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FIRE-SAFE CIGARETTES

Why Fire-Safe Cigarettes Are Important

- Cigarettes are the leading cause of residential fire fatalities in the United States, resulting in 700 to 900 deaths,¹ approximately \$400 million in property damage,² and \$4 billion in total economic loss (including health care, lost productivity, and pain and suffering) each year.³ Cigarette fires are most often caused when a lit cigarette is forgotten or dropped by a smoker.⁴ The cigarette can then smolder for hours between seat cushions, on a bed, or on a carpet until it causes the material to catch fire.
- Fire-safe cigarettes are less likely to ignite when left unattended, which reduces the risk of cigarette fires. By reducing tobacco related fires, legislation requiring fire-safe cigarettes saves lives.⁵

What are Fire-Safe Cigarettes?

- Fire-safe cigarettes are less likely than conventional cigarettes to ignite substances such as bedding, furniture, and carpet. They will self-extinguish before burning their entire length if not “puffed” for an extended period of time.⁶
- Most commonly, cigarette manufacturers use bands of less porous paper to create “speed bumps.” When left unattended, the tobacco will burn down to one of these speed bumps and self-extinguish.⁷
- Fire-safe cigarettes must meet a cigarette fire safety performance standard established by the American Society for Testing and Materials.⁸
- Fire-safe cigarettes are also known as self-extinguishing cigarettes, low ignition propensity cigarettes, and reduced propensity ignition cigarettes.

Fire Safe Legislation in Other States

- Legislation requiring the sale of only fire-safe cigarettes has passed in 25 states: New York, Vermont, California, Illinois, New Hampshire, Maine, Massachusetts, Maryland, Kentucky, Utah, Oregon, New Jersey, Minnesota, Montana, Iowa, Texas, Rhode Island, Delaware,

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Connecticut, Louisiana, Alaska, North Carolina, Virginia, Indiana, and Idaho. In 2003, New York became the first state to enact a law requiring all cigarettes sold in the state to be fire-safe.⁹ The law went into effect in 2004. In 2005, Vermont and California approved legislation adopting New York's standard and requiring all cigarettes sold within both states to be fire-safe.¹⁰ All subsequent state laws have adopted New York's standards for fire safety.

- Legislators in more than a dozen other states have introduced legislation to require that only fire-safe cigarettes be sold in those states.¹¹

Fire-Safe Cigarettes Do Not Significantly Increase Costs

- Prior to the implementation of fire-safe standards in New York, the National Institute of Standards and Technology (NIST) issued a report that estimated the cost impact of the New York standard on cigarette pricing.¹² The NIST estimated that the cigarette modifications would increase costs to consumers minimally, if at all (at most \$0.10 per pack).¹³
- Following the implementation of the New York standard, the Harvard School of Public Health compared pre-compliance retail cigarette prices with post-compliance cigarette prices.¹⁴ The study showed no significant increase in post-implementation prices.

¹ John R. Hall, Jr., *The Smoking-Material Fire Problem* 10 (2006), available at <http://www.nfpa.org/assets/files//PDF/OS.SmokingMaterials.pdf>.

² *Id.* at 12; U.S. Consumer Prod. Safety Comm'n, *Societal Costs of Cigarette Fires 2-4* (1993), available at <http://www.cpsc.gov/LIBRARY/FOIA/Foia00/os/societl1.pdf>.

³ U.S. Consumer Prod. Safety Comm'n, *supra* note 2, at 2-4.

⁴ American Burn Association, *Fire-Safe Cigarettes: American Burn Association Policy Statement* (2007), <http://www.ameriburn.org/Fire-safecigarettes.pdf>.

⁵ Michael Gormley, *First Year of 'Fire-Safe' Cigarette Law in New York Yields Fewer Deaths*, ABC News, Feb. 13, 2006, available at <http://abcnews.go.com/Health/print?id=1143718>. In New York State, deaths resulting from cigarette fires have dramatically decreased. *Id.* Deaths from cigarette fires in New York State totaled 43 in 2000 and 44 in 2001. *Id.* In 2005, after the fire-safe mandate was enacted, deaths from cigarette fires totaled 28. *Id.*

⁶ Coalition for Fire-Safe Cigarettes, *What Is a Fire-Safe Cigarette?* <http://firesafecigarettes.org> (follow "About fire-safe cigarettes" hyperlink; then follow "What is a fire-safe cigarette?" hyperlink) (last visited June 7, 2007).

⁷ American Burn Association, *supra* note 4.

⁸ U. S. Department of Commerce, National Institute of Standards and Technology, *Certificate of Analysis, Standard Reference Material 1082: Cigarette Ignition Strength Standard* (2006), available at <http://firesafecigarettes.org/assets/files/NISTstandard.pdf>.

⁹ N.Y. Comp. Codes R. & Regs. tit. 19, § 429 (2003); NY Exec. Law § 156-c (Consol. 2000).

¹⁰ Vt. Stat. Ann. tit. 20, § 2757 (2005); Cal. Health & Safety Code § 14950 (West 2005).

¹¹ Coalition for Fire-Safe Cigarettes, *State-by-State Efforts*, <http://www.firesafecigarettes.org> (follow "Legislative updates" hyperlink; then follow "State-by-state efforts" hyperlink) (last visited June 26, 2007).

¹² Rosalie Ruegg & Lisa Petraglia, National Institute of Standards and Technology, *Impact Assessment of New York State's Cigarette Fire Safety Performance Standard* (2005), available at <http://www.fire.nist.gov/bfrlpubs/fire05/PDF/f05178.pdf>.

¹³ *Id.* at 25.

¹⁴ Harvard School of Public Health, *"Fire Safer" Cigarettes: The Effect of the New York State Cigarette Fire Safety Standard on Ignition Propensity, Smoke Toxicity, and the Consumer Market* 15, 38 (2005), available at <http://www.firesafecigarettes.org/assets/files/harvardstudy.pdf>.