



FEDERAL RELATIONS REPORT

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• General Services Administration proposes to regulate smoking areas in GSA-controlled buildings. Comments on the proposal are due on or before July 21, 1986.

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-20

Smoking Regulations

AGENCY: General Service Administration.

ACTION: Proposed rule.

SUMMARY: This regulation provides for revised smoking regulations in buildings controlled by GSA. It has become necessary to regulate smoking in certain areas of Federal buildings because smoke in a confined area may be irritating and annoying to non-smokers. In addition, the Office of the Surgeon General has indicated that current scientific evidence suggests that exposure to ambient tobacco smoke can be hazardous to non-smokers and may create a potential hazard to those suffering from heart and respiratory diseases or allergies. GSA also recognizes the right of individuals to smoke in such buildings provided such action does not cause discomfort or unreasonable annoyance to non-smokers or infringe upon their rights. The intent of this regulation is to provide a reasonably smoke-free environment for those working and visiting GSA-controlled buildings.

DATE: Comments must be received on or before July 21, 1986.

ADDRESS: Written comments should be sent to the General Services Administration (PMFS), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Marsden, Acting Director,

Facility Management Division, (202-560-1563).

SUPPLEMENTARY INFORMATION: The General Service Administration has determined that this rule is not a major rule for the purpose of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information

concerning the need for, and the consequence of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximum the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-20

Smoking, Federal buildings and facilities.

GSA proposes to amend Part 101-20 as follows:

PART 101-20—MANAGEMENT OF BUILDINGS AND GROUNDS

1. The authority citation for Part 101-20 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)

Subpart 101-20.1—Building Operations, Maintenance, Protection, and Alterations

2. Section 101-20.109 10 is revised to read as follows:

§ 101-20.109-10 Regulation of smoking.

Regulations for controlling smoking in GSA-controlled buildings and facilities are set forth below. 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, duplicating areas, court and jury rooms, office space, etc.

(a) Smoking is prohibited in the following areas, except as designated pursuant to paragraph (b)(1) below:

- (1) General office space.
- (2) Auditoriums, classrooms, and conference rooms.
- (3) Elevators. "No smoking" signs shall be posted in elevators, adequate receptacles shall be placed outside the entrances.
- (4) Corridors, lobbies and restrooms.
- (5) Medical care facilities such as medical clinics and health units.
- (6) Libraries.

(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.

(b) Smoking is permitted in the following designated "smoking areas":

(1) Agency heads will be responsible for establishment of designated "smoking" areas, in addition to monitoring and controlling these areas.

Agencies are responsible for ensuring that designated "smoking" areas are identified by appropriate signs.

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

(2) "Smoking" areas shall be established in cafeterias, including Randolph-Sheppard vending facilities and automatic vending areas. These areas shall be designated as "smoking" areas by each buildings manager, in collaboration with the heads of the occupant agencies. 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.

(3) A private office may be declared a "smoking" area by the agency.

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

(d) Suitable, uniform signs reading "No Smoking Except in Designated Areas" shall be placed on or near entrance doors of buildings subject to these regulations. It should not be necessary to display a sign in every room of such buildings.

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

Dated: April 17, 1986.

W.F. Sullivan,

Commissioner, Public Buildings Service.

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