



## MEMORANDUM

**To:** Burn, Fire and Life Safety Educators

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**Date:** October 2001

**Subject:** Cigarette Fire Safety Legislation

The American Burn Association's Burn Prevention Committee and the Phoenix Society have prepared the enclosed advocacy resource kit to help you participate in a national legislative campaign addressing the leading cause of fatal fires in the United States—cigarettes that are dropped, left unattended, or carelessly discarded. The enclosed materials provide the necessary background information about this issue and how to present it to the media, policymakers, and potential sponsoring organizations.

Cigarettes are the leading cause of fatal fires in the United States, responsible for one of every four fire deaths. Annually, 900-1,000 Americans die from fires started by cigarettes and 2,500-3,000 more are injured. It is not only the smoker who is injured or killed—children and other family members, other residents in multi-family dwellings, firefighters, emergency medical services personnel, and other non-smokers are affected. The most recent data available from the U.S. Consumer Product Safety Commission indicates that 140 children died in smoking-ignited fires in 1997.

At present, there is no national fire safety standard for cigarettes and no federal law requiring the establishment of such a standard although the technology exists to produce cigarettes that have a reduced propensity to start fires. Studies show that making cigarettes fire safe would not affect taste, cost or health hazards associated with smoking. The present impasse is lack of agreement on a fire safety standard. There is, however, a growing interest in state and federal legislation establishing cigarette fire safety standards and mandatory compliance with such standards.

Cigarette fire safety legislation has been introduced sporadically at both the state and federal levels over the past 20 years. Growing interest by fire and burn groups helped secure the first passage in 2000 of state legislation requiring the compliance of cigarettes with a fire safety standard in New York (effective 2003). Further support by burn care professionals, burn survivors, and fire service personnel is essential to secure passage of additional fire safe cigarette legislation at the state and federal levels.

The advocacy kit can be downloaded from the American Burn Association ([www.ameriburn.org](http://www.ameriburn.org)) and Phoenix Society ([www.phoenix-society.org](http://www.phoenix-society.org)) websites. Also available upon request, for those who may be interested, are a fire safe cigarette newsletter (which can be copied for use as a handout) and a PowerPoint presentation. The American Burn Association and the Phoenix Society can answer more



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specific questions and keep you up-to-date on the legislative developments at the state and federal level. Please keep them abreast of developments in your state. The rest is up to you!

For further information, contact the American Burn Association (800.548.2876) or the Phoenix Society (800.888.2876).



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## Introduction and Call to Action

Please join the American Burn Association and the Phoenix Society in a nationwide campaign to reduce death, injury and property loss resulting from the leading ignition source of fatal fires in the United States—cigarettes that are dropped, left unattended or carelessly discarded. The single most effective means by far to accomplish this goal is to establish a fire safety standard for cigarettes. Each brand of cigarette would have to pass a test that would demonstrate that a lit cigarette is incapable of igniting a test paper or material/fabric most of the time. The standard would specify the test method and “pass” rate.

As of the date of production of this advocacy kit (September 2001), the outlook for mandating and implementing such a standard is brighter than ever. Within the past year, there has been significant progress at both the state and federal legislative levels and in the tobacco industry itself. One state (New York) has already passed legislation that will require all cigarettes sold or offered for sale within the state to comply with such a standard by July 2003, and in July 2000 one cigarette company (Philip Morris) began marketing a cigarette (Merit) employing a technology that federal researchers have tested and found effective in reducing ignition propensity.

While these recent developments in the 20-year cigarette fire safety effort are unprecedented, it is more important than ever to maintain legislative momentum at both the federal and state levels. It is anticipated that fire safe cigarette legislation will be introduced at the federal level this year, which is likely to become a focal point for debate on this issue. Although the passage of strong, effective legislation at the federal level is the ultimate goal of advocacy on this issue, continued action at the state level can provide the impetus for passage of federal legislation. As has been true over the years, pressure at the state level can enhance action at the federal level and help ensure the effectiveness of the legislation that eventually passes at the federal level. Because the production and marketing of cigarettes are standardized and coordinated at the national level, if multiple states enact fire safe cigarette laws, tobacco companies will have to comply with the strictest state’s standard in setting their production standards or would have to manufacture different cigarettes to meet the various state standards.

The tobacco industry may indeed prefer federal to state legislation. With a single federal standard, they would not have to adapt their production and marketing practices to the highest combined requirements of existing and future state laws. However, the passage of a weak federal law that preempts state laws, which might be supported by the tobacco industry, would be a step backwards. The best scenario for cigarette fire safety, therefore, will likely involve rapid movement at the state level, along with vigorous action to enact federal legislation that incorporates the best elements of state laws.

This is where you come in. We hope you will join this campaign by offering to serve as a “Fire Safe Cigarette Leadership Contact” in your state. Such commitments by burn treatment professionals, fire and burn safety educators and burn survivors are essential to the success of this effort. Please let us know if you are available by contacting either the American Burn



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Association (800-548-2876, [www.info@ameriburn.org](http://www.info@ameriburn.org)) or the Phoenix Society (800-888-2876, [www.phoenix-society.org](http://www.phoenix-society.org)). When federal legislation is introduced, you will be contacted and encouraged to participate in activities in support of such legislation.

The enclosed materials provide background information about the cigarette fire safety issue and describe potential legislative remedies. Model press releases and state legislation are included. Since this campaign is being waged on several fronts, the content and timing of any state effort should be coordinated with overall state and federal strategy. Once you have contacted us, we will bring you up-to-date on the latest developments at the state and federal levels and make sure your effort is tied in with other initiatives at both levels. If, as expected, the focus of the debate shifts to the federal level, additional information and resource materials will be provided, as needed, to coordinate an aggressive and effective advocacy campaign in that venue.



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## **American Burn Association Position Statement on Fire Safe Cigarettes**

The American Burn Association strongly and actively supports state and federal legislation mandating that only fire safe cigarettes may be developed, produced, or distributed in the United States.

Cigarettes are the most common ignition source for fatal residential fires, accounting for approximately 25% of the nation's fire deaths. Each year between 900 and 1,000 people in the United States die and an additional 2,500 to 3,000 are injured from fires caused by cigarettes, and such fires result in more than \$6 billion in societal and direct property damage.

The American Burn Association has been a strong advocate for the development of fire safe cigarettes for over 15 years, participating in two US government studies that successfully demonstrated the technical and economic feasibility of commercial production of fire safe cigarettes. The term "fire safe cigarette" means a cigarette with reduced propensity for starting a fire when dropped or left unattended; it does not mean that such cigarettes are risk-free for igniting a fire.

## **Phoenix Society Position Statement on Fire Safe Cigarettes**

Each year in the United States nearly 1,000 people die and 3,000 suffer burn injuries as a result of cigarette ignited fires. The technology to produce a fire safe cigarette—a cigarette with a significantly reduced ignition propensity when dropped on furniture or bedding—has been available for over a decade. That equates to over 10,000 preventable deaths and 30,000 preventable burn injuries during the past ten years alone. Therefore, the Phoenix Society strongly supports international, national and state-level mandatory fire safety standards for cigarettes. The Phoenix Society will continue to strongly advocate for mandatory fire safety standards for cigarettes until all cigarettes manufactured for domestic or foreign markets are fire safe.



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## Fire Safe Cigarette Fact Sheet

- Cigarettes are the leading cause of fatal home fires in the United States, accounting for approximately 25% of the nation's fire deaths.
- Annually, between 900 and 1,000 people in the United States die from fires started by cigarettes and an additional 2,500 to 3,000 are injured.
- It is not only the smoker who is injured or killed. Family members, other residents in multi-family dwellings, firefighters, emergency medical services personnel, and other non-smokers are also affected.
- In 1997 (the latest year for which data are available), there were more than 130,000 cigarette-related fires, which resulted in the deaths of 140 children and direct property loss of \$335 million.
- The annual cost of human life and property damage exceeds \$6 billion.
- At present, no federal regulation requires cigarettes to meet fire safety standards. New York is the first and only state to mandate that all cigarettes sold or offered for sale in the state must be fire safe. Similar legislation has been introduced in other states and in the US Congress.

### What is a Fire Safe Cigarette?

A fire safe cigarette, also known as a “reduced ignition propensity cigarette,” has significantly less propensity to ignite upholstered furniture or mattresses when dropped, forgotten or carelessly discarded. This can be accomplished through small design changes, including the use of less dense tobacco, less porous paper, a smaller diameter, a filter tip, the addition of “speed bumps” on the filter paper, and the elimination of citrates that are added to the paper to maintain burning. Although the technology to produce fire safe cigarettes has been available for more than a decade, cigarette manufacturers have largely failed to adopt the relatively modest changes that would be involved in the manufacture of fire safe cigarettes.



## Recent History of Fire Safe Cigarette Legislation

- 1974 Legislation mandating fire safe cigarettes passes US Senate but fails in the House.
- 1984 Cigarette Safety Act: US Congress mandates formation of a Technical Study Group to determine if it is technically and economically feasible to make a fire safe cigarette.
- 1987 Technical Study Group releases report affirming technical and possible economic feasibility to produce cigarettes that are more fire safe.
- 1990 Fire Safe Cigarette Act of 1990: US Congress mandates development of a fire safe test method for cigarettes.
- 1993 Technical Advisory Group reports to Congress that a fire safety test method has been developed as a means to implement a fire safety standard for cigarettes.
- 2000 New York passes first state law requiring fire safe cigarettes. This law, which will take effect no later than July 1, 2003 (unless federal legislation is enacted which supersedes it), requires all cigarettes sold in New York to meet flammability standards.
- 2000 One cigarette manufacturer (Philip Morris) successfully test-markets a fire safe cigarette design and begins shipping one brand of cigarettes (Merit), which incorporates this new technology
- 2001 Another bill will be introduced in Congress that would impose a fire safety standard on cigarettes sold or manufactured in the U.S.

### You can help!

Many lives have been lost and people have been seriously injured from smoking-related fires—deaths and injuries that could have been prevented by the availability and use of fire safe cigarettes. The American Burn Association and Phoenix Society encourage you to contact your state representatives and urge them to introduce and/or support state legislation requiring fire safety standards for cigarettes. When legislation is introduced at the federal level, specific information will be provided to enable you to participate actively in advocating for passage of such legislation. To identify your Congressional representatives call (202) 224-3121 or visit the following sites on the internet: [www.house.gov](http://www.house.gov), [www.senate.gov](http://www.senate.gov), or [www.vote-smart.org](http://www.vote-smart.org).



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## Talking Points

### **When Speaking with Legislators, the Media, or Other Organizations**

- Cigarettes are the leading ignition source of fatal fires in the United States, resulting in 900-1,000 deaths in the United States each year. *(Include your own state statistics if available.)*
- It is not only the smoker who is affected. Children and other family members, other residents in multiple family dwellings, firefighters, emergency medical services personnel, and other non-smokers are also injured or killed in cigarette-ignited fires.
- According to the U.S. Consumer Product Safety Commission (CPSC), over 100 children a year, mostly aged 5 or under, die in cigarette-ignited fires. The elderly have the highest rate of death from smoking-related fires. One-third of such victims are 65 or older, and those over age 75 have the highest death rate. Children between the ages of 6 and 19 have the lowest risk of dying, but this increases with age. Male smokers are more likely than female smokers to die in smoking-related fires.
- Cigarette-ignited fires are not uncommon. In 1997, there were over 130,000 cigarette-related fires—more than 350 every day! In 1997, over 95% of all smoking-related fire deaths occurred in residential structures. Although most serious injuries and deaths associated with smoking occur in residences, vehicle, wildland, and forest fires caused by cigarettes can also result in injury, death and destruction.
- The cost of cigarette-ignited fires is astronomical. Over \$6 billion in societal and property damage results from cigarette fires each year. This does not include the associated human costs, such as: health care for victims and survivors, lost productivity, the life-long physical and emotional impact, and the physical and emotional trauma to the entire family. These costs are clearly immeasurable.
- Cigarettes are both the most deadly and the most under-regulated consumer product on the market. Although CPSC can count the casualties of cigarette fires, it has no authority to regulate cigarettes. Unlike products such as lighters, stoves and electrical products, cigarettes have so far escaped CPSC jurisdiction because they are technically defined as an “agricultural” product rather than a “consumer” product.
- A fire safe cigarette has significantly less propensity to ignite upholstered furniture or mattresses when dropped, left unattended or carelessly discarded. Small design changes, including the use of less dense tobacco, smaller cigarette diameter, a filter tip, “speed bumps,” and less porous paper, along with elimination of citrates added to the paper, contribute to creating a more fire safe cigarette. These cigarettes have been proven in tests to be completely acceptable to consumers.
- Effective cigarette fire safety standards can be implemented without having to dictate either the composition of cigarettes or their method of manufacture. Such standards can simply require that cigarettes meet a specified performance standard, which would test the likelihood that the cigarettes would ignite a certain fabric under standardized test conditions.
- Reducing the likelihood that a cigarette can ignite a fire is the most effective way to prevent such a fire. However, even a fire safe cigarette may ignite a fire in a small number of situations. This means that efforts to promote safer smoking behavior and to reduce the flammability of mattresses and upholstered furniture should not be abandoned.
- In all known tests comparing traditional cigarettes with experimental cigarettes designed to be more fire safe, smokers on average have experienced no difference in taste and have expressed no objections to any other sensations even though such experimental cigarettes may be slimmer, less densely packed, or made with more porous paper.



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## **Background Information**

### **Fire Safe Cigarettes**

#### **Problem Summary and Statistics**

Cigarette-ignited fires are responsible for one out of every four fire deaths in the U.S. Annually between 900 and 1,000 Americans die from such fires and another 2,500 to 3,000 more are injured or killed. Children and other family members, other residents in multi-family dwellings, emergency medical services providers, firefighters, and other non-smokers may also be directly affected. The U.S. Consumer Product Safety Commission (CPSC) has reported that 130,000 smoking-related fires occurred in 1997, resulting in the deaths of 140 children. CPSC also reported that the human and property costs of such fires exceeded \$6 billion that year. The human cost—the cost of health care for victims and survivors, lost productivity, the lifelong physical and emotional impact, and the physical and emotional trauma to the family—is immeasurable.

More civilians die in smoking-related fires than in any other type of fire in the US. In 1997, over 95% of all smoking-related fire deaths occurred in residential structures (Source: National Fire Protection Association, 2000). Although most serious burn injuries and deaths associated with smoking occur in residential structures, cigarettes can also be the cause of vehicle, wildland, and forest fires. The elderly have the highest rate of death from smoking-related fires. Fully one-third of such victims are 65 or older, and those over age 75 have the highest death rate. Children between the ages of 6 and 19 have the lowest risk of dying, but this increases with age. Male smokers are more likely than female smokers to die in smoking-related fires.

Federal officials report that cigarettes account for more fatal home fires than any other consumer product, yet they are the most under-regulated consumer product on the market. Unlike lighters, stoves, and electrical products, the CPSC does not currently regulate cigarettes as a fire hazard. Cigarettes are a consumer product that cause death and disease when used as intended.

The costs associated with residential fires could be greatly reduced if technology already developed and available to make cigarettes more fire safe were applied to their mass production. Although such technology was developed at least as early as the 1980s, there is still no federal fire safety standard for cigarettes and the first state law to establish such a standard was enacted in New York only recently (2000). To achieve success in other states and at the federal level, much more public support is needed, particularly from burn care professionals, burn survivors and fire service organizations.

#### **How Do Cigarettes Start Fires?**

The typical scenario of a cigarette fire begins when a lit cigarette is abandoned, dropped or carelessly discarded on upholstered furniture, a mattress, or other bedding materials. If the unattended cigarette encounters the right mixture of oxygen and flammable material, as can



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happen when it falls into the folds of a blanket or between seat cushions, it is likely to smolder undetected for a long time—until such time as the item on which it has fallen suddenly bursts into flames.

The ignition can be explosive, fueled by flammable gases that have accumulated in the absence of sufficient oxygen. Many fire victims fall asleep before extinguishing their cigarette and are unable to escape the fire because of older age, disability, being overcome by toxic gases released in the smoldering process, and/or drug or alcohol use. These conditions also increase the likelihood of death or severe injury to those directly involved in smoking-related fires.

### **What Is A Fire Safe Cigarette?**

Fire safe cigarettes are cigarettes with a reduced propensity for starting a fire when dropped, carelessly discarded or left unattended. A fire safe cigarette is more likely to self-extinguish when not being puffed as compared with a conventional cigarette. Fire safe cigarettes, however, are not fire proof and may still ignite a fire under certain circumstances. Fire safe cigarettes have comparable tar, nicotine, and carbon monoxide production as traditional cigarettes but are less likely to cause a fire. In taste tests, smokers have been unable to distinguish the difference between conventional cigarettes and fire safe cigarettes.

Currently most cigarettes are designed to burn away completely or down to the filter tip when left unattended. This increases product sales by forcing the smoker to light another cigarette sooner than he or she might have otherwise. However, this design feature also presents a serious fire safety risk.

Cigarettes can be made less likely to continue burning when unattended by making small changes in their design and manufacture. Such changes include using less dense tobacco or less porous paper, narrowing the diameter, having a filter tip, or eliminating the accelerants that are frequently added to maintain continuous burning when a cigarette is not being inhaled. Experimental cigarettes incorporating various combinations of such changes were found to reduce substantially their propensity to start fires in research carried out by the major tobacco companies under the Cigarette Safety Act of 1984.

Fire safety standards for cigarettes would require that, when tested under specified conditions, a modified cigarette would be significantly less likely to start a fire than a conventional cigarette. The standard would require that a modified cigarette not ignite a fire most of the time, but would not specify how a cigarette manufacturer must design its product.

One approach to making cigarettes more fire safe was introduced in select test markets in early 2000. Preliminary results of the Phillip Morris Merit brand, which is manufactured with a patented paper called PaperSelect™, have been encouraging. PaperSelect™ features rings of ultra-thin paper that are applied on top of traditional cigarette paper during the paper-manufacturing process. These rings act as “speed bumps” to slow down the rate at which the cigarette burns as the lit end crosses over them. Cigarettes made with PaperSelect™ paper may



be more likely to extinguish on their own, for example when resting in an ashtray, and may be less likely to ignite certain fabrics. (Source: Phillip Morris USA)

The circumferential bands of low air permeability paper reduce the rate of burning, making it more difficult for the cigarette to heat furnishings and cause ignition. Testing conducted by the National Institute of Standards and Technology (NIST) confirmed that Merit cigarettes with PaperSelect™ have a significantly lower ignition propensity than conventional cigarettes in a variety of test methods (Source: NIST Technical Notes 1436, January 2001).

In promoting cigarettes made with the new technology, Phillip Morris has been careful to avoid characterizing them as “fire safe.” Initial advertising copy contained the following message: “These cigarettes are not ‘fire safe.’ Do not handle or dispose of cigarettes made with this special paper with any less care than other cigarettes. Anything that burns, including cigarettes or cigarette ashes, can cause a fire if handled carelessly.”

*Fire safe cigarettes do not replace individual responsibility for ensuring fire safety practices and environments, but they significantly reduce the chance that a carelessly discarded cigarette will cause injury or death!*

## **History Of The Cigarette Fire Safety Movement**

It has been 70 years since interest at the state or national level first focused on making cigarettes more fire safe. This interest emerged in Massachusetts in the late 1920s in response to a series of brush fires—not in response to human injury and death—but did not lead to an organized campaign. Such interest revived briefly in 1974 when the U.S. Senate passed a bill giving the Consumer Product Safety Commission jurisdiction over the fire hazard aspect of cigarettes. The House of Representatives, however, after intense lobbying by the Tobacco Institute, failed to follow suit.

A champion for the fire safe cigarette cause emerged in 1980, when long-time fire safe cigarette advocate Joseph Moakley (D-MA), first introduced in the U.S. House of Representatives a bill focusing directly on cigarette fire safety, effectively launching the long-term legislative effort that continues to this day. The late Representative Moakley gained a strong Senate ally in the late Senator John Heinz (R-PA). At about that time, anticipating the eventual passage of such legislation, Philip Morris began conducting secret research to develop a more fire safe cigarette that would be “acceptable” to smokers. A famous “60 Minutes” program in 1993 revealed that the company had developed such a cigarette as early as 1980 and that by 1986, company researchers were reporting internally that smokers of the modified cigarettes could not distinguish them from the current best-selling brand of traditional cigarettes. Nevertheless, the company chose not to market the modified cigarette at that time.

Meanwhile, Representative Moakley and Senator Heinz continued to spearhead Congressional efforts throughout the 1980s. Their first achievement was the Cigarette Safety Act of 1984, which appropriated \$3 million for research to determine the technical and economic feasibility of



a more fire safe cigarette. The 15-member Technical Study Group established by the Act, including an ABA representative as well as four representatives of the tobacco industry, issued a unanimous report in 1987 affirming that mass production of such a cigarette was technically feasible and “may” be economically feasible. The next step, mandated by the Fire Safe Cigarette Act of 1990, was to develop a standard test method, contained in the report of the Act’s Technical Advisory Group in 1993. The final technical/political step will be the adoption and enforcement of a “pass/fail” standard based on test performance, which will require a legislative mandate. Although legislation proposing such a mandate has stalled in Congress since 1994, there has been increased momentum in 2001, partly out of respect for 20-year champion Representative Moakley, who passed away earlier in the year.

While there are exciting developments on the national level, activity at the state level remains a vital part of the effort to establish a strong fire safety standard for cigarettes. Advocates and legislators in other states should continue their work and follow New York in enacting fire safe cigarette legislation. The production and marketing of cigarettes are standardized and coordinated at the national level, so the tobacco companies would have to comply with the strictest state’s standard in setting these national policies and procedures. Passage of strong fire safe cigarette legislation at the state level could provide the impetus for legislation at the federal level—the ultimate goal of advocacy on this issue.

In August 2000 New York became the first state to enact legislation requiring all cigarettes made, sold or offered for sale in New York to meet a fire safety standard. This law will be the first time the US tobacco industry has been regulated by consumer product safety standards. The law will take effect no later than July 2003 unless a federal standard takes effect in the meantime. In Massachusetts, Senator Cheryl Jacques introduced early in 2001 “An Act to Reduce the Loss of Life Due to Fires Caused by Cigarettes” (The “Moakley Bill”), which contained provisions similar to the New York law. (Copies of the New York legislation and the Massachusetts bill are included in this Kit.)

### **Why Has The Tobacco Industry Been Reluctant To Produce More Fire Safe Cigarettes?**

Although it has been known for over a decade that it is technically and economically feasible to produce more fire safe cigarettes, the tobacco industry as a whole has been reluctant to produce such cigarettes or to accept the need for regulation to achieve the goal of more fire safe cigarettes.

The tobacco industry has successfully lobbied at the state and federal levels to stop legislation. Now, with a law in New York, the tobacco industry may be more willing to support strong federal legislation to avoid having individual states adopt different standards, some of which may be more stringent than proposed federal standards.

Tobacco industry opposition to fire safe cigarette legislation is rooted in its traditional, broad-based opposition to any regulation of its products. Following this line of thinking, a regulation related to cigarette fire safety would create a precedent, which would make it easier for health



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advocates and sympathetic legislators to promote oversight of other closely guarded aspects of cigarette composition—notably their chemical content.

The tobacco industry also may be concerned with potential legal liability. In March, 2001 a judge in Canada ruled that a class action lawsuit filed by families of three young people who died in a cigarette-related fire can move forward to the next pretrial stage. The judge rejected arguments by the tobacco company that they should not be legally liable for not making a more fire safe cigarette. As far as we know, this is the first cigarette fire safety case in the world that a judge has permitted to proceed past this stage. Cigarette fire safety advocates are watching this case closely, as it could create an important legal precedent. There is also a case in Texas that is scheduled to go to trial by the end of 2001.

Another source of tobacco industry opposition to fire safe cigarette legislation is from a profit perspective. If all cigarettes are designed to self-extinguish, less would be sold, thereby decreasing profits. Instead of a cigarette burning up in the ashtray as is now the case with traditional products, it could be re-lit by the smoker multiple times.

Finally, there is some uncertainty about the effect of a fire safety standard on the market shares of different brands. If the manufacturers of one brand find a way to meet a fire safety performance standard that meets significantly greater consumer acceptance than the methods used to achieve compliance by other brands, there could be significant changes in market share among the major tobacco companies. With each percentage point of market share being worth roughly \$50 million in profit in the U.S. cigarette market, this concern is a serious one to tobacco companies.

For these reasons, the tobacco industry has traditionally sought to shift blame away from the product causing the fire (cigarettes) to the smoker and the products susceptible to ignition (furniture or clothing). Cigarette manufacturers say that fire safety should be accomplished by making furniture, clothing and other products more fire resistant. As one tobacco company spokesperson is quoted as saying, “Cigarettes have to be lit in order to be used. As a result, there are no standards for cigarette fire safety that can replace...good common sense and individual responsibility.”

Although efforts at improving the resistance of mattresses and furniture to ignition have reduced fire losses over the past three decades, further reductions in the still significant toll in lives and property lost require the tobacco industry to redesign their product so that cigarettes have less propensity to ignite such furnishings. The long life spans of couches, upholstered chairs, and mattresses make it unrealistic for many people at high risk (older adults and low income individuals) to replace older models with newer, more fire safe ones. It is more realistic to produce readily available, more fire safe cigarettes. The impact of fire safe cigarettes will be more immediate, as all conventional cigarette supplies would be exhausted within six months.

### **Fire Safe Cigarettes: A Burn Prevention Issue**



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Fire and burn safety advocates recognize the limitations of any single approach to reducing cigarette-related fires. Because applying a fire safety standard to cigarettes will not prevent all cigarette-ignited fires, there will be a continuing need to promote safe storage, handling, and disposal of smoking materials—even if fire safe cigarette legislation is enacted. Similarly, such legislation would not eliminate the ongoing value of using fire-retardant materials in the production of household furnishings on which lit cigarettes are most likely to be dropped or carelessly discarded (e.g., mattresses and upholstered furniture). The strategies for use against all fires, including those ignited by cigarettes, should continue to include fire escape plans, smoke alarm installation and maintenance, and sprinklers in hotels, motels, and commercial buildings.

Engineering and design changes have led to the manufacture of more fire-resistant mattresses and upholstered furniture. Along with an overall decline in smoking, these steps have contributed to a decline in the number of fires and deaths caused by smoking materials. Smoking material structure fires have declined by two-thirds (68%) since 1980 and associated civilian deaths have dropped by 55%. In spite of this significant reduction, the remaining cost in lives and property damage from cigarette-ignited fires still dominates fire loss statistics, and the downward trends in both smoking and smoking-related casualties appear to have leveled off in recent years. As long as people continue to smoke, the most important step in reducing the fire hazard of smoking remains to make the cigarette itself more fire safe. If the only cigarettes available to smokers meet a fire safety standard, fallible human behavior and obsolete furniture become less significant contributors to the problem.

*Remember: Advocacy for fire safe cigarettes is a burn prevention issue—not an anti-smoking issue.* Annually, up to 1,000 lives could be saved and another 2,500 to 3,000 injuries prevented through enactment and enforcement of standards that require cigarettes to be manufactured with less propensity to ignite upholstered furniture. In the 13 year period since the Technical Study Group determined it is technically feasible to make such cigarettes, potentially over 10,000 lives could have been saved by the use of fire safe cigarettes! Small design changes in the way cigarettes are manufactured, including less dense tobacco, less porous paper, or “speed bumps” that slow burning, have already been shown to be economically and technically feasible. Enforcement of legislation, once passed, will significantly decrease the human and societal costs of cigarette-related burn injuries and deaths.

*Take a stand on the fire safe cigarette!*



## **Action Steps: What You Can Do To Support Change**

The four key elements of individual and collective action in the fire safe cigarette movement are described below. While they are listed here in sequence, in reality they will take place simultaneously. Before taking any of the steps, take the time to educate yourself. The American Burn Association Burn Prevention Committee and the Phoenix Society have prepared this information kit as a starting point. You will learn more as your advocacy efforts stimulate more questions from both supporters and skeptics. Feel free to contact any of the resource contacts listed at the end of this document as these questions arise.

### **Educate Others Within Your Organization**

After thoroughly educating yourself on the issues involving fire safe cigarettes, it is important to make sure that others within your organization also have an understanding of the problem and the proposed solution. If you work at a burn center, for example, the entire team of burn care professionals, including surgeons, nurses, social workers, physical therapists, and occupational therapists, should be educated regarding fire safe cigarettes. Distributing copies of this advocacy kit is a good starting point.

### **Identify Relevant Cases and Maintain Accurate Statistics**

National statistics are normally the best starting point for describing the scope of a problem. Statistics for a particular state or legislative district may be hard to obtain and the results, once obtained, may appear trivial. However, national statistics come to life much more effectively when they can be dramatized with local anecdotes. Fires that result in fatalities or serious injuries frequently receive close media attention for several days. In the case of severe injuries, coverage may continue periodically until a patient leaves the burn center.

A method of cataloguing all smoking-related incidents and patients (both inpatients and outpatients) in a separate log will facilitate identification of individuals who have been affected by cigarette-related fires. This log, which can be maintained by hand or computer, can be extremely helpful when it comes time to provide local information and survivor testimonials either for the media or in support of legislation. This log may also prove useful for support of other public policy initiatives related to smoking-related hazards, including flammable fabrics and cigarette lighters. Maintain a file with incident information and newspaper clippings to help organize material so it is readily available if an opportunity arises to speak to an organization or the media.

An effective Cigarette-Related Fire Injury Log should contain the following types of information:

- A descriptive narrative about the fire and burn cause
- The date and time of injury



- The type of smoking material involved (brand name if known, self-rolled, cigars, etc.)
- Identification of the smoker (self or other)
- Location of fire origin (bedroom, living room, other)
- Type of material initially ignited (furniture, bedding, clothing)
- Other contributing factors (falling asleep, alcohol or drug involvement, disability, other)
- Pertinent patient or family information (phone number and address) to facilitate contact with them if needed
- Fire department investigator name and phone number

If possible, coordinate your history-taking effort with that of the fire official responsible for completing the fire incident report. They may be able to provide additional information or may appreciate receiving information you have obtained. Include the name and phone number of the fire investigator on your log to simplify continued contact as the investigation progresses. Keep copies of any newspaper articles pertaining to the incident with your log sheets. Make notes if there has been any media coverage. Videotapes of TV coverage may be helpful when developing your local strategy for promoting fire safe cigarettes. Inform all area fire departments and hospitals of this project, as well as clinics and others who care for patients with burns, so they can assist in identifying these victims and incidents.

The person obtaining the patient history should be able to ask appropriate questions to ascertain specific details about the cause of injury and document this for the data entry personnel. Each member of the burn team should have a working knowledge of the issue, because important information may emerge independent of the initial history taking. Make sure that this method is in place in your outpatient setting, since many cigarette-related burns are small and may not require admission to your inpatient service.

If you work in a burn center, use TRACS to track cigarette-related burn incidents.

It is recommended that an organizational spokesperson familiar with the issue be designated to answer any questions from the media, general public, other health care providers, and members of the burn team.

It is worth emphasizing that throughout your advocacy efforts, patient privacy must be respected and burn survivors must be treated in a sensitive and respectful manner. Too often, burn survivors and their families are re-traumatized by well-meaning advocates who, despite the best of intentions, may fail to pay adequate attention to the victim's needs.

A sample log is included on the following page.



### Cigarette-Related Fire Injury Log

(Each patient treated at the burn center for a cigarette-related fire injury should be listed on a separate sheet. Newspaper clippings, if available, should be attached. The name of the person completing the form should be listed.)

Patient Name	
Medical Record Number	
Phone Number for Follow-Up	
Date and Time of Injury	
Gender	
Age	
Smoke Identification (self or other)	
Smoking Material Used (cigarette: brand if known or self-rolled, cigar, pipe, other)	
Location of Fire Origin (bedroom, living room, other)	
Material Ignited/Type of Furnishings Involved (bedding, upholstered furniture, clothing, other)	
Contributing Factors (fell asleep, drugs, alcohol, disability, other)	
Fire Investigator Name & Number	
Media Coverage, if Any (What TV or radio channel(s)? What newspaper(s)? Reporters?)	



Description of Fire and Other Details	
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**Contact Your State and Federal Representatives**

Members of your state legislature and the US Congress have been elected to represent you in government affairs and need to hear from their constituents about issues they feel are important. It is critical they know the facts about the impact of fire safe cigarettes and cigarette-ignited fires in their community.

It is anticipated that fire safe cigarette legislation will be introduced at the federal level this year. When such a bill is introduced, the ABA and the Phoenix Society, through their websites and other means, will provide detailed information on the legislation, including the name and number of the bill, its sponsor(s), and the committee to which the bill has been assigned. At that time, a coordinated advocacy plan will be implemented, which will require the strong and active involvement of key contacts throughout the country.

As was mentioned earlier, however, it will be important to continue advocacy efforts at the state level. Start by determining from your ABA or Phoenix Society contact whether the issue has already been introduced in your state legislature and, if so, by whom, and at whose urging. Contact any key legislative and organizational advocates to see how you and your organization can get involved. If there has been no such activity, contact your state representatives and encourage them to introduce or support fire safe cigarette legislation. Be prepared to explain briefly (see “Talking Points”) the facts about fire safe cigarettes and how cigarette-related fires impact their communities. Make them aware that New York has already passed cigarette fire safety legislation and that Massachusetts and other states are working hard to follow suit. Explain to them that passage of legislation in individual states can be a stepping stone to an effective federal standard. If your state representative is already supportive of fire safe cigarette legislation, contact him or her to say thank you and to encourage continued support for this important issue.

If your representatives are not interested or are over-committed to other issues, they can still be very helpful in two ways. They can help you determine what committee would have jurisdiction over fire safe cigarette legislation and they can direct you to other state legislators who may be able to provide leadership on the issue. Legislators assigned to the committees that would have jurisdiction over this issue are especially important. These are constituent services you have every right to expect from your district legislators or their staff, regardless of whether they are sympathetic on the issue.

Whatever the nature of your contact, follow it up in writing. Sample introductory letters are included in the advocacy kit. The most effective letters are written on business or personal letterhead and individualized to include the reason you support fire safe cigarette legislation (for example, from your perspective as a burn survivor, burn care professional, or firefighter). Information on how to contact federal representatives can be found by calling (202) 224-3121 or



visiting [www.senate.gov](http://www.senate.gov) or [www.house.gov](http://www.house.gov). The website [www.vote-smart.org](http://www.vote-smart.org) provides information on how to contact local, state and federal representatives.

## **Seek Opportunities for Collaboration and Networking**

Several burn-oriented organizations, including the American Burn Association, Phoenix Society, the Federation of Burn Foundations and the Trauma Foundation, are already working together at the national level to coordinate their efforts to achieve fire safe cigarette standards. Information on how to contact these groups is included in the reference and resource list found at the back of this advocacy kit.

However, state and local-level coalitions are needed to pass state laws. State organizations of career and volunteer firefighters can be among your most powerful natural allies, and their leaders may be willing to lead such a coalition. Other potential state-level supporting organizations include SAFE KIDS Coalitions, senior citizen organizations (the average age of a cigarette fire victim is 55), fire marshal offices, and public health associations. It is important that these coalitions demonstrate an informed and united position in support of fire safe cigarette legislation. Local organizations such as burn centers, burn foundations, fire service organizations, insurance companies, and others, should also be part of the advocacy effort. Although anti-smoking organizations such as Smoke-Free Alliances may be sympathetic to the cause, their formal involvement in the fire safe cigarette is not recommended. The fire safe cigarette issue has the potential to be supported by a much broader population if it is not linked with anti-smoking organizations or anti-smoking legislation. This is best promoted as a fire safety initiative which even the tobacco industry and smokers themselves should feel comfortable supporting.

## **Get the Media Involved**

Most media representatives, legislators, the general public, and even burn care professionals and fire and burn safety educators are unaware that fire safe cigarettes are a possibility. Since the media are so influential, you must work with them to be effective on this issue, even to reach those who are natural allies. Information about working with the media, including a sample news release, is included in the advocacy kit. You can use your version of this news release to provide general information to the public as part of a planned campaign, or following a reported fire in your community that is attributed to a cigarette. This is an excellent time to contact the media. Without placing blame on the smoker or disclosing confidential patient information, a story can be developed emphasizing that this fire-related injury or death could likely have been prevented if the cigarette had been manufactured in compliance with a fire safety standard. Community members may be more willing to support state and federal legislation when they see directly how it impacts their own community.



## **Working with Your Representatives**

Sample Letter From an Individual to a State Legislator

Sample Letter from an Association to a Congressional Representative

Sample Letter from an Individual to a Congressional Representative

Sample Endorsement by an Organization in Support of State or Federal Legislation

Sample State Legislation (New York and Massachusetts)



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## Sample Letter from a Constituent to His or Her State Representatives in Support of State Legislation

A sample “model letter” from a constituent urging support of fire safe legislation in his or her state appears below. Please personalize the letter, using your own words, and send it to your state representatives, using your organizational or personal letterhead. The name and address of your representative can be found in your local phone book or at [www.vote-smart.org](http://www.vote-smart.org) or your state legislature’s website. Most have mailing addresses in your state capital.

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Date:

The Honorable (first and last name)  
State Address

Dear Representative, Assembly Member, Senator, Delegate (select the title that applies in your state) Last Name:

As a constituent, I am writing to ask you to co-sponsor/support \_\_\_\_ (bill number and name). (State your personal interest in this issue, as a burn care professional, firefighter, burn survivor, concerned citizen, etc.) I believe \_\_\_\_ (bill number) will save many lives and prevent thousands of injuries every year by reducing the ignition propensity of cigarettes.

(Present state statistics if you have them. Most state fire marshal offices are able to provide these). Cigarette-ignited fires are the leading cause of fire deaths in the United States. Annually, 900-1,000 people in the United States die from fires started by cigarettes and an additional 2,500-3,000 are injured. Tragically, many victims of such fires are children and innocent bystanders—people who do not smoke. According to the Consumer Product Safety Commission (CPSC), the cost associated with not having a cigarette fire safety standard is \$6 billion each year, including loss of human life, lost productivity and property damage. Public fire prevention education alone is not going to be effective in changing the human behaviors that result in cigarette ignition fires. Therefore, product design and legislation will be the most effective means of reducing these injuries and deaths.

I urge you to support \_\_\_\_ (bill number and name). \_\_\_\_ (Bill number) seeks to mitigate cigarette related fire deaths, injuries and property damage.

If you have questions, I can be reached at (phone number and email address).

Sincerely,

Your Name (and title if applicable)



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## Sample Letter from an Association or Organization to U.S. Senators and Representatives in Support of Federal Fire Safe Cigarette Legislation

A sample “model letter” urging Congressional support of federal fire safe cigarette legislation appears below. Please personalize the letter, using your own words, and send it on your organizational letterhead to designated U.S. Senators and Representatives, including the elected representatives in your district, key committee chairs, and other members of Congress. The names and addresses of U.S. Representatives and Senators can be found by calling (202) 224-3121 or by visiting the websites for the U.S. House of Representatives ([www.house.gov](http://www.house.gov)) and Senate ([www.senate.gov](http://www.senate.gov)).

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Date:

The Honorable (first and last name)  
United States (House of Representatives) or (US Senate)  
Street Address  
Washington, DC (20515 for House) or (20510 for Senate)

Re: (Name of the bill.)

Dear Representative (Congressman or Congresswoman last name) or (Senator last name):

The (organization name here) would like to go on record as supporting H.R. \_\_\_\_\_ or S. \_\_\_\_\_, the \_\_\_\_\_ (title of bill), which would establish a federal fire safety standard for cigarettes. We represent \_\_\_\_\_ (insert number) members and encourage you to support this bill. (State your association’s interest) We believe that, if passed, this legislation will result in a significant decrease in fire deaths and burn injuries in the United States by reducing the ignition propensity of cigarettes. (You may wish to insert an addendum listing all member organizations and the number of individuals each organization represents.)

Fire safe cigarette legislation is not a partisan issue; it is a common sense public safety issue. All members of Congress should support this legislation, as it can potentially save lives and prevent significant property damage. Cigarette-ignited fires are the leading cause of fire deaths in the US. Annually, 900-1,000 people in the United States die from fires started by cigarettes and an additional 2,500-3,000 are injured. Tragically, many victims of such fires are children and innocent bystanders—people who do not smoke. According to the Consumer Product Safety Commission (CPSC), the cost associated with not having a cigarette fire safety standard is \$6 billion each year, including loss of human life, lost productivity and property damage. Public fire prevention education alone is not going to be effective in changing the human behaviors that result in cigarette ignition fires. Therefore, product design and legislation will be the most effective means of reducing these injuries and deaths.

I urge you to support H.R. \_\_\_\_\_ (or S. \_\_\_\_\_), the \_\_\_\_\_ (name of legislation). I ask that you actively promote the passage of this bill, because the sooner it is passed, the sooner lives can be saved. If you have questions I can be reached at \_\_\_\_\_ (phone number and e-mail address).

Sincerely,

Your name and title



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## Sample Letter from a Constituent to His or Her Congressional Representatives in Support of Federal Fire Safe Cigarette Legislation

A sample “model letter” urging Congressional support of federal fire safe cigarette legislation appears below. Please personalize the letter, using your own words, and send it to your U.S. Representative and Senators, using your institutional or personal letterhead. The names and addresses of your U.S. Representative and Senators can be found by calling (202) 224-3121 or by visiting the websites for the U.S. House of Representatives ([www.house.gov](http://www.house.gov)) and Senate ([www.senate.gov](http://www.senate.gov)).

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Date:

The Honorable (first and last name)  
United States (House of Representatives) or (US Senate)  
Street Address  
Washington, DC (20515 for House) or (20510 for Senate)

Re: (Name of the bill.)

Dear Representative (Congressman or Congresswoman last name) or (Senator last name):

As a constituent, I am writing to ask you to co-sponsor/support \_\_\_\_ (bill number and name). (State your personal interest in this issue, as a burn care professional, firefighter, burn survivor, concerned citizen, etc.) I believe \_\_\_\_ (bill number) will save many lives and prevent thousands of injuries every year by reducing the ignition propensity of cigarettes.

Fire safe cigarette legislation is not a partisan issue; it is a common sense public safety issue. All members of Congress should support this legislation, as it can potentially save lives and prevent significant property damage. Cigarette-ignited fires are the leading cause of fire deaths in the United States. Annually, 900-1,000 people in the United States die from fires started by cigarettes and an additional 2,500-3,000 are injured. Tragically, many victims of such fires are children and innocent bystanders—people who do not smoke. According to the Consumer Product Safety Commission (CPSC), the cost associated with not having a cigarette fire safety standard is \$6 billion each year, including loss of human life, lost productivity and property damage. Public fire prevention education alone is not going to be effective in changing the human behaviors that result in cigarette ignition fires. Product design and legislation will be the most effective means of reducing these injuries and deaths.

I urge you to support H.R. \_\_\_\_\_ (or S. \_\_\_\_\_), the \_\_\_\_\_ (name of legislation). I ask that you actively promote the passage of this bill, because the sooner it is passed, the sooner lives can be saved.

If you have questions I can be reached at \_\_\_\_\_ (phone number and email address).

Sincerely,

Your name (and title if applicable)



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**Sample Endorsement by an Organization in Support of State or Federal Legislation (adapted from the Massachusetts endorsement 2001)**

AN ACT TO REDUCE THE LOSS OF LIFE DUE TO FIRES CAUSED BY CIGARETTES  
(insert name of bill you are supporting here instead of above bill)

WHEREAS, CIGARETTES ARE THE LEADING CAUSE OF FATAL FIRES IN THE UNITED STATES (OR YOUR STATE), AND IN THE 1990s ACCOUNTED FOR \_\_\_\_\_ DEATHS, \_\_\_\_\_ CIVILIAN INJURIES, AND MORE THAN \$ \_\_\_\_\_ MILLION IN DIRECT PROPERTY DAMAGE; AND

WHEREAS, \_\_\_\_\_ FIREFIGHTERS HAVE BEEN INJURED DURING THE 1990s IN FIRES CAUSED BY CIGARETTES; AND

WHEREAS, FIRE SAFETY STANDARDS FOR CIGARETTES MAY BE ESTABLISHED TO PREVENT THE UNNECESSARY LOSS OF LIFE AND PROPERTY DUE TO CIGARETTE-IGNITED FIRES;

WE, THE ORGANIZATION KNOWN AS \_\_\_\_\_  
\_\_\_\_\_ (NAME OF BILL). HEREBY ENDORSE

SIGNED  
Name and title of organizational representative (printed)

Organization name

Mailing address (street, city/town, state, zip code)

Telephone number

E-mail address

DATE

Please return the completed form to: (name, address, fax). If you need additional information, please call (name and phone number of person coordinating legislative advocacy effort). (You may wish to add a list of member organizations and the number of people each represents as an attachment.)



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## Sample State Legislation

### Summary of the New York Legislation

On August 16, 2000, New York became the first state in the nation to enact legislation requiring the establishment of fire safety standards for cigarettes. The law establishes:

- that by the year 2003 all cigarettes that are sold in the state meet safety standards established by the Office of Fire Prevention and Control (OFPC);
- stiff fines for violations, including fines of up to \$10,000 for each knowing sale of cigarettes that violates the law and a \$10,000 fine for each false certification of cigarettes; and
- a “Cigarette Fire Safety Act Fund” for the OFPC for fire safety and prevention programs.

### Summary of the Proposed Massachusetts Legislation

On June 28, 2001 the Massachusetts Senate passed S1916, “A Bill to Reduce the Loss of Life Due to Fires Caused by Cigarettes” (“The Moakley Bill”) by a vote of 34 to 1. If enacted, the bill would make Massachusetts the second state in the nation to establish cigarette fire safety standards. The Moakley Bill is now on its way to the Massachusetts House (June 2001). Provisions of the bill include the following:

- requires the Department of Public Health, in cooperation with the Office of the State Fire Marshal, to develop fire safety standards for cigarettes sold in Massachusetts;
- requires all cigarettes sold in Massachusetts to meet fire safety standards no later than 2003;
- requires tobacco manufacturers to provide certification that cigarettes designated for sale in Massachusetts have passed national tests for fire safety, and that these cigarettes are no more toxic than current brands;
- includes stiff penalties for violation of the standards, including up to \$100,000 for each knowing false certification of cigarettes designated for sale in Massachusetts; and
- allocates a portion of the funds generated from violations of fire safety standards towards ongoing prevention and educational efforts such as the Student Awareness of Fire Education (S.A.F.E.) program, in order to enhance public education about fire safety.

The complete text of the New York legislation and the proposed Massachusetts legislation follows. These two bills can be used as a model as you prepare to introduce legislation in your state.



## New York Fire Safe Cigarette Legislation (Became law August 16, 2000; took effect January 1, 2001)

What follows is the language for that bill (Section 156-c of the New York Executive Law):

§ 156-c. Fire safety standards for cigarettes. 1. a. When used in this section, the word “cigarette” shall mean any roll for smoking made wholly or in part of tobacco or of any other substance, irrespective of size or shape and whether or not such tobacco or substance is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

b. When used in this section, the word “sell” shall mean to sell, or to offer or agree to do the same.

2. a. Within two years after this section takes effect, the office of fire prevention and control shall promulgate fire safety standards for cigarettes sold or offered for sale in this state. Such standards shall take effect as provided in subdivision four of this section and shall insure either:

(1) That such cigarettes, if ignited, will stop burning within a time period specified by the standards if the cigarettes are not smoked during that period; or

(2) That such cigarettes meet performance standards prescribed by the office of fire prevention and control to limit the risk that such cigarettes will ignite upholstered furniture, mattresses or other household furnishings.

b. In promulgating fire safety standards for cigarettes pursuant to this section, the office of fire prevention and control, in consultation with the department of health, shall consider whether cigarettes manufactured in accordance with such standards may reasonably result in increased health risks to consumers.

c. The office of fire prevention and control shall be responsible for administering the provisions of this section.

d. The office of fire prevention and control shall report to the governor and the legislature no later than eighteen months after this section takes effect on the status of its work in promulgating the fire safety standards required by this subdivision.

3. On and after the date the fire safety standards take effect in accordance with subdivision four of this section, no cigarettes shall be sold or offered for sale in this state unless the manufacturer thereof has certified in writing to the office of fire prevention and control and the attorney general that such cigarettes meet the performance standards prescribed by the office of fire prevention and control pursuant to subdivision two of this section. Copies of such written certifications shall be provided by the certifying manufacturer to all wholesale dealers, as defined in subdivision eight of section four hundred seventy of the tax law, and all agents, as defined in subdivision eleven of section four hundred seventy of the tax law. The office of fire prevention and control shall prescribe procedures by which retail dealers are notified of which cigarettes have been certified by manufacturers as meeting the performance standards prescribed by the office of fire prevention and control.

4. The fire safety standards required pursuant to subdivision two of this section shall take effect on such date as the office of fire prevention and control shall specify in promulgating such standards and such date shall be the earliest practicable date by which manufacturers of cigarettes can comply with such standards; provided, however, that such date shall not be later than one hundred eighty days after such standards are promulgated. On and after such date, no person or entity shall sell in this state cigarettes that



have not been certified by the manufacturer in accordance with subdivision three of this section; provided, however, that nothing in this subdivision shall be construed to prohibit any person or entity from selling cigarettes that have not been certified by the manufacturer in accordance with subdivision three of this section if such cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States.

5. a. Any wholesale dealer, as defined in subdivision eight of section four hundred seventy of the tax law, or any agent, as defined in subdivision eleven of section four hundred seventy of the tax law, or any other person or entity who knowingly sells cigarettes wholesale in violation of subdivision four of this section shall be subject to a civil penalty not to exceed ten thousand dollars per each such sale of such cigarettes. Any retail dealer, as defined in subdivision nine of section four hundred seventy of the tax law, who knowingly sells cigarettes in violation of subdivision four of this section shall be subject to the following: (i) a civil penalty not to exceed five hundred dollars per each such sale or offer for sale of such cigarettes, provided that the total number of cigarettes sold or offered for sale in such sale does not exceed one thousand cigarettes; (ii) a civil penalty not to exceed one thousand dollars per each such sale or offer for sale of such cigarettes, provided that the total number of cigarettes sold or offered for sale in such sale exceeds one thousand cigarettes.

b. In addition to any penalty prescribed by law, any corporation, partnership, sole proprietor, limited partnership or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to subdivision three of this section shall be subject to a civil penalty not to exceed ten thousand dollars for each such false certification.

c. There is hereby established in the custody of the state comptroller a special fund to be known as the "Cigarette Fire Safety Act Fund." Such fund shall consist of all moneys recovered by the attorney general from the assessment of civil penalties authorized by this subdivision. Such monies shall be deposited to the credit of the fund and shall, in addition to any other moneys made available for such purpose, be available to the office of fire prevention and control for the purpose of fire safety and prevention programs. All payments from the cigarette fire safety act fund shall be made on the audit and warrant of the state comptroller on vouchers certified and submitted by the state fire administrator.

6. To enforce the provisions of this section, the attorney general may bring an action on behalf of the people of the state of New York to enjoin acts in violation of this section and to recover civil penalties authorized under subdivision five of this section.



## The Commonwealth of Massachusetts

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### In the Year Two Thousand and One.

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*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 64C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 2 the following section:

Section 2A. (1) (a) The commissioner of public health, in consultation with the state fire marshal, shall promulgate fire safety standards for cigarettes sold or offered for sale in the commonwealth. Such standards ensure that:

- (1) such cigarettes, if ignited, will stop burning within a time period specified by the standards if the cigarettes are not smoked or drawn upon during that period; and
- (2) such cigarettes meet performance standards prescribed by the department of public health to limit the risk that such cigarettes will ignite upholstered furniture, mattresses or other household furnishings.

(b) In promulgating fire safety standards for cigarettes pursuant to this section, such standards issued by the commissioner of public health shall not result in increased health risks to consumers.

(c) The commissioner of public health shall be responsible for administering the provisions of this section.

(d) On or after the date that such fire safety standards take effect, no cigarettes shall be sold or offered for sale in the commonwealth unless the manufacturer thereof has certified in writing to the commissioner of public health and the attorney general that such cigarettes meet the performance standards prescribed by the department of public health pursuant to subsection (a). Certifying manufacturers shall submit to the department of public health data demonstrating their compliance as they have certified in writing. Copies of the written certificates shall be provided by the certifying manufacturer to all wholesalers. The department of public health shall prescribe procedures by which retailers, vending machine operators, transportation companies and unclassified acquirers are notified of which cigarettes have been certified by manufacturers as meeting the performance standards prescribed by the department of public health. Nothing in this subsection shall be construed to prohibit the manufacture in the commonwealth or the wholesale distribution from within the commonwealth of cigarettes that have not been so certified if such cigarettes will be sold in another state or outside the United States.

(e) (1) Any wholesaler or any other person or entity who knowingly sells cigarettes wholesale in violation of this section shall be punished by a fine not to exceed \$10,000 per each 10,000 cigarettes sold or fraction thereof. Any retailer, vending machine operator, transportation company or unclassified acquirer who knowingly sells cigarettes in violation of this section shall be punished by (i) a fine not to exceed \$500 per each sale or offer for sale of such cigarettes if the total number of cigarettes sold or offered for sale does not exceed 1,000 cigarettes, or (ii) a fine of \$1,000 per each sale or offer for sale of such cigarettes if the total number of cigarettes sold or offered for sale exceeds 1,000 cigarettes.



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(2) In addition to any penalty prescribed by law, any corporation, partnership, sole proprietor, limited partnership or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to subsection (d) shall be subject to a civil penalty not to exceed \$100,000 for each such false certification.

(3) There shall be in the executive office of administration and finance a special fund to be known as the Cigarette Fire Safety Act Fund. The fund shall consist of all monies recovered by the attorney general from the assessment of civil penalties authorized by this subsection. Such monies shall be deposited to the fund and shall, in addition to any other money made available for such purpose, be available to the department of public health for the purpose of fire safety, education, and prevention programs, including, but not limited to, the Student Awareness of Fire Education program.

(f) To enforce the provisions of this section, the attorney general may bring an action to enjoin acts in violation of this section and to recover civil penalties authorized under subsection (d).

SECTION 2. The commissioner of public health shall promulgate the standards required by subsection (a) of section 2A of chapter 64C of the General Laws not later than 18 months after the effective date of this act. These standards and subsection (d) of said section 2A shall take effect 180 days after these standards are promulgated.

SECTION 3. The commissioner of public health shall report to the governor and the clerks of the senate and the house of representatives not later than 6 months after the effective date of this act on the status of his work in promulgating the fire safety standards required by this act.



# **GUIDE TO WORKING WITH THE MEDIA**

Introduction

Publicizing the Fire Safe Cigarette

Tips on Working with the Media

Press Conferences

Sample News Releases

Sample Letter to the Editor



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# GUIDE TO WORKING WITH THE MEDIA

## Introduction

The media are the most powerful link to educating the public about the tremendous loss of life and lasting injuries associated with cigarette-ignited fires. One media story can reach more people than the hardest working volunteers could ever reach in person. Cigarette-ignited fires are often referred to in the media as being caused by “careless smoking.” Your job is to educate reporters on the perspective that a fire and the resulting tragic human and property loss could have been prevented with the mandate of a cigarette fire safety standard. **This is a fire prevention and burn safety issue—not an anti-smoking issue.**

By gaining the interest and respect of the media for this issue, you can build awareness among the community and gain support for state or federal fire safe cigarette legislation. The passage of strong state legislation can enhance efforts to implement an effective federal standard, as established through federal legislation. Also, as more and more states pass fire safe cigarette legislation, tobacco companies may become more willing to acquiesce in federal legislation, so as to avoid having to address multiple, differing state laws. You can make a difference: a particularly strong law in a single state could set a higher standard for federal legislation. Do not underestimate your ability to have a positive impact on this important issue!

By utilizing the tools in this packet you will be prepared to generate media interest and news coverage on this issue, while showing your organization’s commitment to the safety and well-being of the community. The media will be more interested in your advocacy if you augment national statistics with local data and information on cigarette-ignited fires. Cigarette-ignited fire facts do not have to be statistics alone. Information about the experiences of being burned, the pain of losing a loved one, and the emotional and physical trauma associated with cigarette-ignited fires can be compelling and meaningful.

Many times the media will ask for this personal perspective, so it is important to identify individuals you can call on to fill this role. It may be as simple as saving articles from the local print media about cigarette-ignited fires or identifying and preparing a willing burn survivor or family member to be interviewed by the media. Always respect the confidentiality and privacy of survivors and families by talking with them and obtaining their consent before releasing their names or other personal information.

## Publicizing the Fire Safe Cigarette

There are many ways to publicize the Fire Safe Cigarette issue. If you have a public relations department, seek their assistance. The Phoenix Society and the American Burn Association recommend the following:

- Hold press conferences and provide written supplemental information, such as the enclosed fact sheet and local or state statistics.



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- Suggest story ideas to your newspaper or TV station’s health beat reporters.
- Send timely news releases to reporters and media contacts.
- Write “letters to the editor” of local newspapers.
- Use the media support materials included in this advocacy kit.
- Offer to do guest appearances on local radio or TV talk shows.
- Maintain a list of burn survivors or family members willing to share their experiences.

You also may want to include in your efforts other local and state groups such as fire departments, burn centers, burn survivor groups and public health groups. Timing is everything, so be on the lookout for opportunities to bring this issue to the forefront. Unfortunately, it often takes a tragedy to get the attention of the media. When a cigarette-ignited fire strikes, you must be prepared to respond promptly and effectively with your message.

### **Tips on Working with the Media**

In working with the media, keep the following tips in mind:

- It is very important to establish a close relationship with all varieties of news media in your region—newspapers, magazines, radio and television (especially cable). If you do not already have a media list, develop a complete list including the names, addresses, telephone and fax numbers, and e-mail addresses of all media contacts. (If your organization has a public relations department, they should have this information.) Be sure to get the name of the media representative at each publication or station that handles health, medical issues and consumer products. These people change positions and/or responsibilities quite often, especially in the larger cities, so try to update the list at least twice a year. Know how much lead-time they need to receive articles for publication, for calendar listings, and for news conferences.
- Be concise but informative when using press releases. Make it of interest. Use local statistics whenever possible. Use quotes of key people involved. Be certain to include the date, contact names, and telephone numbers for further information.
- Allow sufficient time for a news release to be received and then follow up by telephone. Also, offer additional information if needed. Supplemental written information or press packets make it easier for the interviewer (fewer notes) and makes it less likely you will be misquoted.
- A sample news release has been included in this packet. Personalize the one included or prepare your own (using local and/or regional data or incidents when possible). A quote from your local burn center administrator or chief of staff, or from your local fire department chief will definitely add credibility and interest to the news release.



## Press Conferences

In scheduling a press conference, be sure to plan ahead, and try to ensure that your press conference does not conflict with any other event, if possible. Plan your conference at a convenient time of day, so that reporters, photographers and camera crews will be able to meet publication deadlines and scheduled news programs (e.g., the noon news and the nightly news).

Issue a “media alert” notifying the media of the conference; the reason for it; the names and organizational affiliations of those who will be attending; as well as the date, time, location, and other details surrounding the conference. If possible, combine forces with other concerned groups; for example, a burn center, a fire department, a police department, or a school district. Because they are able to draw from personal experience, burn survivors can speak effectively about the pain and suffering associated with burns, and they are able to capture and hold the media’s interest. Although both burn survivors and their families can be effective spokespersons on this issue, it is important to make certain that they are willing to be interviewed and are prepared for the questions that may be asked. Do not add to their trauma by placing them in a situation for which they are not prepared.

Other tips to keep in mind for press conferences include the following:

- Prior to the press conference, try to determine who is planning to attend and which media they represent. Make sure you have a sufficient number of informational packets on hand to distribute.
- Have a press check-in, so you know who attended and how to contact them.
- If circumstances call for it, have your own photographer on hand, who can quickly develop photos for distribution to press members who were not accompanied by a photographer. If advance photographs can be made available, this will add to the speed with which the news can be printed.
- Keep the press under control. Set an agenda, distribute it, and follow it. Allow for questions and answers at the end of the conference—not during it. If necessary, limit the number of questions from any one reporter.
- Be sure to follow up with each person who attended the news conference. This will give you an opportunity to provide them with additional information they may need and also to determine when their story will run. Also, once their story has run—and especially if it was a favorable item—be sure to thank the reporter, either by telephone or with a brief note.



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## News Release

[Add logo or print on your letterhead]

**Name:**

**Organization:**

**Telephone:**

**E-mail:**

**Start use: Immediately**

**Subject: A Burn and Fire Prevention Tool—Fire Safe Cigarettes**

Cigarette-ignited fires are the leading cause of fatal home fires in the United States. Annually, 900-1,000 people in the United States, including over 100 children, die from cigarette-ignited fires and an additional 2,500-3,000 are injured. (Insert local statistics if available, such as the number of deaths or a specific incident reported in the news.) Tragically, many victims of such fires are people who do not smoke—children and other innocent bystanders.

Because cigarettes are designed to continue burning when left unattended, the typical scenario is the delayed ignition of a sofa, chair or mattress from a lit cigarette that is forgotten or dropped by a smoker. Designing cigarettes that are less likely to start a fire is not difficult. Such a cigarette is already available in one major brand (Merit).

There has been an ongoing national (and state) effort to establish legislation to create cigarette fire safety standards. The term “fire safe” refers to a cigarette with reduced propensity for starting a fire when dropped or left unattended. This technology has been available for over a decade. In 2000, legislation was enacted in New York mandating that all cigarettes sold or offered for sale in the state meet a fire safety standard.

The \_\_\_\_\_(insert organization’s or coalition’s name) strongly and actively supports local, state and federal legislation mandating the development and production of fire safe cigarettes.

For more information contact \_\_\_\_\_(insert name and phone number of local and national contact).

# # #



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## Editorial Strategies

Except for the front page, the Editorial and Letters to the Editor section of the newspaper is the most frequently read section. It is your best chance to get the issue of fire safe cigarettes in front of the decision-makers and the general public. The editorial page is where policymakers turn to make a quick assessment of what appear to be the important issues among their constituents.

The editorial or opinion pages offer a great opportunity for advocates. When you are writing a letter to the editor, keep these tips in mind:

- **Respond quickly.** If there is a cigarette-ignited fire in the news in your community, you should respond with a letter by email or fax the next day, at the latest.
- **Mention your reason for writing, in the first sentence if possible.** If you are responding to an article you read, state the headline and date published. If you are responding to a local current event, be specific about the event.
- **Limit the content to one or two key points.** The letter should offer a concise statement on the subject, not an in-depth analysis. Focus on the key message(s) you want to communicate.
- **Take a strong position.** Letters Section editors look for fresh facts, honest statements of opinion, and creative slants on the news. If you can, use a compelling fact that demonstrates the urgency or importance of your issue. Include a call to action.
- **Keep your letter to no more than three paragraphs in length.** Aim for 250 words or less, but be sure to check with the newspaper to determine what their policy is on number of words allowed. The more direct and simple your letter is, the more likely it is to be published.



## Sample Letter to the Editor

*Below is a sample format for a letter to the editor. Although this can be helpful in getting you started, try to use your own words as much as possible.*

[Newspaper Name]

[Newspaper address, fax or email]

Date

Dear Editor:

Yesterday, you reported [a tragic fire started by a smoldering cigarette that resulted in the death of \_\_\_ people.] This is an important fire and burn prevention issue because cigarette-ignited fires cause nearly 1,000 deaths each year, with 140 of those being children. Another 3,000 people are injured each year. Cigarette-ignited fires are the leading cause of fire death each year.

An important fact that is not widely known is that the technology has been available for over a decade to produce a fire safe cigarette which, when dropped, left unattended, or carelessly discarded, is less likely to cause a deadly fire. With the exception of one brand of cigarettes, the tobacco industry has chosen not to use this life-saving technology. New York is the first state to require the industry to produce and distribute only fire safe cigarettes by 2003. [Insert Name of State] should follow New York's lead and enact similar legislation.

As a [burn surgeon, nurse, paramedic, fire fighter, etc.], I have seen first-hand the tragic results of cigarette-ignited fires. Enactment of legislation similar to New York's would have an immediate impact on preventing tragic deaths like those that occurred here yesterday. Those reading this letter can make a difference. Write your state and federal legislative representatives and encourage them to support fire safe cigarette legislation, so that deaths and injuries caused by cigarette-ignited fires can be prevented. This is not an anti-tobacco issue, but rather a fire and burn prevention issue.

Sincerely,

[Signature]

[Your name, address, and phone number]

*You should have a draft ready to send. Just make changes as it relates to the specific incident you are responding to and send it off to your local and regional print media.*



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## Resource Organizations

American Burn Association  
John A. Krichbaum, Executive Director  
(800) 548-2876  
[www.ameriburn.org](http://www.ameriburn.org) or [info@ameriburn.org](mailto:info@ameriburn.org)

Phoenix Society for Burn Survivors  
Amy Acton, RN, Executive Director  
(800) 888-2876  
[www.phoenix-society.org](http://www.phoenix-society.org) or [info@phoenix-society.org](mailto:info@phoenix-society.org)

Trauma Foundation  
Andrew McGuire, Executive Director  
Mary Weitzel, JD, MPH  
(415) 821-8209  
[www.tf.org](http://www.tf.org)

National Institute of Standards and Technology  
[www.bfrl.nist.gov/info/fire\\_safe\\_cig/](http://www.bfrl.nist.gov/info/fire_safe_cig/)  
(301) 975-3025, Michael Newman (media contact)  
(301) 975-6866, Richard Gann (technical contact)

Burn Foundation  
Peter Brigham, MSW, Executive Director  
(215) 988-9882  
[www.burnfoundation.org](http://www.burnfoundation.org) or [burnctr@aol.com](mailto:burnctr@aol.com)

National Fire Protection Association  
Fire Analysis and Research Division  
John R. Hall, Jr.  
(617) 770-3000  
[www.nfpa.org](http://www.nfpa.org)

Federal Emergency Management Agency  
(202) 646-4600  
[www.fema.gov](http://www.fema.gov)

Massachusetts Legislative Website  
[www.state.ma.us/legis](http://www.state.ma.us/legis)



## Legislative Contacts

### Congressional Contact Information

(202) 224-3121

U.S. House of Representatives: [www.senate.gov](http://www.senate.gov)

U.S. Senate: [www.house.gov](http://www.house.gov)

Project Vote Smart: [www.vote-smart.org](http://www.vote-smart.org)

Office of N.Y. Assemblyman Peter Grannis (D-65th District, Manhattan)

Albany Office (aide Julie Canfield): (518) 455-5676

District Office: 1672 First Avenue (212) 860-4906

Office of Massachusetts State Senator Cheryl A. Jacques

Contact: Tobi Quinto

Phone: (617) 722-1555



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Burn Prevention Committee  
American Burn Association  
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