

## ISSUE BRIEF

### "FIRE-SAFE" CIGARETTE LEGISLATION

#### ISSUE

A public perception that careless smoking causes many accidental fires has prompted federal, state and local legislation aimed at requiring cigarettes to be "fire-safe" -- that is, to "self-extinguish" if not smoked within a certain period or to be designed, in some unstated way, so that they are less likely to start fires if carelessly dropped on upholstered furniture or mattresses.

#### BACKGROUND

Since 1980, legislation to require cigarettes to be "self-extinguishing" has been considered in 18 states. No state has passed such a requirement. The New York City Council has also had similar local legislation pending since 1981. State activity on this issue peaked in 1983, when 11 states considered "fire-safe" cigarette bills.

In 1984, the U.S. Congress enacted the Cigarette Safety Act, which established the Interagency Committee on Cigarette and Little Cigar Fire Safety and a Technical Study Group to determine the technical and commercial feasibility of developing cigarettes and little cigars that would be less likely to ignite upholstered furniture and mattresses. Under the legislation, the Interagency Committee -- comprised of the heads of three federal agencies -- was given responsibility for supervising the research effort of the Technical Study Group. Cigarette company scientists participated in the 15-member Technical Study Group.

The Technical Study Group released its findings in September 1987, concluding that it may be both technically and commercially "feasible to develop cigarettes that will have a significantly reduced propensity to ignite upholstered furniture or mattresses." The Study Group also emphasized, however, that much additional research must be done before any final conclusions can be reached. The Study Group's report contained, in that connection, a specific description of the needed research effort.

In December 1987, the Interagency Committee submitted its recommendations to Congress, calling for further development and testing of prototype cigarettes for consumer acceptability and smoke chemistry and development of a standardized ignition propensity test method. In April 1988, Congressman Rick Boucher (D-VA) and Senator Albert Gore (D-TN) introduced companion bills to implement these recommendations. Neither of these bills moved before adjournment.

Early in 1989, bills to implement the Interagency Committee's recommendations were reintroduced in the 101st Congress: H.R.673 by Congressman Boucher, and S.732 by Senator John Breaux (D-LA).

At the state level in 1988, "fire-safe" cigarette legislation was introduced in five states: California, Illinois, Massachusetts, Minnesota and New York. One house of the Minnesota legislature passed a "fire-safe" bill, but it died in conference committee. A higher education appropriation measure was passed, however, including language directing the University of Minnesota to request funding for a study of "fire-safe" cigarette standards; no such funding has yet been requested. No other state legislation progressed beyond committee consideration in 1988.

Thus far in 1989, bills have been introduced in Massachusetts, Minnesota and New York; a draft bill has been announced in Wisconsin, but not formally filed. No bill has moved beyond the committee level at this time.

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## OPPONENTS/PROPONENTS

Proponents of "fire-safe" cigarette legislation include many public safety professionals genuinely concerned that every potential solution to preventing accidental fires be explored. In many cases, however, the legislative authors of such bills also sponsor smoking restriction legislation, punitive cigarette taxes and ingredients disclosure proposals.

The tobacco industry is not the only opponent of bills to set state standards for cigarette "fire safety." Many members of the firefighting and fire prevention community understand the technical impediments to the development of "fire-safe" cigarettes and fear that a narrow focus on cigarettes will interfere with the consideration of more comprehensive answers to the accidental fire problem. They note that other industrial nations have achieved significantly lower rates of smoking-related fires, primarily through improved public education programs.

Other opponents of state or local regulation on this issue note that fire safety is clearly a national concern, and one that Congress has shown itself willing to tackle on a national scale. Like the tobacco industry, such opponents of state legislation have registered their support for congressional legislation implementing the recommendations of the Interagency Committee and continuing the work of the Technical Study Group.

## IMPACT ON THE INDUSTRY

To date, a satisfactory technology for producing "fire-safe" cigarettes has not been developed. Passage of an unmeetable standard, such as those being proposed in state and local legislation, would mean a virtual prohibition on cigarette sales in the particular state. It would not, however, result in the anti-smokers' desired end to smoking, but would provoke widespread bootlegging and "black market" sales.

## INDUSTRY POSITION

The tobacco industry participated fully in the activities of the Technical Study Group on Cigarette and Little Cigar Fire Safety and fully supports federal legislation, such as H.R.673 and S.732, to implement the recommendations of the Interagency Committee.

The industry will continue to oppose state and local legislation that would create a crazy-quilt of infeasible and ineffective regulations. The states have neither the resources nor the competence to act in this area.

The industry will continue to support efforts to prevent accidental fires, including those that are smoking-related, through comprehensive prevention, detection and education programs administered by the fire safety community.

STATE ACTIVITIES DIVISION  
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## "FIRE-SAFE" CIGARETTE LEGISLATION

- . A public perception that careless smoking causes many accidental fires has prompted federal, state and local legislation aimed at requiring cigarettes to be "fire-safe" -- that is, to "self-extinguish" if not smoked within a certain period or to be designed, in some unstated way, so that they are less likely to start fires if dropped on upholstered furniture or mattresses.
- . In 1984, the U.S. Congress enacted the Cigarette Safety Act, establishing the Interagency Committee on Cigarette and Little Cigar Fire Safety and a Technical Study Group to address the issue. The tobacco industry participated in the work of the Technical Study Group, which concluded in September 1987 that it may be both technically and commercially "feasible to develop cigarettes that will have a significantly reduced propensity to ignite upholstered furniture or mattresses." The report also emphasized, however, that much additional research must be done before any final conclusions can be reached. The Study Group's report contained, in that connection, a specific description of the needed research effort. The tobacco industry supports federal legislation to implement these recommendations.
- . Many members of the firefighting and fire prevention community fear that a narrow focus on cigarettes will interfere with the consideration of more comprehensive answers to the accidental fire problem. Other industrial nations have achieved significantly lower rates of smoking-related fires, primarily through improved public education programs.
- . Other opponents of state or local regulation on this issue note that fire safety is clearly a national concern, and one that Congress has shown itself willing to tackle on a national scale.
- . Like the tobacco industry, such opponents of state legislation have registered their support for congressional legislation aimed at implementing the recommendations of the Interagency Committee and continuing the work of the Technical Study Group.
- . To date, a satisfactory technology for producing commercially acceptable "fire-safe" cigarettes has not yet been developed.
- . State passage of an unmeetable standard, such as those being proposed in legislation, would mean a virtual prohibition on cigarette sales in the particular state. It would not, however, result in the anti-smokers' desired end to smoking, but would provoke widespread bootlegging and "black market" sales.
- . The industry will continue to oppose state and local legislation that would create a crazy-quilt of infeasible and ineffective regulations. The states have neither the resources nor the competence to act in this area.
- . The tobacco industry participated fully in the activities of the Technical Study Group on Cigarette and Little Cigar Fire Safety and fully supports federal legislation, such as H.R.673 and S.732, to implement the recommendations of the Interagency Committee.
- . The industry will continue to support efforts to prevent accidental fires, including those that are smoking-related, through comprehensive prevention, detection and education programs administered by the fire-safety community.

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