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SECNAVINST 5100.13E
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SECNAV INSTRUCTION 5100.13E

From: Secretary of the Navy

Subj: NAVY AND MARINE CORPS TOBACCO POLICY

Ref: (a) National Institute for Occupational Safety and Health (NIOSH) Current Intelligence Bulletin (CIB) 54 of Jun 91, Environmental Smoke in the Workplace (NOTAL)
(b) Environmental Protection Agency (EPA) Report, "Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders," Dec 92 (NOTAL)
(c) U.S. Navy Uniform Regulations, Chapter One, Enforcement
(d) U.S. Marine Corps Uniform Regulations, Personal Appearance
(e) NAVSEA S9510-AB-ATM-010, Nuclear Powered Submarine Atmosphere Control Manual; Volume 1(U), Rev 2 (NOTAL)
(f) OPNAVINST 6100.2A
(g) MCO P1700.29 of 8 Nov 99
(h) DoD Instruction 5120.4 of 16 Jun 97
(i) DoD Instruction 1010.15 of 2 Jan 01
(j) P.L. 104-52 of 19 Nov 95

1. Purpose. To provide policy and program guidance, per references (a) through (j), for the control and reduction of tobacco use within the Department of the Navy (DON). This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 5100.13D.

3. Definitions

a. DoN Facility. Any interior space owned, leased or controlled by DoN, including any Navy or Marine Corps space, building, facility, floating unit, aircraft or vehicle.

b. Environmental Tobacco Smoke (ETS). Also referred to as "secondhand" or "passive" smoke. Exhaled/side-streamed smoke emitted from smokers, burning cigarettes, cigars, pipe tobacco,

and other tobacco products. Per references (a) and (b), ETS is a major source of harmful indoor air pollution designated a "Class A" carcinogen by the Environmental Protection Agency (EPA) and known to cause respiratory illness and heart disease.

c. Tobacco Products. Includes the use of smoking (e.g., cigarettes, cigars, pipes) and smokeless tobacco (e.g., spit, plug, leaf, snuff, dip, chew).

d. Residue. By-products of tobacco use (e.g., butts, ashes, matches, product wrappings, spit, spit cups).

e. Minor. Anyone under 18 years of age.

4. Applicability

a. All DoN military and civilian personnel, including appropriated and non-appropriated fund employees as well as family members, visitors, volunteers, or contractors, while in DoN spaces. (Note: Representatives of bargaining unit employees must be notified and provided an opportunity to bargain when conditions of employment are impacted. Servicing Human Resources Offices will provide assistance and guidance.)

b. Marine Corps guidance may be obtained from Commandant of the Marine Corps (CMC (MPO-37)).

c. Does not cancel or supersede other instructions where tobacco is controlled because of fire, explosive, or other safety considerations.

5. Background

a. Tobacco use is the single largest cause of preventable premature mortality in the United States among adults. Smoking-related health care and productivity loss cost the Department of Defense (DoD) nearly a billion dollars each year. Cigarette smoking may cause heart disease, several kinds of cancer (lung, larynx, esophagus, pharynx, mouth and bladder) and chronic lung disease. It also contributes to cancer of the pancreas, kidney, and cervix. Cigar use may cause cancer of the larynx, mouth, esophagus and lungs.

b. Involuntary exposure to tobacco smoke has been shown to cause cancer, lung and heart disease in healthy nonsmokers. Because of these findings, the EPA has classified ETS as a known human-lung carcinogen or "Group A" carcinogen under EPA's Carcinogen Classification System. Additionally, smokeless tobacco residue (from spitting into open containers, waste baskets, or on the ground) presents an unsanitary condition. As saliva is a culture medium for infectious organisms, it poses a risk to those nearby. Exposure to ETS is preventable.

c. Tobacco use in any form is addictive; and no form of tobacco other than cigarettes, including smokeless tobacco, are safe alternatives to cigarettes. The use of smokeless tobacco may cause a number of serious oral health conditions and problems, including cancer of the mouth and gums, periodontitis, tooth loss, and thus loss of medical readiness.

d. Tobacco use is associated with higher absenteeism, diminished motor and perceptual skill, and poor endurance. The smoking of tobacco adversely affects low-light and night vision, respiratory capacity and wound-healing rates, and contributes to the risk of cold-related injuries, including frostbite. Additionally, statistics for tobacco users demonstrate higher accident rates than non-tobacco users.

e. Because the health of tobacco users is adversely affected and because the health of all personnel must be protected by providing a safe, healthy, and non-polluted workplace, DoN's vision is to be tobacco free.

6. Tobacco-Use Policy

a. DoN's Objectives and Policy

(1) Reduce tobacco use, prevent tobacco product use initiation, reduce non-users' exposure to ETS and residue, promote quitting, and establish tobacco-free facilities.

(2) Provide tobacco users with the encouragement and professional assistance needed to quit.

(3) Improve personnel health and maintain a high state of military readiness.

(4) Ensure a safe, healthy, and unpolluted working, living and tobacco-free environment.

b. DoN Military Personnel Tobacco Use. Per references (c) and (d), when walking from point to point while in uniform, it is inappropriate and detracts from military smartness for personnel to be smoking or using tobacco products. Tobacco use is only permitted in designated tobacco use areas.

c. Tobacco Breaks. Time spent for tobacco use (while on duty) shall occur only during approved break periods that will be designated by supervisors based on staffing and per Federal law, personnel policy, and union contracts. Break periods for tobacco users will be the same as for non-users. Should conflicts arise between the rights of tobacco users and non-tobacco users, the right to a tobacco-free space shall prevail. Tobacco use is prohibited during time authorized for physical fitness, training and conditioning.

d. Smokeless Tobacco. Smokeless tobacco is not a safe alternative to smoking. It is no more or less acceptable than smoking. Smokeless tobacco use is only permitted in designated tobacco use areas. Where smokeless tobacco use is permitted, tobacco spit shall be held in containers with sealing lids to prevent odor and accidental spills. Tobacco spit and residue shall be disposed of in a sanitary manner which prevents public exposure.

e. Designated Tobacco-Use Areas. Established not to encourage tobacco use, but rather to provide a location where others are not exposed to ETS and residue, all tobacco use areas shall prominently display tobacco use warnings and availability of tobacco cessation programs. Since ETS is classified as a "potential Class A carcinogen," exposure to ETS and residue shall be reduced to the lowest possible concentration. Residue of all tobacco products will only be discharged in non-combustible containers provided for that purpose and should be available in all designated tobacco use areas. Per this policy, use of tobacco products is prohibited in all DoN-controlled spaces, except as noted below.

(1) Individual Living Quarters Ashore

(a) Designated tobacco use areas may be permitted in individually assigned family and Bachelor Quarters (BQs) and lodging (includes both Permanent Change of Station (PCS) and Temporary Additional Duty (TEMADD) facility rooms), provided these individual housing units are not served by a common Heating, Ventilation, Air Conditioning (HVAC) system.

(b) If tobacco use areas are designated in housing units, Commanding Officers (COs) must designate sufficient tobacco-free quarters for tobacco-free Service members to prevent involuntary exposure to ETS and residue.

(c) Tobacco use is prohibited in common spaces of individual living quarters.

(2) Multiple Housing Units

(a) Designated tobacco use areas may be permitted in multiple housing units (e.g., family housing apartment complexes, BQs, Navy Lodges, lodging (includes both PCS and TEMADD facility rooms)), provided the designated tobacco use areas are separately ventilated and exhaust directly to the outdoors away from common points of facility entry/egress, and not in front of air intake ducts. This determination shall be made by the CO with assistance from the responsible environmental engineer.

(b) Tobacco use is prohibited in lodges served by a common HVAC system. Lodges not served by a common HVAC system will make every effort to accommodate tobacco users. Non-tobacco-using travelers can be issued a certificate of non-availability (CNA) when non-tobacco designated rooms are not available. This will prevent involuntary exposure to ETS and residue for non-tobacco users.

(c) Tobacco use is prohibited in common spaces of multiple housing units.

(3) Morale, Welfare, and Recreation (MWR) Facilities

(a) Tobacco use is prohibited when MWR activities/ facilities share the same HVAC systems with housing/BQ units.

Where HVAC is separate, tobacco use is prohibited unless explicitly authorized by the CO, after consideration of base environmental engineer recommendations following a review of the ventilation system plans and site.

(b) Tobacco use in stand-alone MWR facilities is likewise prohibited, unless specifically authorized by the CO, after consideration of base environmental engineer recommendations following a review of the ventilation system plans and site.

(c) Indoor designated tobacco-use areas shall be enclosed and must exhaust directly to the outside (away from air intakes) and maintained at a negative pressure sufficient to contain tobacco smoke in designated areas.

(d) Tobacco use area selection will not be based upon the convenience of tobacco users, but upon factors which prevent involuntary exposure to ETS, residue, and the pollution of surrounding areas.

(4) Surface Ships. As safety and operational requirements permit, COs may designate one or more weather deck spaces of surface ships as tobacco use areas. If weather deck spaces are not available due to ship configuration or operational considerations, the CO may designate one or more normally unmanned spaces within the skin of the ship as tobacco use areas, provided the spaces designated are designed to vent directly to the outside atmosphere. An environmental engineer should assist the CO in identifying spaces aboard the ship which do not recirculate ETS. Though they may meet ventilation requirements, the following spaces will not be used as smoking areas: work spaces, watch stations, berthing areas, lounges, messing areas, libraries, ready rooms, exercise areas, medical areas, spaces in which computing and electronics gear is present, and spaces in which tobacco is prohibited for other safety considerations.

(5) Submarines. Tobacco-use areas may be designated aboard submarines following the guidance of reference (e). These spaces must be well ventilated and not in the vicinity of stationary watch stations. Berthing spaces, messes, lounges, and exercise areas shall not be designated as tobacco use areas. The number of smoking tobacco users authorized to use a

designated tobacco use area at one time shall be limited by the clearance capacity of the ventilation system.

(6) Other Tobacco-Use Areas. Tobacco use areas not described above may be designated based on operational needs and public visibility. Areas shall be outdoors, away from common points of facility entry/egress, not in front of buildings or air intake ducts, and provide a measure of protection from the elements such as existing awnings and covered areas. The distance from building entry/egress which tobacco users must maintain is to be determined by the CO and must be at least 50 feet from any building entrance. Proximity to areas used by other personnel (e.g., sidewalks, walkways, picnic tables) should be considered when designating tobacco use areas. This policy does not require funds be expended to provide, construct, or maintain sheltered, outdoor tobacco use areas.

7. Promotional Programs. DoN components shall not participate with manufacturers or distributors of tobacco products in promotional programs, activities, or contests aimed primarily at Service members, except as noted in references (f) and (g). Per reference (h), DoN components shall not allow the advertising of tobacco products. Base commanders and senior enlisted leaders are encouraged to emphasize the benefits of a tobacco-free lifestyle in base publications and otherwise.

8. Solicitation/Acceptance of Free Tobacco Products. Per references (i), solicitation or acceptance of free tobacco products is prohibited while in an official capacity.

9. Cigarette Sales to Minors and Sampling of Tobacco Products. Per reference (j), the sale of tobacco products in vending machines located in DoN-controlled spaces is prohibited. Tobacco products shall not be sold to minors and the free distribution of tobacco products from organizations or businesses is prohibited.

10. Professional Assistance. Tobacco cessation is not the cessation of a habit, but rather the treatment of an addiction. Access to tobacco treatment should be as easy as purchasing tobacco products. Referral for treatment for tobacco users is highly encouraged. Military Treatment Facilities (MTFs), Fleet and Family Service Centers, and Marine Corps Community Services shall provide current tobacco use information, cessation

encouragement, and professional assistance to those wishing to stop using tobacco. Where professional assistance is not immediately available, or when such assistance is beyond the capability of the facility, referral assistance shall be provided. Care must be taken to encourage tobacco cessation without coercion for personnel to enter these programs.

11. Action. A user of tobacco products is not the Navy's vision of a fit war-fighter. The Chief of Naval Operations (CNO) and the CMC are responsible for implementing policy and program guidance in this instruction as follows:

a. Unit Commanders, COs, and Officers in Charge (OICs) shall:

(1) ensure tobacco use is not part of our culture and encourage a tobacco-free lifestyle.

(2) provide effective tobacco cessation at the command level. Due to the addictive nature of tobacco, program emphasis shall be on the primary prevention practices which motivate personnel to refrain from using tobacco products (i.e., explain the health consequences of tobacco use through command-wide training), as well as encouraging users to quit all forms of tobacco. Anti-tobacco use education messages shall be provided to all personnel. High-risk personnel, such as those with chronic respiratory and cardiac conditions and those who are part of special occupational groups, such as asbestos workers, shall receive medical counseling about the added risks of smoking.

(3) create, by personal example and command climate, a tobacco cessation program which supports abstinence and discourages use of all tobacco products. Leaders are encouraged to be tobacco free. Commands are encouraged to recognize the success of those who are tobacco free.

(4) per references (f) and (g), include the following topics at all command indoctrinations and orientations, during periodic health assessment (PHA), general military training for all military and civilian personnel, and as an ongoing effort of a command health promotion and wellness program:

(a) Nicotine addiction and its negative impact on readiness.

(b) Health risks of tobacco use.

(c) Health risks posed by involuntary inhalation of ETS.

(d) Health risks of smokeless tobacco and the unhealthy practice of swallowing its residue.

(e) Availability of assistance to quit tobacco use.

(5) treat tobacco use as an addiction (like other addictive substances).

(6) prohibit military and civilian staff members, at initial entry and training programs, from using tobacco when in the presence of students, recruits, officer candidates, and midshipmen.

b. Navy (Commander, Naval Education and Training Command) (NETC) and Marine Corps (Training and Education Command together with Personal and Family Readiness Division (CMC(MR))) shall:

(1) develop and distribute standardized education and training materials.

(2) encourage healthy lifestyle options in all basic, intermediate, and senior level training and education.

(3) per references (f) and (g), ensure DoN personnel follow the provisions of tobacco product use during all training points.

c. Chief, Bureau of Medicine and Surgery shall:

(1) make recommendations to DoN regarding health information and training regarding tobacco use and its adverse effects.

(2) monitor tobacco-related medical research, tobacco industry claims and marketing trends, and determine patterns of use in military and civilian populations.

(3) provide tobacco cessation programs at all MTFs.

(4) prohibit military personnel from using tobacco products while in the presence of patients or while in uniform when representing Navy Medicine.

(5) ensure health care providers at all medical and dental facilities

(a) Apply tobacco use cessation clinical practice guidelines (CPGs).

(b) Inquire about the patient's tobacco use (including smokeless tobacco products) during routine physical or dental examinations and advise tobacco users of the risks associated with tobacco use, of the health benefits of quitting, and where to obtain assistance in doing so.

(c) Advise all pregnant tobacco users of the health risks to the fetus and where to obtain assistance to stop using tobacco.

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