Thirdhand Smoke Resource Center

What policies protect me from thirdhand smoke in my workplace?

The Short Answer

Thirdhand smoke is the chemicals left behind when someone smokes tobacco. Thirdhand smoke is unhealthy for people and pets. It can stick around for a long time in homes and cars. It gets into your body if you inhale, swallow, or touch the chemicals. Getting rid of it is really hard and can cost a lot of money.

While there are policies protecting federal employees and the public visiting federal facilities, there are no federal policies protecting private-sector employees from tobacco smoke exposure. However, there are policies on the state and local levels. Some states and local municipalities have comprehensively banned smoking in the workplace, whereas others have partial or no bans. Regardless of the state or local policy, some employers may have voluntary smoking bans in their workplace. These policies only prevent secondhand smoke exposure and the accumulation of new thirdhand smoke. They typically do not protect employees from thirdhand smoke already present in the workplace.

In California, 28 other states, and Washington, D.C., employers cannot refuse to hire someone based on their legal activities outside the workplace, including smoking and vaping. However, if the job will be impacted by smoking or vaping, employers in these states can still require employees not to smoke or vape and choose not to hire people who smoke or vape. For example, hospitals can choose to hire only medical providers who do not smoke or vape so they do not expose patients to tobacco smoke pollutants.

If you are concerned about thirdhand smoke in your workplace, talk to your employer about creating workplace policies to protect nonsmoking employees. You can find resources from organizations including the Thirdhand Smoke Resource Center, American Cancer Society, Public Health Law Center, American Nonsmoker Rights Association, and your local Tobacco Control and Health Departments.

The Long Answer

Thirdhand smoke is the chemical residue from tobacco smoke. It is also called “tobacco smoke residue” or “stale tobacco smoke.” The chemicals in thirdhand smoke are toxic to humans, especially children. Thirdhand smoke can linger for years in dust and on household surfaces. It can also become embedded in carpets, furniture, clothes, and building materials. It is difficult and expensive to remove.

Executive Order 13058, "Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace," bans smoking in all Executive Branch facilities, all interior space owned, rented, or leased space by the Executive Branch of the Federal government. Federal law also prohibits smoking on all commercial passenger flights in the United States, including international flights.

However, federal law does not explicitly protect private-sector employees in the workplace. To date, workplace smoking bans only occur at the state and local levels. Some states and local municipalities have comprehensively banned smoking in the workplace, while others have partial or no bans. Employers may ban smoking in the workplace, even in states that do not have any statewide bans. Smoking bans protect workers from secondhand smoke and the build-up of new thirdhand smoke, but they do not protect against thirdhand smoke that is already there.

In California, 28 other states, and Washington D.C., employers may not discriminate against employees for legal activities outside the workplace, like smoking and vaping. An employer in these states cannot refuse to hire someone because they smoke or vape unless not smoking and not vaping is a job requirement. For example, a medical office could choose to hire only medical providers who do not smoke to protect their patients from exposure to tobacco smoke pollutants.

Even in states where employers can refuse to hire people who smoke, very few employers do. One exception, however, is Alaska Airlines, which, since 1985, has required all employees not to smoke at all. Similarly, in February 2020, U-Haul started requiring all new employees not to use any nicotine products. These policies ensure that employees are not bringing toxic thirdhand smoke residue with them into their workplace.

An increasing number of hospital systems nationwide are adopting this hiring practice. About 20% of hospitals in the US now refuse to hire people who smoke. The World Health Organization has also adopted this policy. These hiring policies protect all workers, patients, clients, and customers from second- and thirdhand smoke exposure. The practice also encourages tobacco cessation among people who do smoke.

If you are concerned about thirdhand smoke exposure at work, we encourage you to educate co-workers and supervisors about thirdhand smoke. We also recommend reviewing your state and employer's policies and asking for protection from tobacco smoke exposure. Common protection policies include separating employees who do and do not smoke into different work areas and improving ventilation systems. Consider citing the ADA Act when proposing changes in workplace accommodations regarding tobacco smoke exposure.

Protection from thirdhand smoke is essential for employees with a greater risk to the health effects of exposure, such as employees with asthma or who are pregnant. Organizations, including the American Lung Association, American Cancer Society, Thirdhand Smoke Resource Center, Public Health Law Center, American Nonsmoker

Rights Association, and your local Tobacco Control Coalition and Health Department, can provide resources to help employees.

Do you have more questions about the toxic legacy of tobacco smoke, how it affects human health, and what we can do about it? Learn more here.

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