

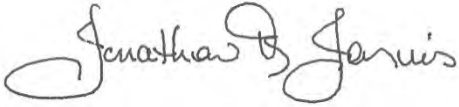


United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, DC 20240

SEP 10 2015

Policy Memorandum 15-03

To: All Employees
From: Director 
Subject: Use of Electronic Nicotine Delivery Systems

This Policy Memorandum establishes National Park Service (NPS) guidance on the use of electronic cigarettes and other electronic nicotine delivery systems (collectively, ENDS) within all facilities and vehicles that are Government owned or leased, and within concessions facilities.

Background

Existing NPS policy with respect to tobacco smoking is found in [Director's Order #50D](#), originally issued in 2003, and last revised in 2009. The purpose of the Order—in conformity with [Executive Order 13058](#)—is to “protect employees and park visitors from the health hazards and annoyances associated with” exposure to environmental tobacco smoke (ETS), commonly known as “second-hand” smoke, which is a known human carcinogen.

Since 2009, ENDS have emerged as an alternative means of nicotine delivery, one that does not require the burning of tobacco. Essentially, when a user “draws” on an ENDS, a liquid solution containing nicotine is heated and vaporized, and inhaled by the user. The user then exhales a vapor that mimics the exhalation from a lit tobacco cigarette; among other things, that vapor contains nicotine—a highly addictive drug—at a level [roughly one-tenth](#) of that found in second-hand smoke. In addition to nicotine, a [recent study](#) published in *Nicotine & Tobacco Research* found that the vapor emitted by the high-powered ENDS known as tank systems also contains formaldehyde, a known carcinogen. The Division of Pharmaceutical Analysis of the Food and Drug Administration (FDA) [recently analyzed](#) the ingredients in a sample of cartridges from two leading brands of ENDS, and found the devices emitted (1) tobacco-specific nitrosamines (a human carcinogen), and (2) diethylene glycol, a chemical used in antifreeze that is toxic to humans.

The Surgeon General's 2014 report [The Health Consequences of Smoking—50 Years of Progress](#) (Report) calls for “rigorous surveillance” of ENDS in order to weigh their risks and potential benefits (e.g., their possible efficacy in reducing use of combustible tobacco products). (Page 761.) The Report concludes that, in light of the links between tobacco product use and ill health, “all products containing tobacco and nicotine should be assumed to be both harmful and addictive.” (Page 780.) On April 24, 2014, the FDA issued a [proposed rule](#) that would formally deem ENDS to be “tobacco products” within the meaning of the [Family Smoking Prevention and](#)

[Tobacco Control Act](#) (PL 111-31; 123 Stat. 1776). The proposed rule would require to, among other things, curb sales to minors, place health warning labels on ENDS products, and disclose their ingredients. In a [report](#) released August 26, 2014, the World Health Organization called for a ban on the indoor use of ENDS, especially in those spaces where smoking is banned. (See Item #41, page 11.)

In the meantime, the General Services Administration (GSA) has advised the managers of all GSA-occupied space—which includes space rented on behalf of GSA for the benefit of the NPS—that ENDS are subject to the same restrictions imposed on smoking tobacco products. The U.S. Fish and Wildlife Service’s policy found at [242 FW 13](#) goes even further, and prohibits “vaping”—another name for ENDS use—in all “interior spaces of all [Fish and Wildlife] Service facilities,” whether Government owned or leased. In addition, vaping is also prohibited “in motor vehicles, heavy equipment, aircraft, and most watercraft we own, rent, lease, or control.” Similarly, on August 14, 2014, the U.S. Geological Survey (USGS) also banned the use of ENDS “in all interior space, courtyards, atriums, balconies and bus stops.” See, [USGS Manual 370.792.3](#).

Policy

Acting (1) out of an abundance of caution in light of the scientific findings and uncertainty to date, and (2) in the interest of equity, the purpose of this Policy Memorandum is to afford *all* NPS employees and park visitors the same protections from exposure to nicotine and other harmful substances that may be found in ENDS vapor that are currently in place for exposure to tobacco smoke.

1. Effective immediately, use of ENDS will be treated as tobacco smoking. *All* provisions of Director’s Order #50D—including in particular sections 4.1.1 and 4.1.2—will apply to ENDS use. ENDS use will not be permitted within any Government-owned or -leased vehicle, including heavy equipment, watercraft or aircraft.
2. In accordance with sections 4.1.1 and 4.1.2 of Director’s Order #50D, ENDS will be prohibited in shared Government quarters, but generally permissible in non-shared residential accommodation. See Director’s Order #50D for further details.
3. With regard to concessions facilities, ENDS use will be treated just the same as smoking for purposes of section [10.2.4.13](#) of Management Policies (2006), which provides in pertinent part as follows:

Generally, all NPS concessions facilities will be smoke free. The only exceptions—which the Service does not encourage—will be specifically designated smoking areas and rooms if allowed by State and local law. . . .

Additional information regarding smoking in concessions facilities is found in the [guidance](#) entitled “Commercial Services Program Impacts from Revised Director’s Order #50D – Smoking,” dated August 14, 2009.

4. This Policy Memorandum will be implemented consistently with all applicable laws, including the Federal Service Labor-Management Relations Act (5 USC 7101—7135) and the National Labor Relations Act (29 USC 151—169). In an effort to honor the provisions of existing collective bargaining agreements, site/office managers will consult with employee labor representatives about the implementation of this Memorandum.

5. The restrictions on ENDS use contained in this Memorandum will be incorporated in any revision of Director's Order #50D and/or section 10.2.4.13 of Management Policies.

----- *End of Policy Memorandum* -----