

July 19, 1990

MEMORANDUM

TO: Susan Stuntz
✓ Martin Gleason

FR: Karen L. Fernicola *KLF*

RE: "Fire-safe" cigarette legislation -- latest draft

Yesterday, Bob Lewis gave me a copy of the latest bill language, which was submitted by Rep. Boucher as an amendment to Moakley's old bill, H.R. 293. This language, copy attached, is what Walgren's subcommittee marked up this morning.

There are two differences from the last draft you received:

1. Section 3(b): The selection of members constituting the new Technical Advisory Group (TAG) has been clarified, though not to our advantage. Originally, it was unclear whether "members" referred to the same individuals, organizations, or selection process as the 84-87 study. Now the language specifically states that the TAG will consist of the same individuals as served on the old Technical Study Group. In cases where the individuals are not available to serve, the organization that the individual represented will submit another name for appointment by the CPSC chairman.

This means that Andy McGuire and NFPA's Jack Gerard will be asked to serve on the TAG -- not great from our point of view. Further, this new language does not allow for fire groups other than NFPA and IAFC (such as the State Fire Marshals) to participate. Still, we can live with it in the context of everything else.

2. Section 4: The due date of the final report from CPSC to Congress was changed from 30 months to 36 months after the bill's enactment. This change reportedly was made at the request of CPSC.

At Tuesday's issue meeting, Bob Lewis reported that the CPSC portion of the HUD appropriations bill (which the House already has passed) specifically appropriated something like \$1.2 million to carry out the first year of the study.

I will let you know when I hear what happened at the markup.

Attachment

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AMENDMENT TO H.R. 293
OFFERED BY MR. BOUCHER

Strike out all after the enacting clause and insert in lieu thereof the following:

1 SECTION 1. SHORT TITLE; FINDINGS.

2 (a) SHORT TITLE.--This Act may be cited as the "Fire
3 Safe Cigarette Act of 1990".

4 (b) FINDINGS.--The Congress finds that--

5 (1) cigarette-ignited fires are the leading cause of
6 fire deaths in the United States,

7 (2) in 1987, there were 1,492 deaths from cigarette-
8 ignited fires, 3,809 serious injuries, and \$395,000,000
9 in property damage caused by such fires,

10 (3) the final report of the Technical Study Group on
11 Cigarette and Little Cigar Fire Safety under the
12 Cigarette Safety Act of 1984 determined that (A) it is
13 technically feasible and may be commercially feasible to
14 develop a cigarette that will have a significantly
15 reduced propensity to ignite furniture and mattresses,
16 and (B) the overall impact on other aspects of the United
17 States society and economy may be minimal,

18 (4) the final report of the Technical Study Group on
19 Cigarette and Little Cigar Fire Safety under the

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1 Cigarette Safety Act of 1984 further determined that the
 2 value of a cigarette with less of a likelihood to ignite
 3 furniture and mattresses which would prevent property
 4 damage and personal injury and loss of life is
 5 economically incalculable,

6 (5) it is appropriate for the Congress to require by
 7 law the completion of the research described in the final
 8 report of the Technical Study Group on Cigarette and
 9 Little Cigar Fire Safety and an assessment of the
 10 practicability of developing a performance standard to
 11 reduce cigarette ignition propensity, and

12 (6) it is appropriate for the Consumer Product Safety
 13 Commission to utilize its expertise to complete the
 14 recommendations for further work and report to Congress
 15 in a timely fashion.

16 SEC. 2. COMPLETION OF FIRE SAFETY RESEARCH.

17 (a) CENTER FOR FIRE RESEARCH.--At the request of the
 18 Consumer Product Safety Commission the National Institute for
 19 Standards and Technology's Center for Fire Research shall--

20 (1) develop a standard test method to determine
 21 cigarette ignition propensity,

22 (2) compile performance data for cigarettes using the
 23 standard test method developed under paragraph (1), and

24 (3) conduct laboratory studies on and computer
 25 modeling of ignition physics to develop valid, user-

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1 friendly predictive capability.
2 The Commission shall make such request not later than the
3 expiration of 30 days after the date of the enactment of this
4 Act.

5 (b) COMMISSION.--The Consumer Product Safety Commission
6 shall--

7 (1) design and implement a study to collect baseline
8 and followup data about the characteristics of
9 cigarettes, products ignited, and smokers involved in
10 fires, and

11 (2) develop information on societal costs of
12 cigarette-ignited fires.

13 (c) HEALTH AND HUMAN SERVICES.--The Consumer Product
14 Safety Commission, in consultation with the Secretary of
15 Health and Human Services, shall develop information on
16 changes in the toxicity of smoke and resultant health effects
17 from cigarette prototypes. The Commission shall not obligate
18 more than \$50,000 to develop such information.

19 SEC. 3. ADVISORY GROUP.

20 (a) ESTABLISHMENT.--There is established the Technical
21 Advisory Group to advise and work with the Consumer Product
22 Safety Commission and National Institute for Standards and
23 Technology's Center for Fire Research on the implementation
24 of this Act. The Technical Advisory Group may hold hearings
25 to develop information to carry out its functions. The

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1 Technical Advisory Group shall terminate 1 month after the
2 submission of the final report of the Chairman of the
3 Consumer Product Safety Commission under section 4.

4 (b) MEMBERS.--The Technical Advisory Group shall consist
5 of the same individuals appointed to the Technical Study
6 Group on Cigarette and Little Cigar Fire Safety under section
7 3(a) of the Cigarette Safety Act of 1984. If such an
8 individual is unavailable to serve on the Technical Advisory
9 Group, the entity which such individual represented on such
10 Technical Study Group shall submit to the Chairman of the
11 Consumer Product Safety Commission the name of another
12 individual to be appointed by the Chairman to represent such
13 group on the Technical Advisory Group.

14 SEC. 4. REPORTS.

15 The Chairman of the Consumer Product Safety Commission,
16 in consultation with the Technical Advisory Group, shall
17 submit to Congress three reports on the activities undertaken
18 under section 2 as follows: The first such report shall be
19 made not later than 13 months after the date of the enactment
20 of this Act, the second such report shall be made not later
21 than 25 months after such date, and the final such report
22 shall be made not later than 36 months after such date.

23 SEC. 5. CONFIDENTIALITY.

24 (a) IN GENERAL.--Any information provided to the National
25 Institute for Standards and Technology's Center for Fire

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1 Research, to the Consumer Product Safety Commission, or to
2 the Technical Advisory Group under section 2 which is
3 designated as trade secret or confidential information shall
4 be treated as trade secret or confidential information
5 subject to section 552(b)(4) of title 5, United States Code,
6 and section 1905 of title 18, United States Code, and shall
7 not be revealed, except as provided under subsection (b). No
8 member or employee of the Center for Fire Research, the
9 Consumer Product Safety Commission, or the Technical Advisory
10 Group and no person assigned to or consulting with the
11 National Institute for Standards and Technology's Center for
12 Fire Research, the Consumer Product Safety Commission, or the
13 Technical Advisory Group, shall disclose any such information
14 to any person who is not a member of, assigned to, or
15 consulting with, the Center for Fire Research, Consumer
16 Product Safety Commission, or the Technical Advisory Group
17 unless the person submitting such information specifically
18 and in writing authorizes such disclosure.

19 (b) CONSTRUCTION.--subsection (a) does not authorize the
20 withholding of any information from any duly authorized
21 subcommittee or committee of the Congress, except that if a
22 subcommittee or committee of the Congress requests the
23 Consumer Product Safety Commission, the National Institute
24 for Standards and Technology's Center for Fire Research, or
25 the Technical Advisory Group to provide such information, the

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- 1 Commission, the Center for Fire Research, or Technical
- 2 Advisory Group shall notify the person who provided the
- 3 information of such a request in writing.