

Department of the Interior Departmental Manual

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Part 310: General

Chapter 11: Smoking in Public Buildings

Originating Office: Office of Acquisition and Property Management

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11.1 Purpose. The purpose of this chapter is to establish the Department of the Interior's (Department) policy regarding smoking, the use of electronic smoking products, and the use of smokeless tobacco products in spaces occupied and/or controlled by the Department.

11.2 Authorities. This Chapter is established in accordance with [41 CFR § 102-74.315](#), pursuant to Executive Order (E.O.) 13058, *Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace*, (3 CFR, 1997 Comp., p. 216) which states it is "the policy of the executive branch to establish a smoke-free environment for Federal employees and members of the public visiting or using Federal facilities. The smoking of tobacco products is prohibited in all interior space owned, rented or leased by the executive branch of the Federal Government." Under Federal regulations, electronic cigarettes, vapor pipes, and other similar items ("electronic smoking products") are subject to the same provisions and relevant regulatory requirements as tobacco products, such as cigarettes ([81 FR 28973](#)). Occupational Safety and Health Administration (OSHA) regulations require Federal agencies to ensure employees have working environments which are free from known hazards and health risks ([29 CFR § 1960.8\(a\)](#)). Considering the known health risk to users, and the potential health risks to non-users exposed to the vapor, the use of electronic smoking devices, as well as traditional cigarettes is prohibited in Federal facilities. Therefore, as with traditional tobacco use, those employees and visitors to Federal facilities who wish to use electronic smoking products must do so in exterior designated smoking areas ([41 CFR § 102-74.365](#)).

11.3 Policy. Smoking, the use of electronic smoking products, and/or the use of smokeless products (i.e., chewing or snuffing of products) are prohibited in the interior space of all facilities occupied and/or controlled by the Department, as well as interior courtyards within 25 feet of doorways and air intake ducts in outdoor space under the jurisdiction, custody, or control of the Department ([41 CFR 102-74.330](#)). This applies to all persons working in, visiting, or otherwise accessing the facilities and grounds occupied by the Department, whether a GSA-owned, GSA-leased, Department-owned, Department-leased, or GSA delegated buildings.

11.4 Exceptions. Any residential accommodation for persons voluntarily or involuntarily residing,

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on a temporary or long-term basis, in a building owned, leased, or rented by the Federal Government is excepted from this policy. Note that formerly excepted designated smoking areas established prior to this Chapter, which were enclosed and exhausted directly to the outside, are no longer considered excepted as of June 19, 2009 ([FMR 102-74.325](#)).

11.5 **Responsibility.**

A. The Assistant Secretary - Policy, Management and Budget, through the Director, Office of Acquisition and Property Management, is responsible for implementing this policy in buildings and facilities occupied by the Department as authorized by E.O. 13058, Section 5, *Responsibility for Implementation*.

B. Heads of Bureaus and Offices are responsible for:

(1) Ensuring compliance with the policy in this Chapter as well as any additional Bureau/Office rules and regulations deemed necessary for specific locations.

(2) Providing signs in the Department-owned and leased space.

(3) To the extent allowed under paragraph 11.2, above, designating outdoor smoking areas that are convenient, do not negatively impact worker productivity, and do not infringe on the health of those who do not smoke.

(4) Providing appropriate disposal receptacles and signs within all designated smoking areas within their jurisdiction.

C. In accordance with [FMR 102-74.335](#), Federal agency building managers are responsible for furnishing and installing suitable, uniform signs in and around the building, entrances and air intake ducts reading “No Smoking,” “No Smoking Except in Designated Areas,” or “No Smoking Within 25 Feet of Air Duct/Entrance,” as applicable.

11.6 Identification of Smoking Areas. All smoking areas designated by Bureaus and Offices must be appropriately identified. All other areas are considered nonsmoking.

11.7 Consultation. Where there is an exclusive representative for employees, management must meet its obligations under 5 U.S.C. Chapter 71 prior to implementation of this policy.

11.8 Definitions. Smoking is defined as the act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe of any kind, and includes, but is not limited to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs, and e-cigars, or vape pens.