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"How the Tobacco Industry Keeps the Home Fires Burning" by

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Right around 1974, the fire chief of San Francisco, who is now retired, Emmet Condon, mentioned to me that the real issue was not going after sleepwear anymore, the real issue was going after cigarettes because if you look at the fire data in America, the major cause of fire death was due to dropped cigarettes and the numbers in the early '70s were about 3,000 deaths a year due to cigarette fires and an estimated 10,000-15,000 injuries a year due to cigarette fires. And about a third of all of those deaths and injuries were innocent people, children, and other adults who were nonsmokers, or who didn't drop the cigarette.

The point that this Chief Condon told me, which I took to be one of the more absurd and ridiculous notions I'd ever heard of, was that he had heard through some rumor mill that it was possible to make cigarettes such that they wouldn't cause fires and in those early days, in the '70s, it was if the cigarette would self-extinguish in a certain period of time, it wouldn't cause a fire. I thought that that was intriguing and ridiculous, but decided to ask about it wherever I would traipse around the country and by 1974, lo and behold, Senator Phil Hart from Michigan introduced a bill in the U.S. Senate calling for mandated self-extinguishing cigarettes. That bill passed through the U.S. Senate and then was promptly killed in the house by the Tobacco Institute. But what this all did was pique my curiosity and it had even gotten to the point of being introduced in the U.S. Senate and my files on this issue began to grow from 1974 until 1978 when I took all of the information I had gathered to that point and I gave it to not some researchers, but rather to some investigative journalists and the group I gave it to called the Center for Investigative Reporting here in San Francisco, and I said "Here's what I know about this issue, would you turn loose one of your investigative reporters and found out if, indeed, there is a case here to make cigarettes fire-safe because it seems to me that if it is possible then what we have is your standard corporate murdering going on where companies are not producing a safe product when they could."

And the person that I talked to initially, Mark Dowie, had at that point in time been the editor of Mother Jones magazine here in San Francisco and I had simultaneously worked with him on a story that he was bursting into the public scene on the Ford Pintos and how they explode. Mark was intrigued. Mark decided to take the story that the investigative journalists did and publish it in Mother Jones magazine in 1979. So, the major point that the journalist brought forward was that there had been some federal

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research on this issue in 1930 and 1931, and that there is an article in the Boston Herald American from March of 1931 that concluded that it was possible to make cigarettes that wouldn't cause fires and it was all prompted by a Congresswoman from Massachusetts named Edith Nourse Rogers and in this article she was calling upon the cigarette companies to take up the idea and the concluding sentence of this article stated that "Now all there was to do was wait for the cigarette manufacturers to produce cigarettes that wouldn't cause fires." I paraphrased that slightly, but that was 1931.

So, I thought that the only thing that could be done, only because I was incredibly ignorant of what would be involved was to launch a campaign to get cigarettes fire safe, to try to make the cigarette companies do something about their product. I, fortunately, was naive because I think if I would have known what I know today, I would have been overwhelmed with the hurdles that were put in front and, therefore, would have probably gone home and done something else. On the other hand, the power of naivete can never be underestimated.

My first step was to go to the meeting of the burn surgeons and nurses in this country, called the American Burn Association in March of 1979, and ask the surgeons at their official annual board meeting if they would endorse the concept of a campaign for fire-safe cigarettes. They agreed to do that, twelve men, and after that meeting I immediately started to get the endorsement of the International Association of Fire Chiefs which was having their meeting the next month in Kansas City. They could not not endorse this after the surgeons had done it so the fire chiefs of America, Mexico, and Canada endorsed the campaign for fire-safe cigarettes. Those were the very first two endorsements before there was any media coverage on this issue.

In May, I held press conferences announcing this endorsement and also in May of '79 the Mother Jones article with this investigative story appeared and we have released that story at these press conferences. We held press conferences in fourteen cities in the United States on the same day so there were simultaneous conferences. The fact that it was happening in fourteen different cities, and each press conference was being conducted by the local burn surgeon and fire chief, that became national news and so "The Today Show" covered it the next morning and "CBS Evening News" and so on, so that was the first blip on the media chart that this was going to be another issue for the cigarette companies to deal with.

Right after the press conferences, six days later in Westwood, Massachusetts, there was a fire caused by a cigarette that killed the parents, young parents, and their five children.

There were seven fatalities in this cigarette fire. Westwood, Massachusetts is in the congressional district of Congressman Joe Mokely from the Boston area and so, based on the fact that the press conference had been held six days earlier in Boston, where the head of the Shriner's Burns Institute and the fire chief of Boston, the Commissioner, Mokely decided to introduce a bill in the U.S. Congress calling for the regulation of cigarettes as a fire hazard. He held a press conference that was based on, of course, an incredible tragedy in his district. That, then, launched the bill in 1979 in the U.S. Congress. Shortly thereafter, in the U.S. Senate, through people I worked with here in San Francisco, we got Senator Alan Cranston to introduce the companion bill in the Senate.

The bills didn't go anywhere for three years. During that three-year period, up until March of '83, I spent all of my time doing two things: number one, getting other national organizations to endorse the campaign and my goal from the very beginning was not the American Burn Association or the International Association of Fire Chiefs, but rather the American Medical Association. I felt if I could get the most conservative medical group in America behind this that it would bring attention to this issue and give it more credibility than if the American Public Health Association endorsed it, for example.

The AMA came on board in mid-1982 after their Chicago meeting, and this is a little footnote to all of this, I tried in '81 and they refused, the House of Delegates wouldn't even bring it up. In '82 the reason it was brought up and passed was that that was the same annual meeting where the AMA divested their 12,000 shares of Philip Morris stock from their retirement fund, and that coincided with their new approach and their new thinking about tobacco issues in general, let alone the fire issue, so it passed the AMA Board of House Delegates in '82 and the AMA became the 40th or 41st national organization to endorse the campaign for fire-safe cigarettes.

I had then ceased trying to get anymore endorsements. That was no longer an issue. The other issue I worked on simultaneously was getting media coverage locally throughout the country and that was both a very sad thing to do because we always triggered these media events by deaths due to cigarette fires of children. On the other hand, having networked, as they say, with all the fire service people and the burn surgeons and nurses throughout the country for a number of years I would get phone calls, almost weekly, from colleagues and friends around the country, saying "last night we had another cigarette fire that killed two children, or five children, or three children. Each time that occurred I then instantly gave them, the fire chief, or the burn surgeon, or whoever else it was in that city, the current

information, for example, the bill number in the U.S. House or the Senate Bill number or whatever relevant information and had that local fire chief or burn surgeon hold a press conference saying "it was very tragic what happened last night, but we can prevent this in the future if we get this bill passed."

The campaign, therefore, became a campaign of many, many people around the country and that began to drive the Tobacco Institute nuts, because they couldn't identify a single leader of this campaign. I have press clippings, for example, of a burn surgeon in Oklahoma City, Dr. Paul Silverstein, claiming that he was the leader of the campaign to get cigarettes changed in America. That was front-page in the Oklahoman. A week later, a fire chief down in Daytona Beach, Florida was doing the same thing, and so on, and so on. The steps of getting media attention were fundamentally easy because of the tragedy, because of the fact that these things happen routinely and they get covered in the T.V. press as simply another tragedy. Whenever a chief or a surgeon came forward and said "there's a way to prevent it" that was news. News linked to tragedy. So we had ready-made media events and they are still going on, by the way, as you all know, to highlight this issue. We then became a bit more sophisticated and concentrated on having these issues in the media highlighted whenever they occurred, in key congressional districts, and I won't go into that in any depth, I think it's rather self-explanatory.

In 1982, I knew that I must be on the right track here when I received a phone call from a gentleman from R.J. Reynolds, who said he was going to be coming out from Winston-Salem and wanted to meet with me in an off-the-record meeting. I said "It would be interesting, I'd love to." So we had lunch together here in San Francisco and during that meeting, he basically told me that it was possible for R.J. Reynolds in some theoretical sense, as he put it, to make cigarettes that wouldn't cause fires, but it would be very difficult to phase it in overnight or within one year because they were horribly concerned about their customers sensing a change in the product that might make them switch to, let's say, Marlboros. I said, "Well, that's fascinating; how long would you want to phase them in?" He said "seven years," and he said "That's analogous to the way we change our Winstons and other brands' tar and nicotine content, CO content, we simply, ever so gradually, changed or reduced the level of tar and nicotine and CO, year by year, over about a 7 to 10 year period, so that none of our customers noticed that a Winston in 1982 was remarkably different than a Winston in 1975 and that they had been thinking in Winston-Salem about doing the same thing with the fires and cigarettes is that if they would just, ever so slightly, change the way the cigarettes were manufactured, they could come up with a product that would eliminate the fires."

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My response was that I felt they should change cigarettes instantly and that I immediately invited him to visit that day, the burn unit at San Francisco General where I could introduce him to a gentleman who had just been burned by someone else's cigarette causing a fire, and let him propose to that gentleman that we wait seven years. Mr. Crohn didn't like that and we left, parted from our meeting, but it was a very important meeting to me because it confirmed, for the very first time, although off the record, that this was not only a viable idea, but the cigarette companies were very concerned about it.

Within twelve months, the cigarette companies initiated a whole new philanthropic campaign to fund fire prevention in America and between '83 and the present they have dumped in the neighborhood, and I don't know the exact figures anymore because it is very difficult to track, but up until a few years ago, I knew it was \$3 million, but the estimate now is between \$3 and \$6 million have been given in grants no bigger than \$10,000 to almost every single fire department, paid and volunteer fire department, in America. They have a person at the Tobacco Institute who works full-time as the liaison between the Tobacco Institute and the U.S. fire service and they created this program to try and get the fire service not to support this whole issue. They have been modestly successful with certain organizations, they have never been able to change the fire chiefs or the union, the IAFF (International Association of Firefighters). Every other fire service organization in this country, give or take a few, has been neutral or against the campaign for fire-safe cigarettes, money can talk.

The final stages of all of this media coverage and all of this push, getting groups to endorse it, came in '83 when we had the first congressional hearings of Congressman Waxman's subcommittee in the House. We had hearings. After the hearings it looked like the Tobacco Institute had enough power to stop any further movement in the House, and so I spent all of my time for two years, from that point on, pushing State legislation and I worked thirteen different State legislatures to get laws passed in states so that we could eliminate at least in California or Illinois or Minnesota, cigarettes sold in that state. The reason it was possible to go to the state level and lobby and not bump up against any problems of federal preemption is that the tobacco industry has been so successful in lobbying Congress that there are no regulatory bills in existence on the federal level regulating cigarettes and if there are no regulatory bills in existence, there is no way you can then preempt regulatory bills, so it's a wide open game to go to the state capitals and regulate cigarettes for being a fire hazard or whatever other purpose. The beauty of that was that when we first started doing it, the cigarette companies came to testify in each state capitol and their first argument was

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this is a federal issue and should be dealt with on a federal level and that there was a preemption because of the taxation labeling law, that law that we passed to get rid of cigarettes off T.V., advertising off T.V. and the Surgeon General's warning label. Clearly, though, when that was looked at, in for example, in Maryland, the Attorney General looked at it. He said "this has nothing to do with fires or safety, that had to do with advertising and labeling" and so, no, there is no federal bill that will preempt any state action, so working on the state level was the major leverage piece that I and the people I worked with had, along with all that media attention when children would die in cigarette fires.

The point where everything broke loose was in 1984 when we got a bill through Albany, through the New York Assembly, that would regulate cigarettes as a fire hazard. We had it in the Senate with 32 co-sponsors, enough, a majority of senators, and Governor Cuomo had declared at a press conference he would sign the bill if it got to his desk. That scared the hell out of the cigarette companies, we were that close and so they, in the Senate hearing, while it was starting to move, they came to Congressman Morkley and Senator Cranston and said they wanted to compromise on a federal bill and if we would call off the dogs of war in the state capitols, they would agree to a federal law that would see if it was technically and economically feasible to make fire-safe cigarettes.

I was the person who in the background negotiated the writing of the Fire-Safe Cigarette Act of 1984. That bill funded three years of research to see if it was technologically feasible and economically feasible to make fire-safe cigarettes. I wrote that bill having fifteen overseers of this federal research, four from the cigarette companies and eleven good guys, and I served on that committee representing the American Public Health Association and the American Burn Association and I gave the AMA a slot on that committee. The results that came out in early 1988 as a report to Congress was that it was technically feasible and economically feasible. What we couldn't answer was whether it was commercially feasible because that's the kind of research that requires people doing taste-testing and billboard advertising and market research, which no federal agency should ever do, but to repeat, we found out that it was, indeed, technically feasible because R.J. Reynolds and Lorillard made fire-safe cigarettes for our committee and we tested them on flammable furniture and they didn't cause fires. We found out also that to do that they don't have to raise the tar and nicotine or carbon monoxide content; it's basically a cigarette that doesn't have to self-extinguish -- it looks the same, and smokes the same, and burns the same as cigarettes that are currently in the marketplace. But by ever so slightly adjusting the density of the tobacco, by making it fluffed up, and by changing the porosity of the paper and making it less porous, those minor

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modifications can make cigarettes so they won't cause fires in furniture and mattresses.

This, of course, led to the introduction of the next cigarette safety act, which was introduced in '88. It, for various political reasons, didn't go anywhere for two years but it was finally signed by President Bush in August of 1990. It started taking effect in January of this year and again it's another 15-person committee overseeing the establishment of fire safety standards for cigarettes. Our federal government today, at the National Institutes of Standards and Technology, are developing fire safety standards for cigarettes. They will be completed with this process in 1½ years. It's the exact same process that we went through twenty years earlier with sleepwear where we developed the fire safety standards and then we regulated after the standards were developed. We will regulate, I predict, cigarettes for their fire safety, in three to four years and in three to four years, the stream of commerce in cigarettes will only see fire-safe cigarettes, cigarettes that will not cause ignition. What I wanted to do was give you a couple of ideas on the lessons I learned from this process and how they apply to social action and efficacy in general and then open it up to any questions you may have. I'll be very brief here.

The first step always is to get the information, get the data, get the research done to go forward. I ultimately went to some investigative journalists because I felt that this was not a scientific issue deep down but, rather, a political issue and that it had to be dealt with ultimately in the media, but if there is other issues that are less political, then there has to be (now, I'll give you an example: In California there is significant underfunding of mental health services,) creating the case that the per capita level of services are going down the tubes or whatever, is something that has to be clearly researched and portrayed in ultimately lay language for media.

The second issue, and I'm probably stating everything here as the obvious, is to develop and build and nurture coalitions, whether they be national organizations or community groups. The issue will dictate at what level that coalition building will go on.

Third, and I think, perhaps the most important, is that one must master how to simplify the issue into ideally three words or less or, at the most, one sentence, and use that focused notion in the media. The media cannot comprehend complex issues because it has the mentality of not a 12-year old, but about a 5-year old and I think that if anything one works on can be reduced to the level that a 5-year old can understand, it is ripe for being used in the media. I think that a 5-year old can understand that another

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5-year old should not die in a cigarette fire. I think that also it's very important that once you get the issues that you want to work on together, you have to have some focus for that. With the fire-safe cigarette issue it was a piece of legislation at the federal level and then at the state levels, but there should be some regulatory change or some legislation or some code of ethics, whatever it would be, but it has to be the touchstone for what all the work is all about so that people can say "Well, you know what are you working on?" Well, I'm working on getting SB 1220 passed.

The next issue, I think that I only learned in hindsight, is that one must be prepared in any kind of advocacy for the long haul. If you don't look forward a decade or more sometimes, it can be incredibly discouraging that success doesn't occur in four years or six years and I think that often I've come upon many, many people who want to take on issues in varying fields who say that they'll commit two years to it or four years and I caution them that if it's going to be significant change, it doesn't happen quickly in the United States or the world and that one must have a view of the long haul.

Next, I think it's incredibly important to spread the credit around for any action that's taken or any successes. The burn surgeon in Oklahoma City, every time I see him once a year at these burn meetings, I always congratulate him on being such a wonderful leader of the campaign. It's, I guess, self-explanatory again here, that the more that other people think they're doing it, the more they'll do.

The next issue is, and this is a bit perhaps not relevant to some campaigns, but it's very important to be ready to negotiate any change or new positions when you're going down a road and there's a curve. The cigarette companies came to us in 1984 and said they were willing to go through a federal bill that wouldn't regulate the cigarettes, but rather, do research on the technical and economic feasibility. I very quickly shifted my position because they were assuming I wouldn't accept that, to agree to that, because I felt that once that information was available and had the imprimatur of the federal government on it, that it was technically and economically feasible. There would be no longer any chance for the cigarette companies to claim that this was not a feasible or realistic idea.

Finally, it's very important that one recognizes that every person at every level of a campaign or every person involved in any advocacy effort is important with their level of commitment. Not everyone can be sort of a crazed advocate that's trying to take on the tobacco industry or alcohol industry or whatever. There are people that will, indeed, do a lot in a week's time and you'll never hear from them again. If you don't have those kinds

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of people involved, one big campaign or one big advocacy effort will never happen and it's incredibly important that everyone not only recognize people who do that, but if you are of that kind of person that can commit to a certain issue for a week or a month or a short period of time, or a semester, which I've had many professors and students do, that's very important. That is noble and the advocacy work depends on those kinds of smaller commitments.

To sum up very briefly, the case study in a sense, that I've just presented was of a national campaign to change cigarettes so they don't cause fires and we're about three years away from the completion of that. On the other hand, the kinds of ingredients that went into that, I think apply to any kind of advocacy work that anyone does at any level. I've been involved in different levels from the community to the state to the national, and it's all the same. It's just that at the national level, the amount of money that is thrown at you in opposition tends to be significantly larger. I'd like to open it up to any questions from the audience, or any comments.

Q. Did you find yourself wishing you had [switched]? positions on the tobacco issue when somebody from RJR [inaudible] in San Francisco earlier [inaudible] and they said it might take seven years to make a safe cigarette?

A. No, the question was "Did I wish I would have switched positions in '82, and allow seven years to go forward?" The answer is absolutely not. There were many people peripherally involved in this campaign, federal bureaucrats at the U.S. Fire Administration, for example, who would have switched immediately. And they would have ultimately, I think, gone for a weekend standard that would not have really changed anything. And I always marked out the extreme position of what was wanted because I always, whenever I would come up against the people from the tobacco industry, I would always claim that the people I was concerned about were the people being burned and, indeed, they were the people I was talking to daily in the burn units and there was absolutely no way that we could compromise and not go forward with this as soon as possible. I'm not concerned about cigarette sales, that was the ultimate bottom line for me, I'm not concerned if RJR or the other cigarette companies sell fewer cigarettes, in fact, I think that would be wonderful. What I am concerned about is that they are consciously putting into the stream of commerce, products they know will cause fire, deaths, and fire injuries; and that's gotta stop.

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- Q. What's some recent data on the cigarette cause-fire deaths? You gave 1974 data and I wondered [inaudible]?
- A. Right. Let me caution you on what I'm going to tell you because the quality of the data has improved and I think because of the improvement, it's decreased the size of the problem. The official government, U.S. Fire Data Center statistics are about 1,500 fire deaths and 7,000-9,000 injuries. In '74, there were only two states in the United States, Ohio and California, that reported to a national center, their fire data. Today there is 39 or 40 states so I don't want you to compare '74 to the present, but that's the best to date.
- Q. And that's annual date?
- A. Annual U.S.
- Q. What problems do you know of that might prevent that bill from passing into law?
- A. You mean the regulatory bill after the fire safety standard is created by government? I don't think there is any problems left. Off the record comments now from the tobacco guys is they're resigned it's going to happen. They would like it to be delayed as long as possible because they're not really sure what kind of brand loyalty problems they're going to have because once this hits the scene, they're afraid that the people may think a Marlboro is going to be so different that why not go now try a Winston or a Winston will be different, it's all these very subtle things that these marketeers are concerned about in the tobacco industry, which I think is just crazy, but the other factor I haven't talked about at all and it has always been looming in the background is the threat of product liability suits and there's going to be a huge number of suits that are going to start happening as soon as that fire safety standard is developed and I don't want to get into that issue, but it's a big one and it's the one that the cigarette companies fear the most.
- Q. You said there were about 1,500 fire deaths due to cigarettes, how many fire deaths are there?
- A. In the U.S., there's about 5,000. Cigarette fire deaths are the leading cause of fire deaths in America. Second is usually heating or electrical. So it's the leading cause of fire death and it's about a third, a little over a third or about a third of all fire deaths in

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America. It's 5% of all fires, it's a small percentage of fires, but as you know, it happens at 2:00 or 3:00 in the morning, when people are drunk or asleep and, therefore, it's a very high percentage of deaths. The leading cause of fire is cooking fires. Any other further?

Q. In terms of resources, it's kind of like David against Goliath. I mean if they have \$6 million at their disposal to discredit or fight the enemy, how do you back against that?

A. Well, the comment was if they have \$6 million, how do you go against that. First of all, it's significantly more than \$6 million. They have had, the Tobacco Institute has had two attorneys from Covington & Burling, in Washington, D.C. assigned to this since '82, full-time, they've had three people within the Tobacco Institute assigned to it, each of the major six cigarette companies have people assigned to this issue since the early '80's. Every hearing they have, I can't imagine how much money they poured in to lobby state capitols, so it's a significant amount of money.

Now how do you counter that? Every time there is a T.V. coverage on the evening news, of a kid dying in a cigarette fire and a fire chief saying we should have a fire-safe cigarette act. That's probably \$1 or \$2 or \$3 million worth of prime time political hit. That's the only way it can be countered is to do through the news media, free advocacy and there's no way the tobacco guys can ever come on the news and counter that. They simply cannot come on and say we're not guilty, this fire chief is not telling the truth. You have a white hat fire chief and the black hat tobacco guys, so they obviously have to stay away from the media whenever they can and then they try to then work through the fire service with these small grants. You, I think, cannot underestimate the dollar political value of free news media and that's why it's so important to this kind of stuff.

Q. What is the source of the power that the cigarette companies have in states that are non-cigarette or non-tobacco producing?

A. Right, what is the source of power of the cigarette companies in states where there is not cigarettes, right? Let's use California, for an example. They don't grow tobacco in this state. Cigarette companies own a lot of other companies, Del Monte, Kraft, General Foods, R.J.

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Reynolds, RJR Nabisco now, owns 80 brands of distilled spirits and wine, may I go on? I mean, they have their fingers in everything. The candy tobacco distributors, the small retailers, they're all in their pocket and when you go to Sacramento, they're all up there lobbying against anything that the cigarette guys want them to lobby against.

Q. Is that something that's happened over the last 20 or 30 years or were they diversified, and I assume that was calculated?

A. Right. Yeah, I don't know if it was calculated, but it's been fortuitous for them. It's simultaneously, the power of the tobacco lobby, is waning in the U.S. Congress. Indeed, Jesse Helms is sitting in a powerful position and Thom Thurman is and so on. But, at the same time, just like the NRA is beginning to lose some power, the Tobacco Institute has been on the way down and the long-range plans within these cigarette companies, by the way, and I have this secondhand, is that they pretty much have given up on the domestic cigarette market in the next 15 years or so and it's all Mozambique, Brazil and the third world. So, I thank you very much.