

Good Afternoon,

I have a problem with the Utah Indoor Clean Air Act that I was hoping you could help me with. The problem is "Smoking in Vehicles use for work". currently a smoker can smoke in a Vehicle use for work as long a non-smoker is not occupying the vehicle at the time, they may not smoke if there is a non-smoker with them. Which means for me I have to drive & live in vehicles that have been heavily smoked in, you see I'm a Truck driver for Swift Transportation, I drive out of the Walmart DC located in Corinne Utah, we have to slip seat the trucks, which means we are not assigned a truck till we have a load. These trucks are used by both non-smoking and smoking drivers. This is my work area & living space for up to 7 days at a time, the smoke residue makes me sick, but Swift will not do anything to help me out, I have talked to them and the only thing I get from them is I can go to work someplace else. I live in Honeyville Utah, So now it falls to my elected state reps to fix this oversight in the Utah Clean Air Act to include "MY WORK SPACE" in the Utah Clear Air Act. I have talked to many other drives that are non-smokers and they feel the same. Smoking needs to be prohibited in vehicles based in the Great State of Utah, shared with non-smokers, even if a non-smoker is not currently in the vehicle or if the vehicle is not currently in Utah. it won't do any of us any good if they can still light up once crossing the state line.

If you Can't help me out them please forward this message on to the People that can.

Thanks For you time and please contact me if you have any questions.

Michael "Jolly" Goodfellow
Honeyville Utah 84314

Michael

I have done a little research myself and cannot find any State that has a law prohibiting this act, I have found numerous company and Govt agency policies. I plan on checking with the Health Department to see if there is anything they can do or suggest to solve your issue.

Please let me know if there is any other states that you have heard of that have a law prohibiting this.

Thanks

Lee

Rep. Lee Perry

House Dist 2

Dear Lee

I don't know of any state with the rule, but there is no reason Utah can't be the first. The law prohibits smoking in work areas share with non-smokers, it even prohibits smoking if a non-smoker is in the truck, so why not prohibit smoking when I'm not in the truck, its my work and living space, if a smoker can't smoke in an office when a non-smoker is not around then why let them smoke in a truck shared with non-

smokers when they are not in them? what I'm taking about here is called 3rd hand smoke and its not doing any of any good. look up "3rd hand smoke" online and you'll find lots of info on how dangerous it is to every one. Smoking is a choice, Breathing is not, and I for one would like to breath clear air while doing my job driving a large truck in traffic instead of getting sick and not having my full attention on the job in hand. as a driver of CV's I can't even talk on my cell phone while driving, so why should any of us be able to smoke while driving?

Michael "Jolly" Goodfellow

Here are 2 states that ban smoking in company vehicles that I found:

New York

http://www.health.ny.gov/regulations/public_health_law/section/1399/

see line 5

"Place of employment" means any indoor area or portion thereof under the control of an employer in which employees of the employer perform services, and shall include, but not be limited to, offices, school grounds, retail stores, banquet facilities, theaters, food stores, banks, financial institutions, factories, warehouses, employee cafeterias, lounges, auditoriums, gymnasiums, restrooms, elevators, hallways, museums, libraries, bowling establishments, employee medical facilities, rooms or areas containing photocopying equipment or other office equipment used in common, and company vehicles.

Iowa

<http://www.iowasmokefreeair.gov/common/pdf/iowacode142D.pdf>

see page 4

142D.3 PROHIBITION OF SMOKING -- PUBLIC PLACES, PLACES OF EMPLOYMENT, AND OUTDOOR AREAS.

1. Smoking is prohibited and a person shall not smoke in any of the following:
 - a. Public places.
 - b. All enclosed areas within places of employment including but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairways and stairwells, and vehicles owned, leased, or provided by the employer unless otherwise provided under this chapter.

Michael "Jolly" Goodfellow

Lee,

I have been trying to work with Swift for over 2 years now to get non-smoking trucks, they just wont do it, which is why I brought this issue to you. Getting a law change looks to be the only way to get them to canister the health of their non-smoking drivers. I even had my doctor send them a letter requesting this under the Americans with Disabilities Act, but some how they say a persons right

to breath clean air is not covered. Then I found a bunch of info on third hand smoke, with is what the problem really is.

I may spend 3 or 4 days at a time in one of those trucks, its not only my workspace, its my living space. I get headaches that won't go away after spending only 1 day in a truck following a smoker, it just not right for people to treat other people this way.

I have to sleep in the truck because I don't make enough money driving truck to afford to get a room even night when on the road, which is about my only option now, other then finding different work, which I have been trying to do as well with out much luck.

I found in the latest version of the Rule R392-510, Utah Indoor Clean Air Act, As in effect on February 1, 2012.

R392-510-2. Definitions.

(16) "Workplace" means any enclosed space, including a VEHICLE, in which one or more individuals perform any type of service or labor for consideration of payment under any type of employment relationship. This includes such places wherein individuals gratuitously perform ser...vices for which individuals are ordinarily paid.

This is good, we got the code we need right there making a company owner vehicle a workspace, but then I read on in the code and found:

Requirements for Smoking Permitted Areas.

(4) Smoking may be permitted in vehicles that are workplaces when not occupied by nonsmokers.

That line right there is what needs to be removed from the code.

This is the link I found this info at:

<http://www.rules.utah.gov/publicat/code/r392/r392-510.htm>

As a Commercial Vehicle Operator there is a lot of things I can't do while behind the wheel that other drivers can, I would think smoking while driving would be just as distracting as say talking on a cell phone or eating, and being half sick from third hand smoke can't be all that safe either.

So I guess I'll have to put up with this for another year now, maybe you could talk to Swift Trucking, but I don't know what good it will do. Russ is the man in charge out at Corinne, that number is 435-774-2035, then option 1, then option 1 or 2 and ask for Russ. Or to call the head office in Phoenix 1-800-800-2200, I have no ideal who you would need to talk with there.

One last question, as a state trooper, do you have to share a car with a smoker, or does the state have a non-smoking rule for state owned vehicles?

Michael "Jolly" Goodfellow

