



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, DC 20415
July 21, 1986

Office of the Director

Honorable Terence C. Golden
Administrator
General Services Administration
Washington, D.C. 20405

Dear Terry:

We have reviewed GSA's proposed smoking regulations and strongly support their goal of providing "a reasonably smoke-free environment for those working and visiting GSA-controlled buildings". Concern for both the health of individual employees and workforce-wide issues of productivity and cost brings us inexorably to a commitment to a smoke-free federal workplace. Even beyond smoke-free work environments, most of us look forward to a completely smoke-free society in the not-too-distant future. We do, however, want to recommend a somewhat different course of action in pursuit of these goals.

As the agency charged with federal personnel policy, we are concerned that certain provisions of the proposed regulations will be difficult to implement or enforce. While we believe a centralized smoking restriction policy is appropriate for "general use" areas (such as classrooms, corridors, and elevators), such a policy is highly problematic for employee office space. For such space, we strongly favor a decentralized policy, that is, one in which discretion is permitted at the agency level. Only by relying on managerial discretion will we be able to avoid undue disruption to government operations, serious loss of employee productivity, and alienation of a large segment of the federal workforce (i.e., the one-third of federal employees who smoke). We have full confidence in the ability of individual federal managers to handle the smoking issue among their own employees, accommodating the preferences of both smokers and non-smokers. As you know, in a number of other areas, OPM is working to deregulate the personnel system and give managers greater ability to manage. In this area as well, we urge leaving decisions to managerial discretion.

We believe also that we need to couple this policy with strong incentives to smokers to "kick the habit". Clearly, we must work toward achieving healthier work environments, but I believe consensus, not fiat, will insure long-term success. We need to provide employees an increased understanding of the dangers of smoking, and encourage individual, voluntary restraint. In keeping with these points, we should provide educational materials and assistance to all smokers interested in quitting. On that score, OPM will be sponsoring a government-wide smoking cessation conference this October, with addresses, as you know, by you and Dr. C. Everett Koop. Certain other agencies already provide extensive information to their employees about smoking cessation programs. Across the government, we must step up these efforts.

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More specific comments on GSA's proposed regulations appear below:

- 1) While the objective of these proposed regulations is to impose greater restrictions on smoking in GSA-controlled buildings, they actually work in the opposite direction, eliminating the restrictions currently in place. This is because of a clause in section 101-20.109-10(a) -- "except as designated pursuant to paragraph (b)(1) below..." -- which effectively gives total discretion to agency heads.

We recommend that the new regulations not be less stringent than the current regulations. All existing restrictions on smoking should be retained; to these, we suggest adding other "general use" space such as corridors, stairwells, restrooms, and lobbies.

- 2) The proposed regulations distinguish between private and general office space, intending to ban smoking in general office space, while allowing it -- at the agency head's discretion -- in private office space. Such a split policy distinguishes between classes/groups of employees in a way likely to cause serious difficulties for agency heads and managers. We strongly recommend giving agency heads discretion to determine the smoking policy in all office space. Agency heads, in turn, should be encouraged to decentralize such decisions to their managers. Managers may then accommodate the differing preferences of their employees by separating smokers from non-smokers to the extent possible.
- 3) The proposed regulations call for mandatory smoking areas in cafeterias and vending facilities. We would prefer to see this issue left to the discretion of agency heads. If agencies can build a consensus for a total ban on smoking, they should have the ability to implement this throughout all building space. In other cases, agency heads may wish to allow smoking in office space, but ban it in cafeterias and vending areas. They should be given the authority to do so.
- 4) Finally, the proposed regulations require no expenditures for "structural" changes. They do not, however, comment on expenditures for "non-structural" changes (e.g., fans, air purifiers, smoke-less ashtrays). To clarify the issue, we recommend GSA broaden the language used so the regulations will require no expenditures for either "structural" or "non-structural" changes.

We would like to emphasize that our differences with GSA are over the means, and not the end, of achieving healthy work environments. We hope that eventually all such discussion and debate will be rendered unnecessary by the approach of a fully smoke-free society. In dealing with the present situation, however, we must seek a policy aimed at reducing smoke in the workplace which is -- at the same time -- enforceable, conducive of workforce productivity, and sensitive to the concerns of both smokers and non-smokers. We believe that such a policy can be achieved through the establishment of centralized rules governing "general use" space and decentralized rules governing employee office space.

Sincerely,



Constance Horner
Director

All Senators, except:

Chafee Bradley
Armstrong

Ways and Means Committee Members who voted against 8-cent increase:

Rostenkowski, IL	Duncan, TN
Pickle, TX	Archer, TX
Rangel, NY	Vander Jagt, MI
Jones, OK	Crane, IL
Ford, TN	Frenzel, MN
Jenkins, GA	Schulze, PA
Gephardt, MO	Gradison, OH
Fowler, GA	Campbell, SC
Russo, NJ	Thomas, CA
Matsui, CA	McGrath, NY
Anthony, AR	Daub, NE
Flippo, AL	Gregg, NH
Dorgan, ND	
Kennelly, CT	
Donnelly, MA	
Coyne, PA	

Not voting:

Gibbons, FL Moore, LA
Guarini, NJ

House Budget Committee Members

Gray, PA	Latta, OH
Wright, TX	Kemp, NY
Hefner, NC	Martin, IL
Downey, NY	Fiedler, CA
Lowry, WA	Gradison, OH
Derrick, SC	Loeffler, TX
Miller, CA	Mack, FL
Williams, MT	Goodling, PA
Wolpe, MI	Moore, LA
Frost, TX	Smith, OR
Fazio, CA	Weber, MN
Russo, IL	Brown, CO
Jenkins, GA	Boulter, TX
Barnes, MD	
Leath, TX	
Schumer, NY	
Boxer, CA	
MacKay, FL	
Slattery, KS	
Atkins, MA	

Tobacco State and Districts:

GA 10	Barnard	VA 2	Whitehurst
VA 1	Bateman	NC 3	Whitley
MD 2	Bentley	VA 10	Wolf
VA 3	Bliley	IN 6	Burton
TN 5	Boner	OH 2	Gradison
VA 9	Boucher	OH 8	Kindness
SC 4	Campbell	WV 1	Mollohan
NC 4	Cobey	WV 2	Staggers
NC 6	Coble	MN 7	Stangeland
TN 4	Cooper		
VA 5	Daniel		
GA 7	Darden		
SC 3	Derrick		
TN 2	Duncan		
MD 1	Dyson		
TN 9	Ford		
GA 5	Fowler		
FL 2	Fuqua		
GA 6	Gingrich		
TN 6	Gordon		
IN 9	Hamilton		
SC 1	Hartnett		
NC 8	Hefner		
NC 11	Hendon		
KY 6	Hopkins		
MD 5	Hoyer		
KY 1	Hubbard		
FL 1	Hutto		
GA 9	Jenkins		
TN 8	Jones, E		
NC 1	Jones, W		
TN 3	Lloyd		
MS 5	Lott		
KY 3	Mazzoli		
NC 9	McMillan		
KY 2	Natcher		
NC 5	Neal		
VA 6	Olin		
VA 8	Parris		
KY 7	Perkins		
TN 1	Quillen		
GA 3	Ray		
KY 5	Rogers		
NC 7	Rose		
GA 8	Rowland		
VA 4	Sisisky		
VA 7	Slaughter		
KY 4	Snyder		
SC 2	Spence		
SC 5	Spratt		
TN 7	Sundquist		
GA 4	Swindall		
SC 6	Tallon		
MO 7	Taylor		
GA 1	Thomas		
NC 2	Valentine		