

**Statement of
Charles O. Whitley
on behalf of
The Tobacco Institute
before the**

**Subcommittee on Commerce,
Consumer Protection & Competitiveness
Committee on Energy and Commerce
U.S. House of Representatives**

May 16, 1990

Mr. Chairman, distinguished members of the Subcommittee and former colleagues. I appreciate the opportunity to appear before you today on behalf of The Tobacco Institute to discuss cigarette fire safety and two bills addressing that issue -- H.R. 673, introduced by Rep. Rick Boucher, and H.R. 293, introduced by Rep. Joe Moakley. I am accompanied by Dr. A.W. Spears, Executive Vice President, Operations and Research, Lorillard Tobacco Company.

At the outset, we applaud the efforts of Chairman Moakley in attempting to resolve this very complex and important issue. We look forward to working with him in the very near future in that connection.

Mr. Chairman, accidental fires attributed to careless cigarette smoking have long been a major concern of the tobacco industry. For years we have worked with the U.S. fire service at the national, state and local levels to develop and broaden the distribution of a variety of fire

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prevention and detection materials. In addition, our industry supported and participated in the study mandated by the Cigarette Safety Act of 1984 to investigate the technical and commercial feasibility of developing cigarettes with reduced ignition propensity. We support H.R. 673, which would complete the work begun under the 1984 legislation.

Before I explain our position on the bills before you, I would like to discuss our industry's efforts in public fire education. Education is an area in which we have tried to have an immediate impact while legislative alternatives are considered and scientific work is conducted.

1. **Fire Safety Education Program.** The Institute's Fire Safety Education Program has been for a number of years one of the chief sources of private sector funding for fire prevention education in the United States. Few if any other industries can point to such a long and extensive record of assistance to the U.S. fire service.

The primary objective of The Institute's Fire Safety Education Program is to assist the fire service and others in reducing the incidence of accidental fires. The program is based on international studies by Philip S. Schaenman of TriData Corporation. Those studies determined that public education was largely responsible for the relatively low incidence of fires and fire deaths in European and Far Eastern countries.

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Fire departments, fire service organizations and public educators committed to fire prevention education throughout the United States have used Institute grants to purchase audio-visual equipment, production services, educational materials and other needed resources. Although continuing to award grant money in special circumstances, such as providing travel funds to allow public educators to attend conferences, The Institute's program now centers around distributing fire safety education materials and research reports developed by the fire service and funded through the program. All told, more than 6,000 fire departments have requested and received these materials.

Among the materials available through the program are "FireCare," a fire safety program for senior citizens; "FireSense," a fire safety program for the deaf and hearing-impaired; "Fire Safety Education Evaluation Survey," a questionnaire that tests the fire safety knowledge of adults, young adults and schoolchildren; and "New Tools for Volunteer Fire Fighters," a package of materials developed for volunteer fire departments to assist with fire prevention and fundraising.

Because of its emphasis on assisting the fire service with "no strings attached," The Tobacco Institute has earned a reputation as a responsible fire service ally with a long-term commitment to fire prevention/education.

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We and our member companies are proud of this reputation and of the efforts, which will continue, that have contributed to it. We very much appreciate the concern and hard work of the brave men and women of the U.S. fire service. We are proud to work with these dedicated people.

2. The Cigarette Safety Act of 1984. The Cigarette Safety Act of 1984 (15 U.S.C. § 2054 note) established an Interagency Committee on Cigarettes 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. The legislation specified that the Technical Study Group was to include representatives of several agencies of the federal government, upholstered furniture industry, cigarette manufacturers, fire service associations and other private groups with a special interest in the "fire-safe" cigarette issue.

The Technical Study Group submitted its Final Report to the Interagency Committee in October 1987. It concluded that it is "technically feasible" and may be "commercially feasible" to develop a cigarette having reduced ignition propensity. As the Technical Study Group made clear, however, whether a marketable cigarette can be developed having a reduced ignition propensity remains a question to which there is no simple or easy answer. The

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Technical Study Group emphasized that it had not been able to resolve many important issues and that much additional research remained to be performed. On the basis of the Technical Study Group's report, the Interagency Committee recommended further research in a number of key areas. Specifically, the Interagency Committee recommended, among other things --

(1) "development and testing of potentially feasible prototype cigarettes with reduced ignition propensity for consumer acceptability and smoke toxicity"; and

(2) "development of a standardized ignition propensity test method by which the effectiveness of future 'less fire-prone' cigarettes can be measured."

3. H.R. 673 and H.R. 293. Of the two bills I mentioned at the beginning of my testimony, one -- H.R. 673 -- would implement the recommendations of the Technical Study Group and the Interagency Committee. To that end, the bill would reestablish the Interagency Committee and create an Implementation Task Force modeled on the Technical Study Group, including among its members scientific representatives of the federal government, upholstered furniture industry, cigarette manufacturers, firefighters and others. Under H.R. 673, the Task Force would be required to complete its work within 36 months, with the Interagency Committee being required to transmit to Congress within 60 days thereafter any policy recommendations the Interagency Committee deemed

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appropriate. The bill does not assume, because the facts now known do not warrant the assumption, that cigarettes can be developed that will have both a reduced ignition propensity and be commercially feasible. But the bill does continue, in a logical and consistent manner, the work set in motion by Rep. Moakley's Cigarette Safety Act of 1984, ensuring that the objectives of that earlier legislation will be achieved.

The other bill -- H.R. 293 -- would direct the Consumer Product Safety Commission to promulgate by rule within one year of enactment "a fire safety standard for cigarettes to reduce the risk of ignition presented by cigarettes." Apart from comments provided to the Commission during the rulemaking process, the bill makes no provision for consultation with our industry or any of the other industries and groups that participated in the work of the Technical Study Group. This bill, unlike H.R. 673, assumes that commercially feasible reduced ignition propensity cigarettes can be developed -- and can be developed within a one-year rulemaking.

Without meaning to detract one iota from Rep. Moakley's outstanding service to the American people in focusing attention on the issue, The Tobacco Institute believes strongly that Rep. Boucher's legislation follows a more realistic approach -- indeed, the only realistic

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approach. Congress cannot command technology into being, as H.R. 293 would try to do. By contrast, H.R. 673 does not promise what science may not be able to deliver. Instead, H.R. 673 would marshal the appropriate resources for the advancement of technology in this important area.

H.R. 673 is responsive to the recommendations of the Interagency Committee and the Technical Study Group. Indeed, its purpose is to implement those recommendations as faithfully as possible, without prejudging the ultimate outcome. H.R. 673 builds into its deliberative process a role for industries such as ours that have special expertise and a direct stake in solving the problem at hand. It also recognizes that at least two to three years of additional work is needed before we will know if the incidence of cigarette-related fires can be reduced through modifications in cigarette design. Finally, H.R. 673 recognizes that Congress is the appropriate body to decide what steps, if any, should be taken once the scientists and other experts have had their say. No other approach makes sense when the consequences of regulatory action could be a de facto ban on cigarettes.

Congress, when it passed the Cigarette Safety Act of 1984, hoped that through the work of the Interagency Committee and the Technical Study Group "a consensus [would] be reached on the feasibility of manufacturing a cigarette

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that would present less risk of igniting upholstery." H.R. Rep. No. 917, 98th Cong., 2d Sess. 4 (1984). Although the Technical Study Group made substantial progress under the 1984 legislation, it was unable to complete the work necessary to achieve such a consensus. Since the Technical Study Group completed its work, the individual companies have continued their research. H.R. 673 would bring to closure the process begun by the 1984 legislation, providing a forum for tobacco company scientists and others to continue to share in this research effort with other appropriate scientists and agencies.

Mr. Chairman, we applaud you for holding these hearings. As I hope my testimony makes clear, our industry cares deeply about finding solutions to the problem of accidental fires involving carelessly handled cigarettes. We are eager to contribute in any way we reasonably can to finding solutions to that problem.

I will be glad to answer any questions.

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