

SENATE BILL 2070
CRITICAL ISSUES

S.B. 2070 would require the State Fire Marshal to promulgate a California "cigarette fire safety standard" by January 1, 2002 and would prohibit the sale of cigarettes thirty days thereafter that do not comply with the standard.

S.B. 2070 takes no account of the fact that six years of multimillion dollar federal studies have questioned the effectiveness of any such standard and have reported to Congress that it may do more harm than good. S.B. 2070 should be opposed for the following reasons:

- The regulation of cigarettes is a matter of interstate commerce and national policy that should be considered at the federal, not the state level. It would be premature and counterproductive for California to attempt to develop a meaningful state standard for cigarettes.
- A state standard that prohibits the sale of popular cigarette brands will divert cigarette sales tax and excise revenue critical to the state's finances and vastly increase smuggling from Mexico, neighboring states and other sources, exacerbating an already severe problem in the state. The economic and social cost to the state and its municipalities of lost excise, sales and income taxes and increased criminal activity would be enormous.
- A California standard that prohibits the sale of popular brands would also have devastating effects on law-abiding wholesalers and retailers, many of which are small businesses, for which cigarette sales are a critical source of revenue and jobs.
- The burden of enforcing the standard would overwhelm the state's law enforcement resources.
- In 1993 the Consumer Product Safety Commission, after six years of federal studies that included the CPSC, the Department of Health and Human Services and other health experts reported to Congress:

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- Whether a cigarette fire performance standard would actually reduce the number of real world fires caused by careless smoking is questionable: "it is unclear that such a standard will effectively address the number of cigarette-ignited fires."
 - Whether the benefits of a standard would outweigh the costs – or vice versa – had not been determined.
 - Whether a standard would produce cigarettes that smokers will accept had not been determined – "uncertainty about the commercial feasibility of lower ignition propensity remains."
 - Redesigning cigarettes to meet a standard is likely to affect the levels of carbon monoxide, nicotine, tar and other constituents of cigarette smoke. Experimental cigarettes designed to meet a fire standard by modifying the cigarette paper have substantially increased (by as much as 50%) carbon monoxide, tar and nicotine as compared to typical commercial cigarettes.
 - Comprehensive health studies would be essential before any standard is implemented since "even a small increase in the risk of an adverse health effect could result in a great increase in human and economic costs," that "would counter the benefits achieved by a reduction of fires."
 - No recommendation was made by the CPSC that Congress authorize or fund further studies into developing a cigarette fire performance standard.
- S.B. 2070 gives no indication how meeting these concerns would be addressed or funded: the provisions requiring cigarettes sold in the state to comply with the standard within 30 days would be impossible to comply with and would preclude any effort to resolve them.
 - California already has fire prevention programs that have proven to be effective, particularly in preventing careless smoking fires and fire deaths. Since California enacted mandatory furniture fire resistance standards in 1976, careless smoking fire deaths have declined by 75% or more and California leads the nation in reducing careless smoking fire deaths, with none of the far-reaching adverse economic and public health risks that S.B. 2070 presents.

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- Extensive research by the cigarette industry, including work done under the auspices of the American Society of Testing and Materials with representatives of state fire marshals and federal agencies, continues to identify and seek solutions to the technical, challenges. S.B. 2070 would place responsibility for sensitive and complex issues with nationwide implications on a state agency that does not have the technical and financial resources to address or to resolve them.