

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY

CHAPTER 208. UNDERGROUND COAL MINE SAFETY

MISCELLANEOUS

§ 208.375. Smoking prohibition: surface work areas.

(a) The provisions of 30 CFR 77.1711 (relating to smoking prohibition) are incorporated by reference.

(b) An individual who violates the mandatory safety standards relating to smoking, including the use of electronic liquid-vaporizing devices or e-cigarettes, shall be subject to a civil penalty assessed by the Department, which penalty:

(1) ~~May not~~ SHALL be ~~more than~~ the maximum civil penalty provided under 30 CFR 100.5(d) (relating to determination of penalty amount; special assessment) ADOPTED AND INCORPORATED BY REFERENCE for each occurrence of this violation.

(2) May not preclude the Department from exercising any other remedy available to it.

§ 208.376. Smoking prohibition: underground areas.

(a) An individual may not smoke or use an open flame in any underground bituminous coal mine.

(b) An individual may not at any time enter a mine with or carry into the mine any smoking or smoker related articles, matches, pipes, cigars, cigarettes, electronic liquid-vaporizing devices, including e-cigarettes, or any device for making flames or fire not approved under section 350 of the act (52 P.S. § 690-350).

(c) In all mines the operator may search or cause to be searched any individual, including the individual's clothing and material belongings, entering or about to enter the mine, or inside the mine, to prevent an individual from taking or carrying into the mine any of the articles prohibited by this section.

(d) An individual who violates the mandatory safety standards relating to smoking or the use or carrying of smoking materials, including electronic liquid-vaporizing devices, including e-cigarettes, matches or lighters THE ITEMS IDENTIFIED IN SUBSECTION (b), shall be subject to a civil penalty assessed by the Department that:

(1) ~~May not~~ SHALL be ~~more than~~ the maximum civil penalty provided under 30 CFR 100.5(d) (relating to determination of penalty amount; special assessment) ADOPTED AND INCORPORATED BY REFERENCE for each occurrence of this violation.

(2) May not preclude the Department from exercising any other remedy available to it.