOMESTIC POLICY COUNCIL

FROM: 
JANICE R. LACHANCE
CHIEF OF STAFF

SUBJECT: Proposed Executive Order on Smoking

To follow-up on yesterday's briefing with the federal labor unions, here is language responding to the three issues raised:

1. The following language requires that provisions of existing collective bargaining agreements remain in effect for the remainder of their terms. It serves the same purpose, in a more explicit fashion, as the language we sent previously, and could be added to Section 5 of the draft.

Provisions of collective bargaining agreements inconsistent with this Executive Order remain in effect for the term of the agreement by operation of 5 U.S.C. §7116(a)(7).

2. The following language provides that agency head discretion concerning implementation of the Executive Order should be exercised in accordance with collective bargaining obligations, and could be added to Section 4 of the draft.

In implementing this Executive Order, agency officials should consult with their labor relations officials to determine to what extent, if any, there is a duty to give notice and, upon request, bargain concerning the impact and implementation of this order. Agency heads shall exercise discretion consistent with their bargaining obligations.

3. The following language encourages agency heads to establish smoking cessation programs.

Memorandum for Elizabeth Drye
July 22, 1997
Page 2

programs designed to help employees stop smoking. Programs designed to help employees stop smoking are in the best health interests of those Federal employees who smoke and those who do not smoke. These programs may also contribute to improved organizational performance and productivity. However, before authorizing payment for a smoking cessation program, agencies are encouraged to carefully review the nature of the program and the credentials of the organization offering it.

From our perspective, although yesterday's briefing covered the issues in the proposed Executive Order of most interest to the unions informing them more specifically about the exceptions would increase their comfort. If you approve, we would be happy to do so, without discussing the draft or any specific language. If more information would be helpful, please feel free to call Michael Cushing at (202) 606-2714.



**United States
Office of
Personnel
Management**

**FAX
TRANSMITTAL
SHEET**

OFFICE OF THE DIRECTOR

Number of Pages

7

**Please
Deliver
To:**

Name:	ELIZABETH DRYE	456-5581
Office:	DPC	Room:
Telephone:		

From:

Name:	LEIGH SHEIN	
Office:	Deputy Chief of Staff and Director of Interagency Affairs	Room: 5315
Telephone:	202-606-1000	FAX Number: 202-606-2183

Remarks



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, DC 20415-0001

OFFICE OF THE DIRECTOR

JUL 18 1997

MEMORANDUM FOR ELIZABETH DRYE
ASSOCIATE DIRECTOR
DOMESTIC POLICY COUNCIL

FROM:


JANICE R. LACHANCE
CHIEF OF STAFF

SUBJECT: Comments on Proposed Executive Order

We have reviewed the proposed Executive order entitled "Smoking in the Federal Workplace" and offer the following comments.

1. In our opinion, Executive orders are really Presidential regulations and should be used to provide specific direction pursuant to a specific law or to extend requirements beyond the Federal establishment. There is no need for the President to use this form to direct his subordinate officials. Therefore, a Presidential Memorandum to heads of departments and agencies seems to be sufficient and more appropriate.
2. To clarify possible ambiguity about the relationship between this proposed Executive order and the existing Federal Service Labor-Management Relations Statute, we recommend deleting the reference to the statute in Section 5 and adding the following language:

"Provisions of existing collective bargaining agreements shall be honored."
3. We also recommend the standard provision creating no enforceable rights be added (e.g., see E.O. 12871).
4. As you are aware, smoking policy is now a subject for collective bargaining and the effect of an Executive order banning smoking is to make this issue non-negotiable for future contracts (although it would not change smoking policies during the life of current contracts). As a general matter, the public employee unions have taken the position that smoking policy is one of the workplace issues that should be collectively bargained.

We have contacted all major Federal employee unions regarding this proposed Executive order and, given their reaction, feel that a briefing at the White House might be useful to bring them into the process. We would be glad to arrange this event.

5. Comptroller General decisions have authorized the use of appropriated funds to pay the costs incurred by employees participating in agency-authorized smoking cessation programs. We suggest mentioning this in the Executive order. Suggested language:

"Heads of agencies are reminded that agencies may establish programs designed to help employees stop smoking. However, before authorizing payment for a smoking cessation program, agencies are encouraged to carefully review the nature of the program and the credentials of the organization offering it."

6. Several reviewers expressed confusion over the definition of "courtyard," Section 2, (b). Does it pertain to enclosed courtyards only? We suggest incorporating clarifying language.

If you need any additional information, please contact Leigh Shein, Deputy Chief of Staff, at (202) 606-1000.

cc:

Ann McGuire

Special Assistant to the President
for Cabinet Affairs

U.S. DEPARTMENT OF LABOR
Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210

FACSIMILE TRANSMISSION

DATE: 7/18/97

TO: Hima Vatti

FAX: 202-456-7028

NUMBER OF PAGES, INCLUDING COVER SHEET:

FROM: Tom Gnlassi

TELEPHONE NUMBER: (202) 219-6091

FAX NUMBER: (202) 219-6064

SPECIAL INSTRUCTIONS: Review of Executive Order on
Smoking in Federal Workplace.

07/18/97 FRI 13:40 FAX 202 219 6091
U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210

Reply to the Attention of:



MEMORANDUM FOR:

HIMA VATTI

FROM:

Greg Watchman
GREG WATCHMAN
ACTING ASSISTANT SECRETARY

SUBJECT:

REVIEW OF THE E.O. ON SMOKING IN THE
FEDERAL WORKPLACE

Greg Watchman
We have reviewed the proposed executive order to prohibit smoking in federal executive branch facilities. OSHA has no comments to offer regarding the proposed language of the executive order. We must point out that the enforcement of the Executive Order in federal workplaces would require OSHA resources. Should you have any questions, please call Tom Galassi at 202-219-6091.
Greg Watchman

GSA Office of Real Property

F A X C O V E R S H E E T

DATE: July 21, 1997 TIME: 10:18 AM
TO: Mac Reed PHONE:
OMB FAX: (202) 395-7294
FROM: John D. Thomas PHONE: (202) 501-0365
GSA FAX: (202) 219-0104
RE: GSA Comments on Proposed Executive Order on Smoking in the Federal
Workplace

Number of pages including cover sheet: 7



U.S. GENERAL SERVICES ADMINISTRATION
Office of Governmentwide Policy

JUL 18 1997

MEMORANDUM FOR MAC REED

ASSISTANT GENERAL COUNSEL
OFFICE OF MANAGEMENT AND BUDGET

ELIZABETH DRYE
ASSOCIATE DIRECTOR
DOMESTIC POLICY COUNCIL
THE WHITE HOUSE

EMILY SHEKETOFF
DEPUTY ASSISTANT SECRETARY
OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION
DEPARTMENT OF LABOR

FROM:

G. MARTIN WAGNER *G. Martin Wagner*
ASSOCIATE ADMINISTRATOR
OFFICE OF GOVERNMENTWIDE POLICY
GENERAL SERVICES ADMINISTRATION

SUBJECT:

General Services Administration (GSA) Comments on Proposed
Executive Order on Smoking in the Federal Workplace

We have reviewed the proposed Executive Order on Smoking in the Federal Workplace and offer the following comments:

- Section 2(a), line 4, replace the word "Employers," with the words "Agency officials."
- Section 2(b) should be revised in its entirety to read: "The order does not extend to outdoor areas under Executive Branch control except areas near the entrance of federal buildings, near air intake ducts or within courtyards."
- Section 2(d) should be revised in its entirety to read: "The order does not extend to those portions of federally-owned buildings leased, rented, or otherwise provided to nonfederal entities." We believe that Section 2(d) should be revised as shown to clarify that this order does not apply to nonfederal entities such as restaurants, which may occupy portions of federally-owned buildings.

- Section 3, line 4, insert the word "includes" between the words "and" and "any."
- Section 4, line 7, insert the word "labor" between the words "employee" and "representatives."

In addition, in response to Ms. Drye's request, we have attached a copy of the GSA Smoking Policy which pertains to all GSA controlled space occupied by our customer agencies and is enunciated in FPMR § 101-20.105-3; and GSA Order, ADM 5800.1A, dated July 8, 1993, entitled "Smoking in GSA-Occupied Space and Government-Owned or -Leased Vehicles Assigned to GSA," which pertains to space occupied by GSA. Also, we have determined that the proposed Executive Order would apply to 100 percent of the Federal agencies and workforce housed in GSA controlled space.

Finally, we believe that issuance of the proposed Executive Order by the President is timely, and would send a strong signal to employees of the Federal Government and members of the public visiting or using Federal facilities that they will be protected from exposure to environmental tobacco smoke.

If you have any questions regarding any issues discussed in this memorandum, please call Mr. Stanley C. Langfeld, Director, Real Property Policy Division, at (202) 501-1737.

Thank you for giving GSA the opportunity to comment on the proposed Executive Order on Smoking in the Federal Workplace.

Attachments

JUL 21 1997 09:11AM P.171
OFFICE OF THE GENERAL COUNSEL/LEGISLATION
U.S. DEPARTMENT OF TRANSPORTATION
400 Seventh Street, S.W.
C-40, Room 10100
Washington, DC 20590
Telephone: 202-366-4687
Telefax: 202-366-7153

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

TO: MAC REED

FROM: Mary Crouter
202-366-9300

395-7294

Pages (including this page): 1

Date/Time: 7/21/97

Date Comment/Response (If Any) is Due:

REMARKS: Draft EO on Smoking in the Federal
Workplace -

DOT concurs, but suggests the EO should
require GSA to make appropriate changes
to the Federal Property Management Regulations
that deal with smoking (41 CFR §101-20.105.3).



Debra J. Bond

07/18/97 03:45:39 PM

Record Type: Record

To: McGavock D. Reed/OMB/EOP, Elizabeth Drye/OPD/EOP
cc: John F. Morrall III/OMB/EOP, Lori Schack/OMB/EOP, Wendy A. Taylor/OMB/EOP, Daniel J. Chenok/OMB/EOP
Subject: Comments on the EO regarding smoking in the Federal workplace

We have the following comments/concerns.

Memorandum for the President (from HHS)

1. Page 1, second paragraph, third sentence: We suggest inserting the following "ETS, in all environments, is responsible for approximately 3,000 lung cancer deaths each year in nonsmoking adults."

- This change is requested because it is our understanding that the 3,000 deaths includes deaths attributable to both home as well as workplace exposure. We should be specific that it is not just workplaces.

2. Page 1, third paragraph, second sentence: We suggest deleting "most recently" given that DOL issued their proposed rule on indoor air quality in 1994.

E.O. on Smoking in the Federal Workplace

1. Page 1, first paragraph, seventh sentence: Please provide the name of and information about the study that produced the 56,000 per year estimate for deaths among nonsmokers. This estimate is much higher than what we have seen in the past. We believe that it overestimates the number of deaths that can currently be attributed to ETS and is thus an unsubstantiated number. It implies that ETS is 1/8 as lethal as actually smoking. We suggest deleting this number and inserting a number that is more commonly accepted.

2. Page 1, Section 2.a.: INFORMATIONAL Comment: This exception has the potential of having a substantial cost on the Federal government. OSHA estimated (in their 94 NPRM) that the cost of retrofitting a 150 square foot room was \$4,000 (10 persons) and a 1000 square foot room was \$25,000 (30-65 persons) per room.

3. Page 1, Section 2.b.: Please provide evidence supporting the 50 feet standard. How will this be enforced? Also, what evidence is there to support a ban in courtyards? Will there be shelters provided on rainy days 50 feet from the buildings? Our concern is that if the standard is too strict, it will not be enforced and may back fire. If it is too difficult to go outside and smoke, smokers may decide to smoke inside the building (especially on bad weather days).



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

Division of Legislative Counsel
(Telephone # - 401-8313)

Telefax Transmittal Sheet
(Telefax # - 401-5391)

TO: Mac Reed
FROM: Jack Kristy
DATE/TIME: 7/18
PAGES SENT (including transmittal) 1
COMMENTS:

Re: "Smoking in the Federal Workplace"

Well, it looks okay to me, but no one else in ED, including the people who manage the buildings, will be able to see it in the time you've permitted us, i.e. 3 hours. You ought to be ashamed.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. fax	To: Mac Reed (1 page)	07/22/1997	P3/b(3)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Elizabeth Drye
OA/Box Number: 13021

FOLDER TITLE:

Agency Smoking Policies - Before EO [1]

2014-0046-S

rc1419

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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005. letter	To: Mac Reed [CIA Act] [partial] (1 page)	07/22/1997	P3/b(3)
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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Elizabeth Drye
OA/Box Number: 13021

FOLDER TITLE:

Agency Smoking Policies - Before EO [1]

2014-0046-S

rc1419

RESTRICTION CODES

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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Office of General Counsel

July 22, 1997

Mr. Mac Reed, Esquire
Assistant General Counsel
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Reed:

As we discussed yesterday morning, the Central Intelligence Agency concurs with the proposed Executive Order on Smoking in the Federal Workplace as currently drafted.

We also would support your suggested change to section 2(b) of the proposed Order, replacing the 50 foot standard with one that permitted agencies to establish reasonable boundaries for nonsmoking areas. In addition, we suggest deleting the prohibition on the delegation of authority to make exceptions to the Order set forth at section 2(f). In our view, these types of decisions could be made by appropriate high level officials within federal agencies without requiring the personal attention of agency heads.

Thank you for including us in the review of this proposed Order and please contact me at (b)(3) if I may be of any further assistance to you in this matter.

Sincerely,

(b)(3)

[008]



United States
Office of
Personnel
Management

FAX
TRANSMITTAL
SHEET

OFFICE OF THE DIRECTOR

Number of Pages

73

Please
Deliver
To:

Name:	ELIZABETH DRYE	456-5581
Office:	DPC	Room:
Telephone:		

From:

Name:	LEIGH SHEIN	
Office:	Deputy Chief of Staff and Director of Interagency Affairs	Room: 5315
Telephone:	202-606-1000	FAX Number: 202-606-21 3

Remarks



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

OFFICE OF THE DIRECTOR

July 22, 1997

MEMORANDUM FOR ELIZABETH DRYE
ASSOCIATE DIRECTOR
DOMESTIC POLICY COUNCIL

FROM: *JA. [Signature] for*
JANICE R. LACHANCE
CHIEF OF STAFF

SUBJECT: Proposed Executive Order on Smoking

To follow-up on yesterday's briefing with the federal labor unions, here is language responding to the three issues raised:

1. The following language requires that provisions of existing collective bargaining agreements remain in effect for the remainder of their terms. It serves the same purpose, in a more explicit fashion, as the language we sent previously, and could be added to Section 5 of the draft.

Provisions of collective bargaining agreements inconsistent with this Executive Order remain in effect for the term of the agreement by operation of 5 U.S.C. §7116(a)(7).

2. The following language provides that agency head discretion concerning implementation of the Executive Order should be exercised in accordance with collective bargaining obligations, and could be added to Section 4 of the draft.

In implementing this Executive Order, agency officials should consult with their labor relations officials to determine to what extent, if any, there is a duty to give notice and, upon request, bargain concerning the impact and implementation of this order. Agency heads shall exercise discretion consistent with their bargaining obligations.

3. The following language encourages agency heads to establish smoking cessation programs.

Memorandum for Elizabeth Drye
July 22, 1997
Page 2

programs designed to help employees stop smoking. Programs designed to help employees stop smoking are in the best health interests of those Federal employees who smoke and those who do not smoke. These programs may also contribute to improved organizational performance and productivity. However, before authorizing payment for a smoking cessation program, agencies are encouraged to carefully review the nature of the program and the credentials of the organization offering it.

From our perspective, although yesterday's briefing covered the issues in the proposed Executive Order of most interest to the unions informing them more specifically about the exceptions would increase their comfort. If you approve, we would be happy to do so, without discussing the draft or any specific language. If more information would be helpful, please feel free to call Michael Cushing at (202) 606-2714.



**United States
Office of
Personnel
Management**

**FAX
TRANSMITTAL
SHEET**

OFFICE OF THE DIRECTOR

Number of Pages

7

**Please
Deliver
To:**

Name:	ELIZABETH DRYE	456-5581
Office:	DPC	Room:
Telephone:		

From:

Name:	LEIGH SHEIN	
Office:	Deputy Chief of Staff and Director of Interagency Affairs	Room: 5315
Telephone:	202-606-1000	FAX Number: 202-606-2183

Remarks



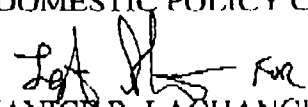
UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, DC 20415-0001

OFFICE OF THE DIRECTOR

JUL 18 1997

MEMORANDUM FOR ELIZABETH DRYE
ASSOCIATE DIRECTOR
DOMESTIC POLICY COUNCIL

FROM:


JANICE R. LACHANCE
CHIEF OF STAFF

SUBJECT:

Comments on Proposed Executive Order

We have reviewed the proposed Executive order entitled "Smoking in the Federal Workplace" and offer the following comments.

1. In our opinion, Executive orders are really Presidential regulations and should be used to provide specific direction pursuant to a specific law or to extend requirements beyond the Federal establishment. There is no need for the President to use this form to direct his subordinate officials. Therefore, a Presidential Memorandum to heads of departments and agencies seems to be sufficient and more appropriate.
2. To clarify possible ambiguity about the relationship between this proposed Executive order and the existing Federal Service Labor-Management Relations Statute, we recommend deleting the reference to the statute in Section 5 and adding the following language:

"Provisions of existing collective bargaining agreements shall be honored."
3. We also recommend the standard provision creating no enforceable rights be added (e.g., see E.O. 12871).
4. As you are aware, smoking policy is now a subject for collective bargaining and the effect of an Executive order banning smoking is to make this issue non-negotiable for future contracts (although it would not change smoking policies during the life of current contracts). As a general matter, the public employee unions have taken the position that smoking policy is one of the workplace issues that should be collectively bargained.

We have contacted all major Federal employee unions regarding this proposed Executive order and, given their reaction, feel that a briefing at the White House might be useful to bring them into the process. We would be glad to arrange this event.

5. Comptroller General decisions have authorized the use of appropriated funds to pay the costs incurred by employees participating in agency-authorized smoking cessation programs. We suggest mentioning this in the Executive order. Suggested language:

"Heads of agencies are reminded that agencies may establish programs designed to help employees stop smoking. However, before authorizing payment for a smoking cessation program, agencies are encouraged to carefully review the nature of the program and the credentials of the organization offering it."

6. Several reviewers expressed confusion over the definition of "courtyard," Section 2, (b). Does it pertain to enclosed courtyards only? We suggest incorporating clarifying language.

If you need any additional information, please contact Leigh Shein, Deputy Chief of Staff, at (202) 606-1000.

cc:

Ann McGuire

Special Assistant to the President
for Cabinet Affairs



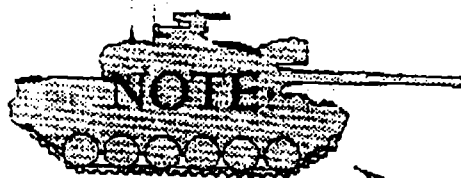
DEPARTMENT OF DEFENSE
LEGISLATIVE REFERENCE SERVICE

DATE/TIME:

TO: MAC REED OMB GC

FROM: Sam Brick DOD

Pages to follow: 1



ON SMOKING EO
REQUEST EXCEPTION AS
FOLLOWS.

fx



THE PENTAGON, ROOM 3D282
WASHINGTON, D.C. 20301-1600
TELEPHONE: (703) 697-1305
FAX: (703) 614-8391
E-MAIL: DODLRS@OSDGC.OSD.MIL

Workplace Smoking Executive Order

Recommend including an exception as follows:

"The Secretary of Defense may establish exceptions to allow smoking in the bar areas of military clubs".

Reasons for the exception are as follows:

Many club patrons will not use the on-base clubs if they are not able to smoke in the bar areas. They will instead go to civilian bars off-base. The result will be less control over the service members drinking since they are off the base. The volume of drinking, and potentially disruptive behavior can be better monitored and controlled on the military base. In addition, if the service members begin to drive in larger numbers to civilian clubs to drink alcoholic beverages, we can expect the result will be increased drunk driving incidents and accidents.

Patrons of military clubs expect to be able to smoke in the bar areas of their clubs just like their civilian counterparts. Undue restriction of this privilege will have a negative impact on the morale of service members who smoke. They will see that they cannot smoke while in their club on-base as they would be able to in the civilian community representing a significant departure from the prevailing customs of contemporary society.



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600



July 22, 1997

MEMORANDUM FOR MAC REED, OFFICE OF GENERAL COUNSEL, OFFICE OF
MANAGEMENT AND BUDGET

FROM: SAM BRICK, LEGISLATIVE REFERENCE SERVICE,
DEPARTMENT OF DEFENSE

SUBJECT: Proposed Smoking Executive Order

The Department of Defense has further examined the proposed order and withdraws its comment of last Friday evening, 18 July. Instead, in conjunction with discussions with you on this issue, we suggest a broad authority to the head of each Federal agency to authorize exceptions that may be necessary to support their mission. The exception should provide the Secretary of Defense authority to except circumstances unique to military life such as smoking in a bar area of a military club, in a designated section of a naval ship at sea, or bowling alleys. Specifically, the following language is offered in lieu of that in paragraph (f) of the proposed order:

"(f) The head of any agency may establish exceptions as are necessary and appropriate for the accomplishment of the agency's mission."



07/18/97 FRI 15:46 FAX 202-219-6064 DOL/OSHA/ASST SEC

U.S. DEPARTMENT OF LABOR
Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210

FACSIMILE TRANSMISSION

DATE: 7/18/97

TO: Hima Vatti

FAX: 202-456-7028

NUMBER OF PAGES, INCLUDING COVER SHEET:

FROM: Tom Gmlassi

TELEPHONE NUMBER: (202) 219-6091

FAX NUMBER: (202) 219-6064

SPECIAL INSTRUCTIONS: Review of Executive Order on
Smoking in Federal Workplace.

U.S. Department of LaborOccupational Safety and Health Administration
Washington, D.C. 20210

Reply to the Attention of:



MEMORANDUM FOR:

HIMA VATTI

FROM:


GREG WATCHMAN
ACTING ASSISTANT SECRETARY

SUBJECT:

REVIEW OF THE E.O. ON SMOKING IN THE
FEDERAL WORKPLACE

We have reviewed the proposed executive order to prohibit smoking in federal executive branch facilities. OSHA has no comments to offer regarding the proposed language of the executive order. We must point out that the enforcement of the Executive Order in federal workplaces would require OSHA resources. Should you have any questions, please call Tom Galassi at 202-219-6091.



GSA Office of Real Property

F A X C O V E R S H E E T

DATE: July 21, 1997 TIME: 10:18 AM
TO: Mac Reed PHONE:
OMB FAX: (202) 395-7294
FROM: John D. Thomas PHONE: (202) 501-0365
GSA FAX: (202) 219-0104
RE: GSA Comments on Proposed Executive Order on Smoking in the Federal
Workplace

Number of pages including cover sheet: 7



U.S. GENERAL SERVICES ADMINISTRATION
Office of Governmentwide Policy

JUL 18 1997

MEMORANDUM FOR MAC REED

ASSISTANT GENERAL COUNSEL
OFFICE OF MANAGEMENT AND BUDGET

ELIZABETH DRYE
ASSOCIATE DIRECTOR
DOMESTIC POLICY COUNCIL
THE WHITE HOUSE

EMILY SHEKETOFF
DEPUTY ASSISTANT SECRETARY
OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION
DEPARTMENT OF LABOR

FROM:

G. MARTIN WAGNER *G. Martin Wagner*
ASSOCIATE ADMINISTRATOR
OFFICE OF GOVERNMENTWIDE POLICY
GENERAL SERVICES ADMINISTRATION

SUBJECT:

General Services Administration (GSA) Comments on Proposed
Executive Order on Smoking in the Federal Workplace

We have reviewed the proposed Executive Order on Smoking in the Federal Workplace and offer the following comments:

- Section 2(a), line 4, replace the word "Employers," with the words "Agency officials."
- Section 2(b) should be revised in its entirety to read: "The order does not extend to outdoor areas under Executive Branch control except areas near the entrance of federal buildings, near air intake ducts or within courtyards."
- Section 2(d) should be revised in its entirety to read: "The order does not extend to those portions of federally-owned buildings leased, rented, or otherwise provided to nonfederal entities." We believe that Section 2(d) should be revised as shown to clarify that this order does not apply to nonfederal entities such as restaurants, which may occupy portions of federally-owned buildings.

- Section 3, line 4, insert the word "includes" between the words "and" and "any."
- Section 4, line 7, insert the word "labor" between the words "employee" and "representatives."

In addition, in response to Ms. Drye's request, we have attached a copy of the GSA Smoking Policy which pertains to all GSA controlled space occupied by our customer agencies and is enunciated in FPMR § 101-20.105-3; and GSA Order, ADM 5800.1A, dated July 8, 1993, entitled "Smoking in GSA-Occupied Space and Government-Owned or -Leased Vehicles Assigned to GSA," which pertains to space occupied by GSA. Also, we have determined that the proposed Executive Order would apply to 100 percent of the Federal agencies and workforce housed in GSA controlled space.

Finally, we believe that issuance of the proposed Executive Order by the President is timely, and would send a strong signal to employees of the Federal Government and members of the public visiting or using Federal facilities that they will be protected from exposure to environmental tobacco smoke.

If you have any questions regarding any issues discussed in this memorandum, please call Mr. Stanley C. Langfeld, Director, Real Property Policy Division, at (202) 501-1737.

Thank you for giving GSA the opportunity to comment on the proposed Executive Order on Smoking in the Federal Workplace.

Attachments

OFFICE OF THE GENERAL COUNSEL/LEGISLATION
U.S. DEPARTMENT OF TRANSPORTATION
400 Seventh Street, S.W.
C-40, Room 10100
Washington, DC 20590
Telephone: 202-366-4687
Telefax: 202-366-7153

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

TO: MAC REED

FROM: Mary Crouter
202-366-9300

395-7294

Pages (including this page): 1

Date/Time: 7/21/97

Date Comment/Response (If Any) is Due:

REMARKS: Draft EO on Smoking in the Federal
workplace -

DOT concurs, but suggests the EO should
require GSA to make appropriate changes
to the Federal Property Management Regulations
that deal with smoking (41 CFR §101-20.105.3).



Debra J. Bond

07/18/97 03:45:39 PM

Record Type: Record

To: McGavock D. Reed/OMB/EOP, Elizabeth Drye/OPD/EOP
cc: John F. Morrall III/OMB/EOP, Lori Schack/OMB/EOP, Wendy A. Taylor/OMB/EOP, Daniel J. Chenok/OMB/EOP
Subject: Comments on the EO regarding smoking in the Federal workplace

We have the following comments/concerns.

Memorandum for the President (from HHS)

1. Page 1, second paragraph, third sentence: We suggest inserting the following "ETS, in all environments, is responsible for approximately 3,000 lung cancer deaths each year in nonsmoking adults."

- This change is requested because it is our understanding that the 3,000 deaths includes deaths attributable to both home as well as workplace exposure. We should be specific that it is not just workplaces.

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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

Division of Legislative Counsel
(Telephone # - 401-8313)

Telefax Transmittal Sheet
(Telefax # - 401-5391)

TO: Mac Reed
FROM: Jack Krusty
DATE/TIME: 7/18
PAGES SENT (including transmittal) 1
COMMENTS:

Re: "Smoking in the Federal Workplace"

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FEMA, 500 C Street, SW,

Washington, DC 20472

**FAX**

Date:

7/22/97

Number of pages including cover sheet:

4

To:

Hima Vatti
for Elizabeth Dye

Phone:

Fax phone:

CC:

456-2028

- 7431

From:

ELi Mark

Phone:

202/646-3923

Fax phone:

202/646-3930

REMARKS:

☐ Urgent☐ For your review☐ Reply ASAP☐ Please comment



Federal Emergency Management Agency

Washington, D.C. 20472

SY

MAR 18 1993

MEMORANDUM FOR: All FEMA Employees
FROM: *William C. Tidball*
William C. Tidball
Acting Director
SUBJECT: A Smoke-Free Environment in all FEMA
Facilities and Motor Vehicles

As you may recall, the FEMA Task Force on Quality of Work Life discovered that a safe and healthy working environment was a unanimous concern among employees.

The Agency is committed to providing an environment that is as contaminant free as possible. A smoke-free workplace is a step towards that goal. Attached is a revised copy of FEMA Instruction 6900.1, Smoking in Facilities Occupied or Controlled by FEMA. This revision will become effective on April 1, 1993. On that date, smoking will no longer be permitted in FEMA occupied or controlled facilities and motor vehicles.

While the decision to continue, reduce, or quit smoking is a personal one for each of us, the opportunity for professional help is available through the Agency. Should you desire assistance and counseling you may obtain it through the Employee Assistance Program (EAP). Headquarters employees may contact Earline Williams, Office of Human Resources Management (HR), on x4203. The EAP point of contact in the regional offices is the chief of the regional administrative unit.

This instruction is subject to collective bargaining with certified labor organizations, where applicable. Donald MacIntyre, Labor Relations Specialist, HR, will coordinate this activity. He can be reached at (202) 646-3959.

If you have any questions on FEMA's smoking policy or other health and safety related issues, please contact Frank J. Silver, Office of Security at (202) 646-2684.

Attachment



FEDERAL EMERGENCY MANAGEMENT AGENCY

INSTRUCTION

Date
March 17, 1993

Number
6900.1

SY

Smoking in Facilities Occupied or Controlled by the Federal Emergency Management Agency

1. Purpose. This instruction revises the Federal Emergency Management Agency's (FEMA's) policy and procedures for smoking in facilities occupied or controlled by the FEMA in accordance with the General Services Administration (GSA) smoking regulations.
2. Applicability and Scope. The provisions of this instruction are applicable to all organizational elements in headquarters, regions, field establishments, and other facilities occupied or controlled by FEMA.
3. Supersession. This instruction supersedes FEMA Instruction 6900.1, Smoking in Facilities Occupied or Controlled by the Federal Emergency Management Agency, dated July 27, 1987.
4. References.
 - a. FEMA Instruction 6900.3, Occupational Safety and Health Program.
 - b. Title 41 Code of Federal Regulations, Federal Property Management Regulations, Part 101-20.105-3, Smoking.
 - c. FEMA Manual 3310.1, Disciplinary/Adverse Actions Procedures.
5. Objective. The primary objective of this instruction is to provide an uncontaminated environment for personnel working in or visiting FEMA-occupied space or -controlled facilities and vehicles.
6. Background. Studies have concluded that smoking adversely affects the health of those persons passively exposed to tobacco smoke. People with certain allergies and heart and lung diseases may suffer exacerbations of their symptoms as a result of exposure to tobacco smoke-filled environments. FEMA recognizes the rights of individuals working or visiting in FEMA-controlled buildings to an environment reasonably free of contaminants.
7. Policy.
 - a. The smoking or burning of any tobacco product or incense in all FEMA-occupied or -controlled facilities and vehicles is prohibited at all times.
 - b. Individuals who desire to smoke shall do so outside of FEMA-occupied or -controlled facilities and vehicles.

Distribution: H(AllPersHqFld)

March 17, 1993

FEMA Instruction 6900.1

c. Appropriate, uniform NO SMOKING signs shall be posted at the entrance to all buildings, lobby areas, restrooms, elevators, and any other location as deemed necessary in order to ensure compliance with this instruction. Additionally, NO SMOKING signs shall be posted in all FEMA-controlled vehicles.

8. Responsibilities.

a. The Director, FEMA, is responsible for establishing agencywide policy to ensure a healthy, uncontaminated work environment for all employees.

b. Associate Directors, Administrators, Regional Directors, Executive Director, Office Directors, and Division Chiefs are responsible for:

- (1) Ensuring compliance with the provisions of this instruction;
- (2) Taking appropriate disciplinary action as defined in FEMA Manual 3310.1, Disciplinary/Adverse Actions Procedures, in the event of a violation of this instruction; and
- (3) Consulting with the Employee and Labor Relations Division, Office of Human Resources Management, prior to imposing any action.

c. The Director, Office of Security, is responsible for designating a FEMA Occupational Safety and Health (OSH) Officer who shall be responsible for:

- (1) Establishing and publishing the Agency's policy and procedures for implementing the GSA Smoking Regulations;
- (2) Ensuring compliance with the policies and procedures set forth in this instruction.
- (3) Providing personnel with information on the health hazards of smoking, as appropriate.

d. The Director, Office of Human Resources Management, is responsible for providing personnel with information on smoking cessation programs.


William C. Tidball
Acting Director

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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006. fax	To: Hima Vatti (4 pages)	07/22/1997	P3/b(3)
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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Elizabeth Drye
OA/Box Number: 13021

FOLDER TITLE:

Agency Smoking Policies - Before EO [1]

2014-0046-S

rc1419

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

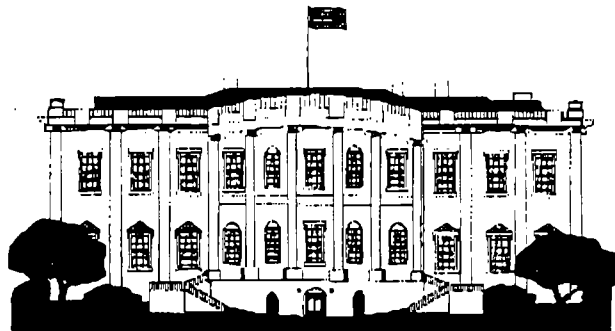
RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy
Washington, DC 20503

**FACSIMILE MESSAGE****TO:** Hima Vatti**FAX:** 67028**DATE:****TIME:****PAGES:** 4 + Cover

FROM: Ben Kirby**FAX NUMBER:****OFFICE NO:** x56709

COMMENTS:

note: original went to
Cabinet Affairs

July 18, 1997

MEMORANDUM FOR ANN McGUIRE
 SPECIAL ASSISTANT TO THE
 PRESIDENT FOR CABINET AFFAIRS

FROM: WALT HOLTON
 DEP CHIEF OF STAFF

SUBJECT: Federal Workplace Smoking Policy

In response to today's tasking to provide agency input on Federal Workplace Smoking Policy, know that ONDCP is in full compliance with the Executive Office of the President (EOP) "Smoking Policy" dated April 2, 1993. As a element of the EOP, but located in Building 750th 17th Street, smoking is not permitted inside this Agencies work-space.

If you have further questions concerning this policy, please contact Tilman Dean, Director of Administration at 395-6659.

Matthews

THE WHITE HOUSE
WASHINGTON

April 2, 1993

MEMORANDUM FOR EXECUTIVE OFFICE OF THE PRESIDENT EMPLOYEES

FROM:

DAVID WATKINS *D. Watkins*
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT:

Smoking Policy

The Environmental Protection Agency and the Surgeon General have concluded that passive smoking exposure is a major health hazard. Effective today, the following smoking policy will be implemented in the Executive Office of the President (EOP).

Smoking is prohibited in all buildings in the EOP complex. This includes the New and Old Executive Office Buildings, the Winder Building, and the Jackson Place Townhouses.

If you have any questions regarding this policy, please contact John Dawson, Acting Director, Facilities Management Division, Office of Administration, on 395-2335.

We appreciate your cooperation.

Hadley

NOTICE FOR NEW EXECUTIVE OFFICE BUILDING OCCUPANTS

A new smoking policy for the Executive Office of the President was announced on September 24, 1990. The policy permits smoking only in the lobbies of the Old Executive Office Building, the New Executive Office Building and the Winder Building.

Smoking is prohibited in all other public areas of all buildings and in all occupied space unless that space is designated a smoking area by the head of the Executive Office of the President agency which is assigned to the space.

Thank you for your cooperation.

OFFICE OF ADMINISTRATION
Facilities Management Division



OFFICE OF NATIONAL DRUG CONTROL POLICY
EXECUTIVE OFFICE OF THE PRESIDENT
Washington, D.C. 20500

November 14, 1991

MEMORANDUM FOR ALL ONDCP STAFF

FROM:

GOVERNOR MARTINEZ *B. Martinez*

SUBJECT:

Smoking Policy

This memorandum supersedes the ONDCP smoking policy issued on April 9, 1991. Effective immediately, smoking is prohibited in all ONDCP office space. Smoking also continues to be prohibited in all public areas of the building, pursuant to building policy; the designated smoking area for the building is the loading dock.

The General Services Administration has issued regulations that prohibit smoking in all office space, although there is an exception that permits smoking if an individual office is ventilated well enough to protect nonsmokers against involuntary exposure to smoke. Several work areas within ONDCP receive noticeable amounts of second-hand smoke because of the design of the ventilation system, which puts them downstream of smoking areas. The only way to protect nonsmokers adequately, given the nature of our ventilation system, is to ban smoking entirely. Please note that the same policy is in effect in the New Executive Office Building, for the same reason.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240C O V E R
S H E E T

FAX

To: ~~Anne McGuire~~ *Hima Vatti*
Fax #: 456-6704 *7028*
Subject: Federal Workplace Smoking Policy
Date: July 18, 1997
Pages: One, including this cover sheet.

COMMENTS:

In July 1993, Secretary Babbitt signed a memo banning smoking in the Department of the Interior building complex (includes the Main building and South building annex).

Currently, a draft departmental manual is being reviewed that includes a policy that will ban smoking in all Interior-occupied space nationwide.

From the desk of...

Susan E. Kaslow
Special Assistant to the Chief of Staff
Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

(202) 208-7351
Fax: (202) 208-6956



Department of Energy
Washington, DC 20585

FAX from:

ANNA PULIDO FERRERA

Special Assistant to the Secretary
U.S. Department of Energy
1000 Independence Avenue, S.W.
Room 7B-222

Phone: (202) 586-1400

FAX: (202) 586-7210

TO:

FAX #

DATE:

TIME:

TOTAL PAGES (Excluding Cover)

REMARKS:

DOE Smoking Policy

Author: CHERYLYNNE WILLIAMS at HR-13

Date: 7/18/97 3:00 PM

Priority: Normal

TO: ANNA FERRERA at OSE

CC: LINDA SYE, LOUIS D'ANGELO, DOUGLAS BIELAN at HR-05, PAUL SELIGMAN at EH

Subject: Smoking at DOE HQ

As requested:

Smoking is prohibited in the Department of Energy Headquarters Buildings except for a portion of the public dining area in the Forrestal Cafeteria and a designated courtyard in the Forrestal Building. Smoking is completely prohibited in all Headquarters leased facilities. This policy was written into the Collective Bargaining Agreement and was agreed to by both the Department and the National Treasury Employees Union. It became effective August 7, 1996.

DOE does not have a policy governing smoking nation-wide - we have other facilities such as labs and Field Offices which are not subject to this policy; however, there has been an on-going effort to limit smoking within DOE buildings nation-wide. The decision to limit smoking is left up to each Field Office, Laboratory, and M&O contract. Individual smoking policies are based on the state regulations and local union-management negotiations.

-Cherylynne Williams
Human Resources, DOE



U. S. Department of Justice

Washington, D.C. 20530

TO: Anne McGuire
FR: Cheryl Montgomery
RE: DOJ Smoking Policy

Smoking is not permitted in any DOJ Facility. However, there are two exceptions permitted by the DOJ Policy; Federal Agents are permitted to smoke when working undercover and inmates housed in Bureau of Prison facilities are permitted to smoke.

DOJ Personnel Locator 514-2000
4195
Steve Colgate 514-3101
Jon Leavitt 514-2318

U.S. Small Business Administration



Championing America's Entrepreneurs

Fax Transmission Cover Sheet

To: ANN MCGUIRE

Organization: CAB AFFAIRS

Telephone: 456-2572 Fax: 6704

Date: _____ Time: _____

Number of Pages (including this page): _____

From: A. RIVERA

Office: ADMIN

Telephone: 805-6812 Fax: _____

Message:

Note: Be aware fax machines using thermal paper produce an unstable image which will deteriorate. Copy messages onto plain paper prior to filing as a record!

CONFIDENTIALITY NOTE: The information contained in this facsimile transmittal sheet and the document(s) that follow are for the exclusive use of the addressee and may contain information protected by the Privacy Act, 5 U.S.C. 552a, or otherwise confidential, privileged, or non-disclosable information. If the recipient of this facsimile is not the addressee or is not the person responsible for delivering this facsimile to the addressee, the recipient may violate the law by reading, photocopying, distributing or otherwise using this facsimile transmission or its contents in any way. If the recipient has received this facsimile transmission in error, call the sending office immediately.

Did you know the SBA ...

Has a portfolio guaranteeing over \$29 billion in loans to 200,000 small businesses that otherwise would not have had such access to capital?

Guaranteed over \$2,700 loans totaling \$10 billion to America's small businesses in fiscal year 1996?

Last year extended management and technical assistance to nearly 850,000 small businesses through its 950 Small Business Development Centers and 13,000 Service Corps of Retired Executives volunteers?

Provided more than 38,000 loans totaling \$987 million to disaster victims for residential, personal property, as well as business losses in fiscal year 1996?

Has 7,000 private sector lenders as partners providing their capital to small business?

Has increased its venture capital program with more private capital in the past two years than in the previous 15 years combined?

Provides loan guarantees and technical assistance to small business exporters through U.S. Export Assistance Centers in 15 cities?

Can be contacted through the SBA Home Page on the Internet (<http://www.sba.gov>)?

Can respond to written small business questions through the U.S. Business Advisor on the Internet (<http://www.business.gov>)?

Did you know that America's 22 million small businesses ...

Employ more than 50 percent of the private workforce,

Generate more than half of the nation's Gross Domestic Product, and

Are the principal source of new jobs?



U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416



DATE: June 22, 1995

TO: Missy Kincaid
Chief of Staff

FROM: Calvin Jenkins
Assistant Administrator
for Administration

SUBJECT: Findings on Smoking in Federal Space

General:

There are no Federal regulations that allow Agencies Heads to completely eliminate smoking in Federal space. Discussions with SBA's Labor Union are required to determine what works best for the Agency and its employees. There have been a number of bills introduced in Congress to ban smoking in Federal space but none have been passed.

According to the GSA Regulations in 41 CFR 101-20.105-3, the Agency head must designate some room for smokers. There are no rules on the number of rooms to be provided, only that a facility must be available, unless the "employees" through the Labor Union, agree to a smoke-free environment. Any change in employee work environment must be discussed with the Labor Union.

OSHA introduced regulations to monitor smoking areas, but they have not become final, so there are still no new regulations on requirements for smoking areas.

Background:

When SBA relocated to the Washington Office Center, all of the SBA space was to be smoke-free. However, through the Administrator's Suggestion Box, hundreds of requests for smoking rooms were submitted. Many of the staff members in the immediate office of the Administrator were smokers as well. It was at that point in 1991 that one satellite conference room on each floor was converted to a smoking room. The conversion included installing a fan which exhausts the air from those rooms directly to the outside.

Action:

In order to resolve the complaints of employees in the vicinity of the smoking rooms the following options are available:

1. Request that the building owner or an outside contractor inspect the fans and verify that they exhaust air as required to prevent contamination of air in space around the smoke rooms. Based on the building owner's or contractor's findings and where necessary, take corrective action to eliminate any deficiencies. Also request the building owner increase the level of maintenance of the air grill and the inlet portion of the fan. (The building owner has already expressed that he would be willing to do this if requested.)
2. Replace the carpet with vinyl tiles and the wall covering with wall covering or paint which could withstand routine scrubbing.
3. Initiate negotiations with the Union to reduce the smoking rooms by 50%, eliminating two of the four rooms currently used as smoking rooms.
4. Initiate negotiations with the Union to make SBA Headquarters a smoke-free environment. The Office of Administration is awaiting a response from Ms. Fern Fee, HAS, the attorney directly involved with negotiating the agreement with their Union to make the Aerospace Building 7th Street a smoke free building.

Recommendations:

In view of the forgoing, it is recommended that Office of Administration initiate options #one and #two. If after a specific period of time this effort does not eliminate the employee concerns, we then can initiate options #three or #four. However, getting an agreement from the Labor Union for options #three or #four may be difficult in light of the Labor Union's position on "employee give-backs." Funding is available for options #one and #two within the Office of Administration's budget.

Please advise us to your concurrence of the recommended action or if additional information is needed.



SBA Information Notice

TO: All Headquarters SBA Employees

CONTROL NO.: 0000-1091

SUBJECT: Refurbishing of the Smoke Rooms

EFFECTIVE: 8/8/95

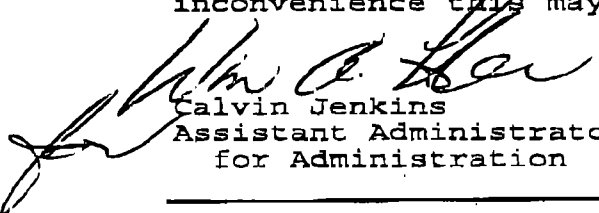
One of the responsibilities of the Office of Administration's Office of Administrative Services is to provide a safe, healthful, and pleasant working environment for SBA employees; one which we take very seriously. Air quality constitutes an important part of our work environment.

Shortly after moving to this building, we designated one room on each of the main floors as a smoking room. Following GSA regulations, each of these rooms was separately vented to the outside, and exhaust fans were installed. Despite our efforts, an occasional smell of cigarette smoke leaks into other areas of our space diminishing the air quality of the building for all employees.

In order to completely eliminate any odors and to provide more sanitary smoking rooms, we plan to refurbish them from top to bottom. The rooms currently have ordinary ceiling tiles, which are porous. They will be replaced with tiles which are thicker, heavier, and washable. In fact, all surfaces will be washable once we remove the wall covering and carpeting and substitute them with more suitable materials which can be cleaned and do not retain odors.

Two of the SBA's smoking rooms will be available for smokers during these renovations. Those on floors four and six will be open during the week of August 21. During the week beginning August 28, the smoking rooms on floors five and eight will be open. We are confident that, when the project is completed on September 5, all SBA employees--smokers and non-smokers alike--will benefit from the end result.

Thank you for your cooperation, and we apologize in advance for any inconvenience this may cause you.

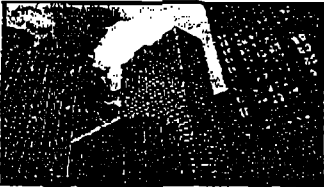

Calvin Jenkins
Assistant Administrator
for Administration

AA/Administration
Mail Code: 5331
5th Floor

EXPIRES: 11/1/95

**SBA Form 1353.3 (12-93) PerForm Version; Use 4-93 Edition Until Exhausted
Must be accompanied by SBA Form 58**

PAGE 1

**OGP**

Office of Real Property
Office of Governmentwide Policy
General Services Administration

fax

Date:
Number of Pages: 5
Phone: (202) 501-0856
Fax: (202) 219-0104

202-456-5501

Elizabeth -

Attached are Smoking Regulations
that we discussed.

Please call me at 501-1737 if
any questions.

Thank you,
Steven Langford

CFR Ch. 101 (7-1-95 Edition)

Federal Property Management Regulations

§ 101-20.105-3

101-20.105-1 Responsibilities of occupant agencies.

occupant agency shall maintain an orderly facility to minimize risk of accidental injuries. All exits, accesses to exits, and emergency equipment shall be kept clear at all times.

Hazardous explosive or combustible materials shall not be brought into buildings unless authorized by appropriate agency officials and by GSA. Protective arrangements deemed necessary by GSA have been made. All draperies, curtains, or hanging materials shall be of fire-resistant or flame-resistant material. Reestanding partitions and doors shall be limited combustible. Fabric coverings shall also be fire-resistant.

Occupant agencies shall cooperate with GSA to develop and maintain fire safety programs. Such programs shall ensure the maximum safety of personnel and property by:

(1) Training employees to use protective equipment and educating employees on appropriate fire safety procedures in their work, including participation in at least one fire drill each year.

(2) Ensuring that facilities are kept in the best condition practicable, and conducting periodic inspections in accordance with Executive Order 12196, GSA part 1960.

(3) Identifying and reporting building or maintenance deficiencies which involve personal injury or property damage in GSA-assigned space reported immediately to the buildings manager.

(4) Each occupant agency shall appoint a safety, health and fire protection person to represent the occupant agency with GSA.

101-20.105-2 Correction of hazardous conditions.

GSA is responsible for correcting conditions associated with the conditions space it assigns, including hazards related to building features, fire protection systems. GSA is also responsible for correcting hazards in common areas and public use spaces. Occupant agencies are responsible for correcting hazards associated with their use of space.

assigned space, including those related to the operation of their program equipment.

(b) Hazardous conditions within the occupant agency's responsibility to correct shall be corrected within 30 workdays when possible. Imminently dangerous conditions shall be corrected immediately upon their discovery. If more than 30 workdays are required for correction, an abatement plan shall be prepared in accordance with 29 CFR part 1960. Corrective alteration measures may be undertaken in accordance with § 101-20.106. Reimbursable services.

(c) Conditions within GSA's responsibility to correct shall be identified, documented and presented to the GSA buildings manager. Imminently dangerous conditions shall be corrected immediately upon their discovery. When an imminently dangerous condition as defined by 29 CFR 1960.28 exists, a report shall be made by telephone. Upon receipt of a properly documented report of hazardous conditions, GSA shall promptly investigate, determine a plan to resolve the problems, and inform the occupant agency. Such reports shall state the hazardous conditions and cite references to specific GSA standards violated. In cases involving health problems, agencies shall provide to GSA an industrial hygienist report of an investigation of the hazard problem, which must include a description of the problem, results of testing, and recommendations for correction. When resolution will take more than 30 workdays, GSA shall prepare an abatement plan in accordance with 29 CFR part 1960, shall furnish the plan to the occupant agency for review and subsequent follow-up, and shall give priority to prompt abatement of the conditions.

101-20.105-3 Smoking.

(a) Regulations for controlling smoking in GSA-controlled buildings and facilities, including leased space and other facilities, are set forth below. Smoking is defined as a lighted cigarette, pipe, or any other lit tobacco product. These regulations reflect the following considerations:

(1) In recognition of the increased hazards of passive smoke on the smoker, smoking is to be held to

an absolute minimum in areas where there are non-smokers.

(2) In recognition of the needs of smokers, smoking areas should be designated in Federal buildings which are convenient, do not negatively impact worker productivity, and do not impinge on the health of those who do not smoke.

(3) Agency heads are to be given the responsibility to determine which areas are to be smoking areas and which areas are to be non-smoking areas. In exercising this responsibility, agency heads are to give appropriate consideration to the views of the employees affected and/or their representatives and are to take fully into consideration the health issues involved. Note—Agencies are encouraged to develop additional guidelines for internal use for action when violations of these regulations occur. Nothing in these regulations precludes an agency from establishing more stringent guidelines. For purposes of these regulations, general office space is defined as space occupied by personnel performing their daily work functions; this includes, but is not limited to: ADP areas, mail rooms, file rooms, duplication areas, court and jury rooms, office space, etc.

(b) Smoking is prohibited in the following areas:

(1) General office space, except as permitted under paragraph (c)(2)(iii) of this section;

(2) Auditoriums, classrooms, and conference rooms;

(3) Elevators ("No Smoking" signs shall be posted in elevators and adequate receptacles shall be placed outside the entrances if designated as a smoking area);

(4) Corridors, lobbies, restrooms, and stairways, except as permitted under paragraph (c)(2)(iv) of this section;

(5) Medical care facilities such as medical clinics and units;

(6) Libraries; and

(7) Hazardous areas. Each agency shall post and enforce "No Smoking" rules in any location under its jurisdiction which involves flammable liquids, flammable gases, or flammable vapors, or in all other locations where there is a collection of readily ignitable, combustible materials.

§ 101-20.106

(c) Designated smoking area shall be established as follows:

(1) Smoking areas in cafeterias.

(i) Each agency head shall establish "smoking areas" in cafeterias.

(ii) The areas designated shall be based upon an estimate of the number of smoking and non-smoking patrons served. This may be adjusted on the basis of local experience. The designated "smoking" areas shall be identified by appropriate signs.

(2) "Designated smoking areas" established by agency heads.

(i) Agency heads shall establish "designated smoking areas" except those areas set forth under paragraph (b) of this section. Agency heads will be responsible for monitoring and controlling these areas, and for ensuring that "designated smoking areas" are identified by proper signs. Suitable, uniform signs reading "Designated Smoking Area" shall be furnished and installed by the agency.

(ii) Agencies in multi-tenant buildings are encouraged to work together to identify "designated smoking areas".

(iii) Office space may be designated as a smoking area providing that the office space is configured so as to limit the involuntary exposure of non-smokers to secondhand smoke to a minimum; e.g., the office space involved must be large enough and sufficiently ventilated to provide separate smoking and non-smoking sections which protect the non-smokers against involuntary exposure to smoke.

(iv) An agency head may designate corridors, lobbies, or restrooms as smoking areas when it is not possible to designate a sufficient number of other smoking areas.

(d) Agencies are responsible for providing adequate ash-trays or receptacles in the designated smoking areas.

(e) Suitable, uniform signs reading "No Smoking Except in Designated Areas" shall be placed on or near entrance doors of buildings subject to these regulations. These signs shall be furnished and installed by the GSA Buildings Manager in buildings managed by GSA. It should not be necessary to display a sign in every room of each building.

41 CFR Ch. 101 (7-1-95 Edition)

(f) An agency is not required by this regulation to make any expenditures for structural or non-structural changes to accommodate the preferences of non-smoking employees.

(g) Prior to implementation of this regulation, where there is an exclusive representative for the employees, the agency shall meet its obligation under 5 U.S.C. chapter 71. In all other cases, agencies should consult directly with employees.

(h) In accordance with the Federal Acquisition Regulation, part 8, the mandatory source of supply for the purchase of the aforementioned signs is UNICOR, Federal Prison Industries, Inc. (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.

§ 101-20.108 Reimbursable services.

Services in addition to those standard level services prescribed in §§ 101-20.101 through 20.105 may be provided or arranged for by GSA on a reimbursable basis. Such services include:

(a) Specialized security services beyond standard levels, such as guarding, ingress-egress control, inspection of packages, directed security patrols, and other similar activities;

(b) Design, installation, maintenance, and operation of electronic systems such as intrusion-detection devices, duress-holdup alarms, and remote monitoring systems;

(c) Utilities for specialized equipment, or for times when space conditioning beyond standard levels is required;

(d) Construction and/or alterations necessary for installation of agency program equipment;

(e) Space adjustments requested by an occupant agency for its convenience in moving activities within its already assigned space;

(f) Janitorial and other services over and above standard levels;

(g) Space alterations beyond the standard level provided by GSA;

(h) Construction, installation, operation, maintenance, and repair of agency program equipment, and space ad-

Federal Property Management

justments required as a result of installations;

(i) Services of motion picture projectors and other technicians requiring the use of auditoriums, conference rooms, and special agency equipment;

(j) Office design, space planning, office automation installations, and services.

§ 101-20.106-1 Placing of orders for reimbursable alterations by occupant agencies.

(a) Where GSA has indefinite quantity contracts and/or unit price contracts available for accomplishment of space alterations in Government owned and leased buildings, agencies shall order against these contract agreements, except when it is the Government's best interest. Agencies wishing to use this authority shall submit names of their proposed ordering officials to the GSA building manager, who will submit them to the contracting officer. The contracting officer shall designate in writing ordering officials and will authorize the contractor to accept orders from designated ordering officials. The contracting officer shall advise agencies' ordering officials in writing of their responsibilities, authorities, and limitations under these contracts and agreements.

(b) No individual order, or collection of orders for a single alteration project, shall exceed \$25,000; and agencies shall not split orders so as to circumvent this limitation.

(c) For all orders placed against contracts or agreements, agency ordering officials shall obtain prior approval of the GSA buildings manager and provide a copy of the ordering agreement and final payment document to the GSA buildings manager. Agencies are responsible for inspecting and verifying satisfactory completion of work, and for ensuring contractor compliance with contract provisions. Final payment document shall be supported by GSA Form 1142, Release of Claims; GSA Form 2419, Certificate of Payments to Subcontractor; Suppliers; and certification that work has been inspected and acc-

GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

ADM 5800.1A
July 8, 1993

GSA ORDER

SUBJECT: Smoking in GSA-occupied space and Government-owned or -leased vehicles assigned to GSA

1. Purpose. This order prohibits smoking in GSA-occupied space and Government-owned or -leased vehicles assigned to GSA.
2. Cancellation. GSA Order ADM 5800.1, is cancelled.
3. Background. On January 7, 1993, the Environmental Protection Agency classified environmental tobacco smoke as a Class A human carcinogen. This order recognizes the increased health hazards of passive smoke to individuals. In response, it prescribes the action to take to protect those who work in GSA-occupied space or occupy Government-owned or -leased vehicles assigned to GSA.
4. Actions. Smoking is prohibited in GSA-occupied space and Government-owned or -leased vehicles assigned to GSA at all times.
5. Definitions.
 - a. Smoking is the use of a lighted cigar, cigarette, pipe, or other lit tobacco product.
 - b. GSA-occupied space is any indoor space used by GSA organizational elements for internal agency purposes. It does not include space assigned to other agencies, or joint use space. It does not include parking lots, sidewalks in front of building entrances, or courtyards.
 - c. Government-owned or -leased vehicles assigned to GSA are all vehicles, regardless of type, assigned to GSA organizational elements. These vehicles are owned or leased by the Government for 60 or more consecutive days.
6. Labor relations. Where there is an exclusive representative for the employees, GSA shall meet its obligations under 5 U.S.C. Ch. 71, before this order becomes effective.

Distribution: A; B; C; F; G; H; I (Circulate to all employees)

ADM 5800.1A

July 8, 1993

7. Responsibilities. The Associate Administrator for Administration and Regional Administrators are responsible for developing implementation plans within 30 days of the signature date of this order. Such plans should include, as applicable, provisions addressing:

a. Training for GSA employees who smoke and who desire assistance in quitting. Such training courses may require payment of a nominal fee by the employee.

b. Educational and informational items and activities aimed at informing all GSA employees of the health risks associated with smoking and exposure to secondhand smoke. Educational and informational items and activities may also inform GSA employees of their responsibility to maintain a healthy work environment.

8. Use of funds. Use of any agency funds for the construction or modification of any GSA facility or structure to accommodate smoking is prohibited.



ROGER W. JOHNSON
Administrator