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February 4, 1981

## MEMORANDUM

To: Committee of Counsel  
~~Self-Extinguishing Cigarette Task Force Members~~

From: Alfred M. Pollard *AMP*

The attached speech by Andy McGuire, Executive Director of the Northern California Burn Council, was given before the meeting of the United States Fire Administration in San Francisco.

A. M. P.

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Enclosure

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Sixth Annual Conference  
U. S. Fire Administration  
San Francisco, Cal. - Jan. 19-21, 1981  
Session on Technology for Prevention of Residential Fires

Transcription from Tape of preliminary remarks and presentation  
by Andrew McQuire

His presentation entitled,  
"Self-Extinguishing Cigarettes - A Congressional Challenge"  
starts on page 4 of this attachment.

TECHNOLOGY FOR PREVENTION  
Moderator: Dr. Frederic Clarke  
Continental Ballroom  
Mon., Jan. 19, 1981 - 3:30 p.m.

TRANSCRIPTION OF TAPE

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(Introduction of Dr. Clarke)

Ladies and Gentlemen: It is a pleasure for me to introduce the moderator, Dr. Fred Clarke, who is director of the Fire Research Center of the National Bureau of Standards, with whom our Fire Administration works in the closest liaison and program contact, for they, in fact, are the research arm of the U.S. Fire Administration. So, Fred, we turn the remaining portion of the session over to you.

(Dr. Clarke)

Thank you, Joe. It's my privilege to be the moderator in a session on Technology for Prevention -- and you've just seen some of the background that leads up to that.

You know, if we moved the U.S. population out of their present houses and moved them into cement pillboxes, and did nothing to address what they took with them -- if they took the same paraphernalia and furnishings and ceramics that they now have in their homes -- we wouldn't impact the fire losses much at all. It is the contents of those houses, whether they are cement pillboxes or whether they are wooden shacks or whether they are anything in between that is the principal controller of why people die in fires.

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Of course, in the past we have talked about the furnishings fire hazard, and as you know, there's a program midwived perhaps by the Consumer Products Safety Commission but presently in the shape of a voluntary program by the Upholstered Furniture -- I believe it's the Upholstered Furniture Action Council -- whereby now consumers can buy ignition-resistant furniture, and it's available throughout the country. That is one way of addressing the furnishings fire problem. Experience should have taught us, however, if nothing else, that there is no single solution for even the tiniest piece of the fire problem.

Attention has been paid in the past to the role of cigarettes in igniting upholstered furniture. We have just heard talk about the furniture end of it, but there is also the cigarette end of it. Andy McQuire, who is the executive director of the Burn Council of Northern California, will give us a short discussion in interest group politics when he talks about efforts to get self-extinguishing cigarette legislation before the Congress.

Another key portion of the residential fire problem is ignitions attributable to both heating and cooking appliances. We are fortunate to have with us today Mr. Robert Lamb, speaking on the cooking aspect of that. Mr. Lamb is the Administrator of the Patents and Product Liability Claims division of Tappan Company, a large manufacturer of home cooking appliances. He'll give us an industry view of how they approach a problem which is to them

not simply a fire problem but an entire customer relations approach.

Finally, we're fortunate to have Chief Larry Kenney, formerly of the city of Miami, Florida. I know that many of you know Chief Kenney -- he's been a moving force in fire prevention and fire safety for many years. The Chief is going to talk to us about one of his interests and one in which he's been involved also for a number of years, in NFPA and others, and that is the safety inherent in space heaters.

I'm telling you all this now because you're not going to hear from me again. You're only going to hear from the speakers. We are going to say our piece in sequence, and then we are going to depart. We'll have questions at the Bull Session at -- at 5:00 o'clock, I believe it is, and we look forward to entertaining some questions. And not having had a chance to hear all of the presentations by these gentlemen, I can promise you that there will be plenty of opportunity for discussions.

So, without further ado, let's go back and turn it over to Andy McQuire.

(Andrew McQuire)

Thank you, Fred. Before I begin, would you please do me a favor and raise your hand if you've heard of the Cigarette Safety Act or self-extinguishing cigarettes. I probably should have asked it the other way: Who hasn't heard of it? (A few.) The reason I asked that <sup>is that</sup> I first heard about it in 1974 when now-deceased Senator Phil Hart from the State of Michigan introduced a bill in the U.S. Senate calling for cigarettes to self-extinguish. That bill, just for your information, passed the Senate -- cleared the Senate -- and then was killed in committee in the House of Representatives. So in 1974 I thought, this is a rather bizarre idea -- self-extinguishing cigarettes. I was more interested at that time in working for flame-resistant sleepwear. I kept information about what was going on with cigarettes, and all of a sudden I heard at another meeting Chief Gerard from L.A. say, "We should get rid of that saltpeter from cigarettes and eliminate the major cause of fire death in this country." That was in 1976.

After further looking at this problem and meeting other people who were saying things about cigarettes, I took it as something of extreme interest to see if it was possible to change cigarettes in this country so they wouldn't cause fires. The first thing I discovered -- and this should be standard information by now -- is that cigarettes are the leading cause of residential fire deaths in this country, upwards of 2,000 a year; cigarettes cause

upwards of 5,000 injuries a year; and over \$200 million, conservative -- over \$200 million in property damage per year in America.

It seemed obvious, in that I was working very closely with a lot of different burn centers and seeing a lot of people coming in burned, that if you want to eliminate the major cause of fire death, you change the cigarette. It wasn't quite that simple. No one had really done a lot of research, either at the Bureau of Standards or Canadian Research Labs or Tokyo Research Labs or any other labs, on exactly how cigarettes can be changed so they won't start fires.

That research, thanks to the catalyst of Dr. Clarke, was begun at the Bureau of Standards and we now have the first pieces of the puzzles on how cigarettes do start fires and how they can be changed so they don't start fires.

I want to very briefly talk about the mechanism of how cigarettes cause fires and how they can be changed so they won't cause fires; I want to then talk about the legislation that's currently pending in the U.S. Senate and House, and then talk about some of the politics behind all of this business -- which really means talking about the power of the Tobacco Institute.

There are two ways to make cigarettes not cause fires -- two ways. One is to have them self-extinguish in a certain pre-designated period of time. It appears that current research tells us that if the cigarette were to go out in about two minutes, it would not have the opportunity to ignite bedding, or a couch, or a sofa or



chair or whatever. Self-extinguish.

The other mechanism we don't know about very much yet -- we have just discovered -- is that there is a cigarette currently being sold in America, Carltons, which when placed on most mockups of furniture does not start fires. There are exceptions, but under most of the tests done the Carlton does not start a fire even though it continues to burn, and the Carlton does not self-extinguish. It may be because there is not as much heat produced by that Carlton or it may be some other unknown factor, but inadvertently American Tobacco Company has produced a Carlton which is "relatively fire-safe."

This is all to lead up to the fact that Senator Alan Cranston from California introduced a bill called the "Cigarette Safety Act" and Congressman Joe Mokely from Boston introduced the same act in the House, and both acts call for the tobacco companies to change cigarettes in any manner they choose so that they don't start fires. They can make them self-extinguish, they can make them continue burning but burn at lower temperature, or whatever, but there shall be a performance standard for cigarettes so that they don't start fires. In the same act, it states that whatever method the tobacco companies use to make cigarettes fire-safe, they shall not increase tar nicotine or carbon monoxide levels of the cigarette.

Just for your information again, it's Senate Bill 51, just introduced a week and a half ago. I take that number to be the number of Senators we need to get it through the Senate. The most important and necessary discussion that must go on about this Cigarette Safety Act is what politics are needed, what public pressure is needed, to make it happen.

Perhaps the thing I've heard most frequently in the last three years that I've been working on this, from people in government, from people at various professional and medical organizations, and so on, is that you can not take on the tobacco lobby -- they are too powerful -- and I say, "Bullshit." I think that if there is any issue that can be taken on, and won, with the tobacco companies, it's the cigarette issue causing fires. The reason I say this is, first of all, it's impossible for the Tobacco Institute to say that cigarettes don't cause fires. Everyone in this country knows that cigarettes cause fires. Number Two: the tobacco companies, the Tobacco Institute, cannot say that they can't do it; they're already doing it. The Carlton I mentioned -- you also have Shermans and some other small brand out of New York that self-extinguish, and most of the time More cigarettes made by R. J. Reynolds self-extinguish. These are three brands of cigarettes currently on the market that under most conditions don't start fires. So they can't say they can't do it, because they are doing it.

Number Three: They can't say that people don't want it because, first of all, they haven't done any studies, and second of all, if they start doing studies and point out how simple it would be to change cigarettes, you would probably have the Tobacco Institute lobbying for the self-extinguishing or fire-safe cigarette.

Finally, the tobacco companies are hurting from a hell of a lot of pressure by anti-smoking groups. They have been rendered, I think, somewhat weaker by a piece that happened 15 years ago when tobacco ads were taken off television. I think that within the next couple of years you're going to see another piece that will make them even weaker, and that is, there is a lawsuit currently pending in L.A. -- Los Angeles -- against the Brown and Williamson Tobacco Company for producing a cigarette, a Raleigh, that caused a burn injury. In Superior Court in Los Angeles a year ago, the judge found cause for action -- that case is now in what is called "discovery" -- and the attorney in Los Angeles is literally going through the files of Brown and Williamson. One of the points that the attorney made when he discussed this before the judge was that Brown and Williamson took out a patent for a self-extinguishing cigarette in 1974 and did not use it.

I think that the major impetus for crippling the tobacco lobby just may be personal injury attorneys who will win one case after another a la Ford Pinto cases and very quickly show not that there will be a huge dollar loss to the tobacco companies losing these cases but that there will be a tremendous public relations problem.

At the very moment, a PBS program called "Nova" is doing some investigations and will probably be doing a piece on this and a few other fire problems, and I think that if anything can change the Tobacco Institute's position on all this, it will be bad public relations that they cannot handle by saying things like "There isn't enough scientific evidence in yet." It just won't work when it comes to fires.

I want to give you a very brief summation of the kinds of groups that are working on this bill around the country in a grass-roots way. First and foremost was the initial support of the Oakland Firefighters to support an investigation of this issue almost two years ago. With their help, a national group, a known group of investigative reporters, looked at the problem, published an article, and that became a source document then for the Junior League of San Francisco to join in. Once the Junior League of San Francisco joined in, they eventually got close to 100 other Junior Leagues around the country to start paying attention and working on this. The American Public Health Association at their annual meeting has voted to support and endorse this and lobby for it, not to mention, of course, the International Association of Fire Chiefs, IAFF, USFA, NFPA, and on and on. Every major fire service group in the country has officially supported this.

I think that it becomes most relevant when we take a look at the data and see what's going on with residential fire problems in America. It's the cigarette that's the No. 1 culprit causing death. It's causing a tremendous number, over 5,000, injuries -- and at that point the property damage becomes, to me, incidental.

A final thing that I want to conclude with is: I was reading Alice in Wonderland to my daughters over Christmas, and I brought the Lewis Carroll piece with me and I want to read a little bit from Alice in Wonderland. I had never read or heard of this before and it really struck me as being so germane to the whole issue of cigarettes and knowing the hazard and not paying attention to what the hazard is, and I think Alice could have learned something too.

It was all very well to say DRINK ME, but the wise little Alice was not going to do that in a hurry. "No, I'll look first," she said, "and see whether it's marked POISON or not." For she had read several nice little stories about children who got burnt and eaten up by wild beasts and other unpleasant things all because they would not remember the simple rules their friends had taught them, such as: a red hot poker will burn you if you hold it too long, and that if you cut your finger very badly with a knife it usually bleeds. And she'd never forgotten that if you drink much from a bottle marked POISON it is almost certain to disagree with you sooner or later.

However, this bottle was not marked POISON, so Alice ventured to taste it, and finding it very nice -- it had, in fact, a sort of mixed flavor of cherry tart, custard, pineapple, roast turkey, coffee, and hot buttered toast -- she very soon finished it off.

Thank you.