

**FISH AND WILDLIFE SERVICE
OCCUPATIONAL SAFETY AND HEALTH**

Occupational Safety and Health

Part 242 Industrial Hygiene

Chapter 13 Smoking, Vaping, and Using Smokeless Tobacco

242 FW 13

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OVERVIEW

13.1 What is the purpose of this chapter? This chapter describes the U.S. Fish and Wildlife Service (Service) policy on:

- A. Smoking,
- B. Vaping (vaping is a term that originates from “vaporizing,” which means using electronic cigarettes (e-cigarettes); see [sections 13.5A and F](#) for definitions), and
- C. Using (i.e., chewing or sniffing) smokeless tobacco.

13.2 What is the scope of this chapter? This chapter applies to anyone working in or visiting Service facilities; traveling in Service vehicles, boats, or aircraft; and using heavy equipment (e.g. crawler/dozer, excavator).

13.3 What is the policy on smoking, vaping, and using smokeless tobacco? Smoking, vaping, and using smokeless tobacco are prohibited in interior spaces of all Service facilities and in motor vehicles, heavy equipment, aircraft, and most watercraft we own, rent, lease, or control (see [section 13.7](#)). (The U.S. Food and Drug Administration regulates e-cigarettes as tobacco and not as a drug.)

13.4 What are the authorities for this chapter?

- A. [Executive Order 13058](#), Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace.
- B. Occupational Safety and Health Administration (OSHA) Regulations, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters [29 CFR 1960.8\(a\)](#).

02/18/14

Supersedes 242 FW 13, 12/18/12

INDUSTRIAL HYGIENE

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C. Federal Property Management Regulations, Smoking Policy for Federal Facilities ([41 CFR 102-74.315 to 351](#)).

D. Flammable and Combustible Liquids and Hazard Communication ([29 CFR 1910.106](#) and [1200](#)).

E. Flammable and Combustible Liquids, Fire Protection and Prevention, OSHA Construction Standard ([29 CFR 1926.152](#)).

F. [310 DM 11](#), Smoking in Public Buildings.

G. [Green Building Rating System for Existing Buildings: Operations and Maintenance](#), U.S. Green Building Council.

13.5 What terms do you need to know to understand this chapter?

A. E-cigarettes are smokeless nicotine devices typically consisting of a metal tube containing an atomizer, a battery, and a cartridge filled with liquid nicotine. Over time, vaping may become harmful to those who encounter the mist as it may contain vaporized forms of the ingredients.

B. Motor vehicle is any self-propelled or mechanically drawn conveyance that is designed to operate on highways to transport property or passengers. Motor vehicles include:

(1) Sedans,

(2) Station wagons,

(3) Sport Utility Vehicles (SUV),

(4) Vans (including minivans),

(5) Recreational vehicles,

(6) Ambulances,

(7) Buses,

(8) Motorcycles, and

(9) Trucks (including trucks with specialized mounted equipment, such as fish distribution trucks and garbage trucks).

C. Service facilities are all buildings, installations, structures, and motor equipment occupied, owned by, or leased to the Service.

D. Smokeless tobacco (also known as snuff or chew) is a fine-grain tobacco that often comes in teabag-like pouches that users put between their lower lip or cheek and gum. Chewing tobacco comes in shredded, twisted, or bricked tobacco leaves.

E. Sniffing is inhaling finely ground tobacco up the nose.

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F. Vaping is the act of inhaling vapor from an e-cigarette.

13.6 Who is responsible for the policy and requirements on smoking/vaping and using smokeless tobacco? See Table 13-1.

Table 13-1: Responsibilities for the Service’s smoking/vaping and using smokeless tobacco policy	
This official...	Is responsible for...
A. The Director	Ensuring there is a smoking/vaping/smokeless tobacco policy and approving or declining to approve revisions to it.
B. Regional Directors	Ensuring effective implementation of this policy within their areas of responsibility.
C. Assistant Director – Business Management and Operations	Monitoring effective implementation of this policy in Headquarters (HQ).
D. Chief, Division of Safety and Health	(1) Recommending revisions to this policy, as necessary, and (2) Providing technical assistance to the Regional/HQ Safety Managers.
E. Regional/HQ Safety Managers	Providing technical assistance within their areas of responsibility.
F. Regional Quarters Officers	(1) Determining whether to prohibit or allow smoking/vaping/using smokeless tobacco in quarters, Regionwide, and (2) If they prohibit smoking/vaping/using smokeless tobacco in a quarters assignment, documenting that prohibition in the Terms and Conditions section #11 (Other Terms and Conditions) of the Quarters Assignment Agreement (Form DI 1881).
G. Project Leaders and Supervisors	(1) Ensuring that employees, volunteers, contractors, and visitors comply with this policy; and (2) Considering employee requests for training about the effects of smoking, smoking cessation, vaping, and using smokeless tobacco, and providing the training if they approve the request (see section 13.10).
H. Service employees responsible for Service-owned or leased facilities	(1) Making themselves aware of any local government/municipal smoking ordinance that may conflict with the Service policy and addressing them as necessary, (2) Designating outdoor smoking areas, if appropriate (see section 13.8), and (3) Providing appropriate disposal receptacles when smoking/vaping/using smokeless tobacco is allowed.

AUTHORIZED AREAS

13.7 Where is smoking/vaping/using smokeless tobacco allowed? We allow smoking/vaping/using smokeless tobacco:

A. At designated locations with the proper receptacles for disposal of cigarette butts and smokeless tobacco products, at least 25 feet (or greater if local government statutes require a greater distance) outside of:

- (1)** Service-occupied buildings,
- (2)** Service-owned and leased vehicles (motor vehicles, heavy equipment, aircraft, and watercraft), and
- (3)** Away from a building's fresh air entrance points, such as air intakes, doors, and windows.

B. On large boats that have a designated area that is 25 feet away from doors or air intakes to the interior of the vessel.

C. In outdoor parking lots, sidewalks, and courtyards, depending on where the air intakes, doors, and windows are located and as long as they are at least 25 feet away.

D. In space we share with the private sector if they have a designated smoking area.

E. If the Regional Quarters Officer allows it, in residential accommodations we own or lease where someone resides, on a temporary (for a few days, weeks, or months) or long-term (for a year or more) basis.

13.8 How does the Service designate areas for smoking/vaping/using smokeless tobacco?

A. If circumstances allow for such an area, the Service employee responsible for the facility posts signs designating the area(s).

B. The smoking/vaping/using smokeless tobacco area(s) must:

- (1)** Not reduce worker productivity;
- (2)** Not infringe on the health of those who do not smoke, vape, or use smokeless tobacco;
- (3)** Be away from main entrances and where employees or visitors routinely enter or leave a building (see [sections 13.7A through C](#)); and
- (4)** Comply with local fire codes associated with flammable materials or activities.

C. The employee responsible for the facility also must ensure appropriate disposal receptacles are available in designated areas.

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13.9 Where is smoking/vaping NEVER allowed? Smoking/vaping is not permitted:

- A. Within 25 feet of any Service facility, or distances required by other applicable statutes, whichever is greater;
- B. In areas where activities involve the use of flammable materials, such as:
 - (1) Fueling;
 - (2) Servicing fuel systems or internal combustion engines;
 - (3) Storing, receiving, or dispensing of flammable or combustible liquids; and
 - (4) Storing compressed gases.
- C. In battery charging areas;
- D. In areas where explosives or explosive materials are stored, transported, or used; and
- E. In areas where visitors may be susceptible to secondhand smoke.

ENCOURAGING CESSATION

13.10 What type of cessation training is available to employees who smoke/vape or use smokeless tobacco?

- A. Those facilities with employees who smoke/vape/use smokeless tobacco may provide training on the health risks associated with smoking, exposure to secondhand smoke, the use of e-cigarettes, and the use of smokeless tobacco.
- B. If an employee requests it, the Project Leader/supervisor may provide training on cessation of these habits.
- C. For further information on Service-provided training, contact your Regional/HQ Employee Assistance Program or the Regional/HQ Safety Office. The sources we use for the training vary by location and are usually taught by Government or contractor personnel.

/sgd/ Daniel M. Ashe
DIRECTOR

Date: February 18, 2014