

An Evaluation of the Smoking Policy at Greene County Buildings



Observations and Recommendations



Compiled and submitted by Rip Van Winkle Tobacco-Free Action 3/28/2014

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Introduction

The 2003 Clean Indoor Air Act that banned smoking in all workplaces is rightly credited with creating a healthier work environment for millions of people. In addition to protecting non-smokers from the health risks of secondhand smoke, the law also motivated thousands of smokers to quit.

In subsequent years there has been growing support for smoking restrictions in outdoor public areas as well, both for health reasons and to eliminate cigarette litter. Many counties have passed comprehensive policies that apply to both employees and visitors.

As documented in the Administrative Manual, the Greene County smoking policy is to prohibit smoking in all of its buildings and vehicles, in accordance with State Law. The policy also directs that each County facility have a clearly marked designated smoking area and stipulates that smoking breaks for County employees are not allowed.

This report was compiled by the staff of Rip Van Winkle Tobacco-Free Action based on observations conducted at Greene County government buildings in September 2013. We hope that it will provide the County Executive and County Legislators with useful information to assess how the current smoking policy is functioning and to determine whether amendments or revisions are called for.

For example, e-cigarettes were introduced in the years after the Clean Indoor Air Act and are not subject to any of its provisions. In the absence of state law, localities do have the authority to impose their own restrictions; we encourage county governments to consider taking action before there are problems. There may be other components of the policy that also need updating. For a comparison, we have included the 2013 smoking policies from Essex County and from Clinton County, both of which do address e-cigarettes and are good examples of a comprehensive policy.

In addition to offering technical assistance, our program can provide free custom made signage. Please consider us a resource.

Respectfully submitted by:

**Karen dePeyster, Program Director
Lisa Heintz, Communications Coordinator**

**Rip Van Winkle Tobacco-Free Action
March 4, 2014**

A Program of the Healthcare Consortium

X. HEALTH AND SAFETY

-Smoking Policy-

POLICY: In accordance with New York State Law, Greene County prohibits smoking in all of its buildings and vehicles.

INFORMATION: The Clean Indoor Air Act (Public Health Law, Article 13-E) prohibits smoking in public and work places to protect employees and the public from secondhand smoke.

PROCEDURE: Greene County shall abide by New York State Law.

Designated smoking areas shall be posted at each County facility. The Superintendent of Buildings and Grounds in concert with the Building Manager and/or the appropriate Department Head shall determine a suitable location for each building.

Vehicles are considered by New York State Law to be public places and therefore smoking is strictly prohibited.

There are no smoking breaks allowed for Greene County employees.



Buildings & Grounds

Address: 90 Allen Street, Catskill
Observation Date: 9/19/13
Completed by: Karen & Lisa

Departments: Buildings & Grounds

Summary of Findings

- There are no No Smoking signs at this site.
- There is no sign indicating a designated smoking area.
- There is no butt receptacle.
- There is no evidence of cigarette litter.



County Office Building

Address: 411 Main Street, Catskill

Observation Date: 9/19/13

Completed by: Karen & Lisa

Departments: County Administrator
Board of Elections
District Attorney
Public Health
Family Planning
DSS
DMV
Probation
Human Resources

County Clerk
Human Services
OFA
Public Defender
Greene County Planning
Real Property

Summary of Findings

- There is a 'No Smoking In This Area' sign on either side of the back door (facing the Catskill Creek). There is no 'No Smoking' sign in the front entryway (facing Main Street.) There is also a 'No Smoking' sign in the parking lot on the east side of the building, but it is not clear whether it is a county sign or one that belongs to the adjoining property.
- There is a butt receptacle in front of the building right next to the front door. There is also a butt receptacle by the back door.
- There is a Designated Smoking area sign on the perimeter of the parking lot that abuts Water Street.
- At the time of the observation the receptacle at the designated area was damaged and only the bottom portion was in use with a metal bucket stuck inside it.
- There is cigarette litter around the designated smoking area.



Court House

Address: 320 Main Street
Observation Date: 9/19/13
Completed by: Karen & Lisa

Departments: County Court
Surrogate Court
Family Court

Summary of Findings

- There are no 'No Smoking' signs at this site
- There is no sign indicating a designated smoking area
- There are 2 butt receptacles located by the bench seating areas on the walkway to the side entrance. There are no other seating areas for non-smokers.
- There is a small amount of cigarette litter on the walkway.



Emergency Services

Address: 25 Volunteer Drive, Cairo
Observation Date: 9/9/13
Completed by: Karen & Lisa

Departments: Emergency Services

Summary of Findings

- There are no No Smoking signs at this site.
- There is no sign indicating a designated smoking area.
- There are 3 butt receptacles, one located right next to the front door, one right next to the back door and one within 10 feet of the side door.
- There is a moderate amount of cigarette litter around butt receptacles and in the landscaping around the front of the building.



Greene County Tourism

Address: 700 Route 23B, Leeds
Observation Date: 9/19/13
Completed by: Karen & Lisa

Departments: Tourism

Summary of Findings

- There are no No Smoking signs at this site.
- There is no sign designating a smoking area.
- There is one butt receptacle within 10 feet of the main door under a covered area
- No cigarette litter was observed.



Public Works

Address: 240 West Main, Catskill
Observation Date: 9/19/13
Completed by: Karen & Lisa

Departments: Highway Department
Solid Waste

Summary of Findings

- There are no No Smoking signs at this site.
- There is no sign indicating a designated smoking area
- There is one butt receptacle in the rear of the building
- There is no evidence of cigarette litter



Sherriff's Office

Address: 80 Bridge Street, Catskill
Observation Date: 9/19/13
Completed by: Karen & Lisa

Departments: Sherriff's Office
County Jail

Summary of Findings

- There are no No Smoking signs. There is one small No Smoking decal on the glass panel in the door of the Sherriff's Office.
- There is no sign indicating a designated smoking area,
- There is no butt receptacle.
- There is no evidence of cigarette litter.



County Transfer Station

Address: Route 385, Catskill

Observation Date: 9/20/13

Completed by: Lisa

Summary of Finds

- There is one “Smoking Prohibited in This Building” sign on the building where trash is dumped.
- There is no sign indicating a designated smoking area.
- There is no evidence of cigarette litter.
- There is no butt receptacle.

Greene County IDA

Address: 270 Mansion Street, Coxsackie

Observation Date: 9/30/13

Completed by: Lisa

Summary of Findings

- There are no No Smoking signs.
- There is no sign indicating a designated smoking area.
- There is no evidence of cigarette litter.
- There is no butt receptacle.



Observations & Recommendations

Observations

- **Greene County has a straightforward smoking policy that contains 3 basic elements: no smoking in county buildings or vehicles, in accordance with the NYS Clean Indoor Air Act; clearly marked designated smoking areas at each county site; no smoking breaks allowed for county employees.**
- **The policy does not specify how far away from entryways, windows, other air-exchange sites or pedestrian walkways designated areas should be. There is no mention of an enforcement procedure or consequence for violating the policy.**
- **Several sites have no No Smoking signs at all.**
- **Only two sites, 411 Main Street and 905 County Office Building in Cairo have a clearly marked designated smoking area.**
- **Two sites, the Tourism Office in Leeds and the EMS Building in Cairo, have butt receptacles adjacent to entryways.**
- **At the 905 Building in Cairo a picnic table is provided in one of the designated smoking areas, but there is no picnic table in areas where smoking is prohibited. This means that non-smokers must either not use the picnic table or be exposed to secondhand smoke if smokers are present.**
- **At the Court House, butt receptacles are located next to the only benches on the property. This means that non-smokers have nowhere to sit that is protected from exposure to secondhand smoke.**
- **There is very little cigarette litter at or around any of the County buildings.**

Recommendations

- **Because e-cigarettes are not subject to the provisions of the Clean Indoor Air Act, the policy should clearly stipulate that the use of e-cigarettes in county buildings and vehicles is prohibited and that all other restrictions on smoking in the policy apply to e-cigarettes as well.**
- **If designated smoking areas are to be retained, the policy should require that they be away from entryways, windows, and pedestrian walkways. This can be done by establishing a minimum distance (for example, 100 feet) or by specifying the smoking area at each site. It should not be acceptable for butt receptacles to be located next to a doorway. At Emergency Services in Cairo, for example, there are butt receptacles by the front door, back door and side door and that is where people smoke.**
- **A more comprehensive policy would address questions about responsibility for enforcement. Policies from Essex and Clinton Counties are included as examples.**
- **No Smoking signs should be posted at all sites. Tobacco-Free Action can provide attractive, durable, easy to read signs at no cost to the county.**
- **At Mental Health, a picnic table should be added in a shady area where smoking is not allowed.**
- **At the Court House, butt receptacles should be moved away from the benches on either side of the walkway.**
- **Even without proper signage, there seems to be little cigarette litter or evidence of smoking around many county sites. Perhaps consideration should be given to a policy that completely eliminates smoking on all county property.**

ESSEX COUNTY TOBACCO POLICY

POLICY BACKGROUND

Essex County is implementing this Essex County Tobacco Policy for all employees and visitors in order to provide a healthy, productive, safe and clean environment for all. Essex County has the opportunity to create and sustain an environment that supports a tobacco-free social norm through a tobacco-free policy, compliance and adult peer role modeling in or on county property. There is no safe level of second hand smoke as second hand smoke contains over 50 cancer-causing chemicals¹. Tobacco products consumed in public places are often discarded on the ground thus posing risk of ingestion, diminishing the beauty of the facility and requiring additional maintenance.

"Tobacco Products" means all manufactured products containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, dissolvable tobacco products, and electronic cigarette cartridges. However, "Tobacco Products" does not include products that are approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as tobacco use cessation products or other medicinal purposes and are being marketed and sold solely for that approved use.

"Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form.

POLICY

A. Prohibition of Tobacco Use

Effective August 5, 2013, the use of Tobacco Products is prohibited at all times:

- in all interior space owned, rented, or leased by Essex County;
- in all vehicles owned, rented, leased or operated by Essex County;
- on all outside property or grounds owned or wholly leased by Essex County, including parking areas – this applies to private vehicles while they are on Essex County property–
except in designated areas at each of the following locations:
 - Fairgrounds, Route 9N, Westport
 - West side of the parking lot near campers
 - Main Campus, Court Street, Elizabethtown
 - Near the maintenance garage behind the parking lot of Court Street buildings
 - Mental Health; Court Street, Elizabethtown
 - The back corner of the lot on the grass
 - Public Health, OFA, WIC, Water Street, Elizabethtown
 - There is no designated area at this location; This location is a tobacco-free zone.
 - Public Safety Building; Stowersville Road, Lewis
 - East side of the building across from the road/drive
 - Public Works & Transportation, Route 9, Lewis
 - North side of the salt shed
- ***Designated tobacco use areas will be marked with a sign & tobacco waste receptacle.***

¹ Centers for Disease Control and Prevention. *Saves Lives, Saves Money: Make Your Business Smoke-Free*. Atlanta, Georgia: U.S. Department of Health and Human Services, centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office of Smoking and Health, June 2006.

B. Procedure

This policy shall be distributed to all current and future employees and available for review upon request.

Campuses will be marked with signs noting 'Tobacco Use Prohibited Except in Designated Area'. Signs will be posted on every campus and at vehicular and pedestrian entrances (as applicable). Each building will display a decal stating 'Tobacco Free Facility'.

Smoking shelters shall not be provided or permitted on campus grounds or in designated areas. Designated areas shall be provided with tobacco receptacles.

Tobacco users are expected to leave no physical trace of tobacco use (cigarette butts, matches, etc) on Essex County properties.

Essex County Building and Grounds [or Buildings & Grounds staff of the location] shall regularly, and as needed, maintain designated tobacco use areas.

Employees who choose to use tobacco products must do so on their regularly scheduled breaks or meal periods and must do so off of Essex County property or only in designated areas.

Visitors who choose to use tobacco products must do so off Essex County property or only in designated areas.

C. Compliance

The Essex County Tobacco Policy refers to facilities owned, wholly leased or rented by Essex County, whether or not signs are posted and applies to everyone (employees, contractors, visitors, clients, etc.). Compliance with this policy is mandatory.

Employees may respectfully inform employees and visitors of the Essex County Tobacco Policy and ask them to comply. Employee policy violations shall be subject to standard disciplinary actions of Essex County.

Department Supervisors/Managers are responsible for ensuring employees under their direction are aware of the policy and comply with it and taking appropriate action to correct noncompliance.

D. Tobacco Use Cessation

Essex County is committed to providing support to all who want to stop using tobacco products. Resources for all wanting to stop using tobacco are available through the Essex County Public Health Department. Resources for Essex County employees are also available through the Essex Personnel Department. Supervisors are encouraged to refer employees to cessation services for which they are eligible.

E. Policy Revision

The Essex County Tobacco Policy shall be reviewed and revisions considered on an annual basis for a minimal of 5 years. Revisions shall be considered with the ideal of progressing toward prohibiting the use of tobacco products in interior and on exterior Essex County spaces as a means of providing the most healthy, productive, safe and clean environments for all as possible.

Revised: June 2013

Local Law Number 4 of 2012

A LOCAL LAW REGULATING THE USE OF TOBACCO PRODUCTS UPON REAL PROPERTY OWNED OR LEASED BY CLINTON COUNTY

BE IT ENACTED, by the Clinton County Legislature as follows:

SECTION 1: FINDINGS

1. The Clinton County Legislature finds that the health of employees and the public is seriously threatened by exposure to environmental tobacco smoke, also known as, secondhand smoke, and other types of tobacco products. This finding is supported by the United States Environmental Protection Agency and reliable studies of the impacts and effects of environmental tobacco smoke, as well as the U.S. Surgeon General's Report on the Health Consequences of Smoking and the Health Consequences of Smokeless Tobacco Use.
2. The U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke; and the 2006 U.S. Surgeon General's Report on Involuntary Exposure to Secondhand Smoke concludes that even brief exposures to secondhand smoke may increase the severity of asthma attacks and lower respiratory tract infections, especially in children, and have adverse effects on the heart; and secondhand smoke is responsible for approximately 47,400 deaths among nonsmokers each year in the United States.
3. The Clinton County Legislature recognizes the value and benefits resulting from eliminating the exposure of County employees and the general public to unwelcome secondhand smoke from tobacco products on County properties.
4. The Clinton County Legislature finds that the need to breathe air free of the disease causing toxins present in secondhand smoke should have priority over the desire and convenience of smoking on real property owned or leased by the County of Clinton.
5. The Clinton County Legislature recognizes the value in providing a safe, healthful and productive work environment for all employees and visitors to county properties, and to comply with existing state and federal laws and regulations governing tobacco product use.

SECTION 2: DEFINITIONS

1. County Facility – includes the following: 1) buildings owned and operated by the County of Clinton; 2) buildings leased by the County and utilized for County purposes; and 3) vehicles owned by the County of Clinton. It does not include privately owned vehicles parked on County-owned or operated property.

2. County Property – any real property owned, leased or operated by the County of Clinton, excluding: 1)the Clinton County Fairgrounds; 2) the Clinton Community College; 3) the Clinton County Landfill; and 4)roadways and right-of-ways located within the County road system.
3. Tobacco Product - means any manufactured product containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, dissolvable tobacco products, and electronic cigarette cartridges. However, “Tobacco Product” does not include any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved use.
4. Smoking – means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form.

SECTION 3: TOBACCO PRODUCT USE PROHIBITIONS

1. The use of Tobacco Products is prohibited in all of the following places within Clinton County:
 - A) County Facilities;
 - B) County Property;
2. Notwithstanding the foregoing prohibition, the Plattsburgh International Airport Manager, upon approval by the Plattsburgh International Airport Legislative Committee, may designate a tobacco use area outside the airport terminal building which must be at least 100 feet distant from any public entrance to the facility.
3. Nothing in this Section prohibits any person with legal control over any property from prohibiting Tobacco Product use on any part of such property, even if the use of tobacco products is not otherwise prohibited in that area.

SECTION 4: POSTING OF SIGNS

1. The Clinton County Board of Health or its designee shall issue requirements about the content and placement of signs advising the public of the restriction of Tobacco Product usage and/or smoking in the designated areas.

SECTION 5: PENALTIES AND ENFORCEMENT

1. The remedies provided by this Local Law are cumulative and in addition to any other remedies available at law or in equity.

2. Each instance of Smoking or Tobacco Product use in violation of this Law shall constitute a separate violation.
3. Each violation of this Local Law constitutes an infraction subject to a civil penalty not exceeding Five Hundred Dollars (\$500).
4. Any peace officer or code enforcement official may enforce this Law. For the purpose of this Local Law, the term “enforcement officer” shall mean a peace officer or code enforcement official.
5. In addition to other remedies provided by this Local Law, any violation of this Local Law may be remedied by a civil action brought by the County Attorney, including but not limited to: administrative or judicial nuisance abatement proceedings, code enforcement proceedings, and suits for injunctive relief.
6. The enforcement officer, or his/her designee, may cause to have issued and served upon the person complained against a written notice, together with a copy of the complaint made against him/her, which shall specify the provisions of this Local Law which the person is said to be in violation, and shall require the person so complained against to answer the charges of such complaint at a public hearing before the Board of Health or its designated hearing officer at a time not less than fifteen (15) days after the date of service of the notice. The Board of Health may serve, together with a copy of the complaint, a stipulation offer to the person complained against. The stipulation offer shall allow the person complained against to enter into a stipulation under the terms and conditions as set forth in the stipulation offer. The person complained against shall have the option of entering into the stipulation or proceeding with a formal hearing.
7. If the Board of Health determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the Board of Health or its designee pursuant to Section 3 of this Local Law. Nothing herein shall be construed to prohibit an enforcement officer or the Board of Health from commencing a proceeding for injunctive relief to compel compliance with this Law.
8. Any person who desires to register a complaint under this Local Law may do so with any appropriate County official.
9. The decision of the Board of Health may be reviewable pursuant to a special proceeding brought under Article 78 of the New York State Civil Practice Law and Rules.
10. The enforcement officer, subsequent to any final determination, may bring an action to recover the civil penalty provided in Section 3 of this Local Law.
11. In addition to above penalties, County employees in violation of this policy may be subject to appropriate disciplinary procedures to be administered by the supervisor of the affected department.

12. Nothing in this local law shall create a right of action in any person against the County or its agents to compel enforcement of this Local Law against private parties.

SECTION 6: OTHER APPLICABLE LAWS

This Local Law shall not be interpreted or construed to permit tobacco use or smoking where it is otherwise restricted by other applicable laws.

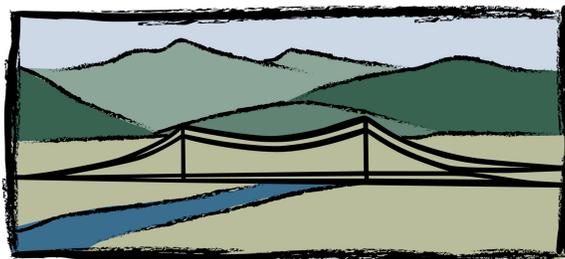
SECTION 7: SEVERABILITY

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

SECTION 8: EFFECTIVE DATE

This Local Law shall take effect upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and become operative on July 1, 2013.

Rip Van Winkle Tobacco-Free Action



of Columbia and Greene Counties

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