

U.S. Department of Transportation Explicitly Bans the Use of Electronic Cigarettes on Commercial Flights

WASHINGTON – U.S. Transportation Secretary Anthony Foxx today announced a final rule that explicitly bans the use of electronic cigarettes on commercial flights. The final rule applies to all scheduled flights of U.S. and foreign carriers involving transportation in, to, and from the U.S.

“This final rule is important because it protects airline passengers from unwanted exposure to electronic cigarette aerosol that occurs when electronic cigarettes are used onboard airplanes,” said Secretary Foxx. “The Department took a practical approach to eliminate any confusion between tobacco cigarettes and e-cigarettes by applying the same restrictions to both.”

The final rule, to be published in the *Federal Register*, clarifies that the Department’s airline smoking rule prohibits the use of electronic cigarettes and similar products in addition to the existing prohibition on the smoking of tobacco products.

The Department views its current regulatory smoking ban to be sufficiently broad to include the use of electronic cigarettes; however, the prior rule did not explicitly define “smoking.” The Department took this action to eliminate any confusion over whether its ban includes electronic cigarettes.

Electronic cigarettes cause concern because studies have shown that e-cigarette aerosol can contain a number of harmful chemicals. While further study is needed to fully understand the risks, the Department believes that a precautionary approach is best. The Department is particularly concerned that vulnerable populations (such as children, the elderly, and passengers with respiratory issues) would be exposed to the aerosol within a confined space, without the opportunity to avoid the chemicals.

This rule explicitly bans the use of electronic cigarettes in all forms, including but not limited to electronic cigars, pipes, and devices designed to look like everyday products such as pens. The ban does not include the use of medical devices such as a nebulizers.

The Department also extended the ban on smoking, including electronic cigarettes, to all charter (nonscheduled) flights of U.S. carriers and foreign air carriers where a flight attendant is a required crewmember. This change was necessary to implement the Department’s rule with a 2012 statutory amendment that extended the smoking ban to include all flights where a flight attendant is a required crewmember.

The rulemaking finalized today is a part of the Department’s broader effort to strengthen airline passenger rights and improve information available to the public. The final rule is available at www.regulations.gov, docket number DOT-OST-2011-0044.

The Department’s Pipeline and Hazardous Materials Safety Administration (PHMSA) previously addressed

safety concerns regarding the transport of electronic cigarettes. In October 2015, PHMSA issued an interim final rule prohibiting passengers from carrying battery-powered portable electronic smoking devices in checked baggage and prohibiting them from charging these devices or batteries on board aircraft.

For more information on PHMSA's Interim Final Rule, visit <http://phmsa.dot.gov/hazmat/hazardous-materials-carriage-of-battery-powered-electronic-smoking-devices-in-passenger-baggage>.

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