

**SB**

**84**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
 APR 23 2007  
 SENATE FINANCE COMMITTEE

DATE: 3/28/07

FURTHER:

DATE TURNED  
IN TO OFFICE: 4/23/07

Finance Committee considered

SENATE BILL NO. 84

## SB 84 TESTING & PACKAGING OF CIGARETTES

"An Act relating to the burning capability of cigarettes being sold or offered for sale, or possessed for sale; relating to compliance certifications by tobacco product manufacturers, a directory of tobacco product manufacturers, the affixing of stamps to cigarette packages, and cigarette tax stamps; and providing for an effective date."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS SB 84 (JUD)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

**SENATE BILL:**

Same Title

New Title

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**HOUSE BILL:**

Same Title

Technical Title Change

New Title w/ SCR # \_\_\_\_\_

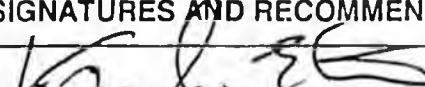
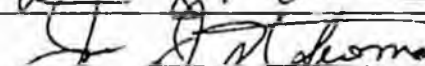
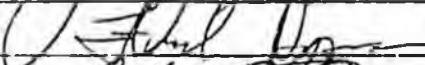


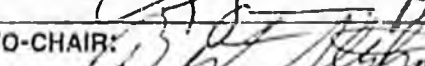

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department:	Date	Fiscal	Indet.	Zero	FN#
Revenue	3/19/07	41,600			3
DPS	3/19/07			✓	4

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elton	✓			
	Thomas	✓			
	Dyson	✓			
	Huggins	✓			
	OLSON	✓			
CO-CHAIR: 	Hoffman	✓			
CO-CHAIR: 	Stedman	✓			

# FISCAL NOTE

REPORTED OUT  
**APR 23 2007**  
 SENATE FINANCE COMMITTEE

STATE OF ALASKA  
 2007 LEGISLATIVE SESSION

Fiscal Note Number: 3  
 Bill Version: CSSB 84(JUD)  
 (S) Publish Date: 3/28/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Revenue 04  
 Title Testing & Packaging of Cigarettes RDU Taxation and Treasury  
 Component Taxation and Treasury  
 Sponsor Senator Olson  
 Requester Senate Judiciary Component No. 2476

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	31.4	31.4	31.4	31.4	31.4	31.4
Travel						
Contractual	2.2	4.4	4.4	4.4	4.4	4.4
Supplies						
Equipment	8.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>41.6</b>	<b>35.8</b>	<b>35.8</b>	<b>35.8</b>	<b>35.8</b>	<b>35.8</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	41.6	35.8	35.8	35.8	35.8	35.8
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>41.6</b>	<b>35.8</b>	<b>35.8</b>	<b>35.8</b>	<b>35.8</b>	<b>35.8</b>

Estimate of any current year (FY2007) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time	1					
Part-time		1	1	1	1	1
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill will give the Department of Revenue authority to seize and destroy cigarettes sold in the state that do not meet new fire safety requirements. It would also require the Department of Revenue to develop and maintain a directory of cigarettes that meet fire safe standards and educate cigarette distributors and retailers about the new law.

Prepared by: Johanna Bales  
 Division: Tax  
 Approved by: Jerry Burnett  
 Agency: Dept. of Revenue

Phone: (907) 269-6628  
 Date/Time: 3/19/2007 1:15 p.m.  
 Date: 3/19/2007

FISCAL NOTE # 3

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

BILL NO. CSSB 84(JUD)

**ANALYSIS CONTINUATION**

**Program Summary:** Currently, DOR maintains a directory of cigarettes approved for sale in the state. Cigarettes on this directory are compliant with the nationwide tobacco Master Settlement Agreement (MSA) and escrow statutes under AS 45.53. As such, it is legal to sell these cigarettes in Alaska and place a cigarette tax stamp on the cigarettes as proof that the cigarette tax was paid. Cigarette distributors and retailers rely on this list to ensure that cigarettes they stamp are approved for sale in Alaska. SB 84 would impose another restriction, outside the MSA, on what brands of cigarettes can be legally stamped and sold in Alaska. DOR would be required to maintain a separate directory and conduct an education campaign to ensure that cigarette distributors and retailers are aware that the cigarettes must be on both directories before they can be stamped and sold in the state.

**Positions:** DOR expects that it will need 1 additional part-time position, a Tax Technician II, to perform the additional functions required by this bill. DOR expects the total cost of this additional position to be \$31,400 each year. In the first year of implementation, DOR expects that a full-time position will be utilized to develop the directory and educate tobacco businesses, but that position will only be needed for the second half of the fiscal year. In FY 2009 and all subsequent years, DOR expects that it will need a part-time position to maintain the directory.

**Other Operating Expenditures:** (1) Contractual - Contractual costs include leasing office space and providing phone service for 1 additional employee each year. DOR expects the total contractual costs to be \$4,400 each year. (2) Equipment - DOR expects equipment expense of \$8,000 per FTE in the first year for a computer, telephone, cubicle parts, software, and other one-time purchases of office equipment needed to perform the duties of the position.

REPORTED OUT  
 APR 23 2007  
 SENATE FINANCE COMMITTEE

# FISCAL NOTE

STATE OF ALASKA  
 2007 LEGISLATIVE SESSION

Fiscal Note Number: 4  
 Bill Version: CSSB 84(JUD)  
 (S) Publish Date: 3/28/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title "An Act relating to the burning capability of RDU Fire Prevention  
cigarettes . . ." Component Fire Prevention Operations  
 Sponsor Senator Olson  
 Requester Senate Judiciary Committee Component No. 494

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( new fund )</b>	<b>83.3</b>	<b>83.3</b>	<b>83.3</b>	<b>83.3</b>	<b>83.3</b>	<b>83.3</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2007) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill establishes a new chapter on cigarette fire safety. No cigarette may be sold in Alaska unless it meets specific fire safety standards. The new program will be administered by the State Fire Marshal, and funded by a fee of \$250 for each cigarette submitted for certification. Implementation and enforcement of the chapter is to be paid by the new Fire Prevention and Public Safety Fund funded with appropriations made from the certification fees.

A previous fiscal note based the revenue projection from this bill on the number of cigarette manufacturers and brands taxed by the state on February 26, 2007. However, it has since been determined that each individual style of a particular brand will be certified individually, ie., light vs. ultra light, 100 vs. regular, etc. The Department of Revenue estimates this definition will result in 800 to

Prepared by: Rusty Balanger, Acting State Fire Marshal Phone 907-269-5905  
 Division: Division of Fire Prevention Date/Time 3/19/07 3:27 PM  
 Approved by: Walt Monagan, Commissioner Date 3/19/2007  
 Agency: Department of Public Safety

FISCAL NOTE # 4

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

BILL NO. CSSB 84(JUD)

ANALYSIS CONTINUATION

1,000 separate brands requiring certification, for a total estimate of \$250,000 in revenue spread over each 3-year period.

The Division of Fire Prevention does not anticipate additional costs from passage of this bill. The new duties will be handled by existing staff during the normal course of business.

# ALASKA STATE SENATE

## SENATOR DONALD C. OLSON

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### SPONSOR STATEMENT

CSSB 84 (L&C)

#### "Testing and Packaging of Cigarettes"

SB 84 mandates that only self-extinguishing cigarettes can be sold in Alaska, and establishes the testing and certification requirements to assure that only self-extinguishing cigarettes are sold in Alaska. Although no cigarette could ever be called safe, so called self-extinguishing or "fire safe" cigarettes are reduced ignition propensity cigarettes. These are cigarettes that are designed to be less likely than a conventional cigarette to ignite soft furnishings such as a couch or mattress. The bill also provides for the marking of cigarette packaging in an approved and easily identifiable manner to indicate they are fire safe.

Cigarettes are the leading cause of home fire fatalities in Alaska and the United States. The most common material first ignited in home fires are mattresses and bedding, upholstered furniture, and floor coverings. A typical scenario for fires is when a lit cigarette is forgotten or dropped by a smoker. The cigarette fire can smolder for hours before it flares up into a full blaze.

One fourth of victims of smoking-material fire fatalities are *not* the smoker whose cigarette started the fire; over one third of these are children. The risk of dying in a residential structure fire caused by smoking rises with age: 38 percent of fatal smoking-material-fire victims are age 65 or older.

The most common technology used by cigarette manufacturers for reduced cigarette ignition propensity (RCIP) is to make the paper thicker in places to slow down a burning cigarette. If such a cigarette is left unattended, when the burn reaches one of the thicker places, or "speed bumps", the burning will self-extinguish. Self-extinguishing cigarettes meet established fire safety performance standards.

Legislation similar to SB 84 has been enacted in New York, Massachusetts, Vermont, New Hampshire, California, and Illinois. A fire safe cigarette mandate has also been approved for all of Canada. This legislation is supported by the Alaska Fire Chiefs Association, the Alaska Firefighters Association, and Department of Public Safety, Division of Fire Prevention.

SB 84 will save lives, as well as reduce injuries and damage to property in Alaska. I urge you to give favorable consideration to this bill.

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### SECTIONAL ANALYSIS

#### CSSB 84 (JUD), "Testing and Packaging of Cigarettes"

**Section 1 establishes a new Chapter 74 for cigarette fire safety.**

**Subsection 18.74.010** prohibits the sale of any cigarette that does not have fire extinguishing characteristics determined by:

- (1) testing to an approved performance standard under 18.74.030 or 040,
- (2) marking and identification under 18.74.130, and
- (3) a certification by the manufacturer to the state fire marshal that each cigarette offered for sale complies with the requirements of this chapter.

**Subsection 18.74.030** establishes the test methods based on the National Institute of Standards & Technology (NIST) performance standards by which cigarettes are determined to have acceptable fire extinguishing characteristics. The state fire marshal may select a variation of the standards if he finds that the results better assure the diminished burning capabilities of the cigarettes.

**Subsection 18.74.040** allows the state fire marshal to accept alternative test methods and performance standards under certain conditions and findings.

**Subsection 18.74.050** requires testing by laboratories that meet the accreditation and other requirements for acceptability in determining quality assurance and repeatability of test results regarding fire extinguishing characteristics.

**Subsection 18.74.060** allows testing of cigarettes for other purposes, provided that said testing is consistent with this chapter.

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**Subsection 18.74.065** allows the state fire marshal to perform testing; and requires the state fire marshal or a contractor of the fire marshal to follow this chapter if they should perform a test to determine a cigarette's compliance with this chapter.

**Subsection 18.74.070** requires manufacturers keep all cigarette test results for a period of three years.

**Subsection 18.74.080** requires a manufacturer to certify to the state fire marshal that each type of cigarette listed satisfies the performance standards of this chapter. Any subsequent change to the cigarette type that may alter its fire extinguishing performance must be re-tested. There is an annual certification fee of \$250 paid to the fire marshal for each type of cigarette. The fire marshal may adjust this fee.

**Subsection 18.74.090** lists the information required in the certification about the nature of the cigarette and its test results.

**Subsection 18.74.100** lists the banding requirements for cigarettes that use lowered permeability bands to achieve the performance standards of the chapter.

**Subsection 18.74.110** allows the attorney general and the Department of Revenue access to the certification information in order to enforce provisions of the chapter.

**Subsection 18.74.120** requires approval of the manufacturer's packaging and marking of fire extinguishing cigarettes by the fire marshal prior to certification, and requires the fire marshal to act within 10 business days. Certain state officials are permitted to inspect the packaging markings of cigarettes being sold by wholesalers, agents, and retailers in the state.

**Subsection 18.74.130** specifies the cigarette package marking requirements to indicate compliance with this chapter.

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**Subsection 18.74.150** requires copies of a manufacturer's certification under 18.74.080 to be provided to every wholesaler, agent, and retailer who sells the cigarette.

**Subsection 18.74.160** lists civil penalties for sales of cigarettes in the state that are in violation of this chapter by a manufacturer, wholesaler, agent, or retailer.

**Subsection 18.74.180** directs that certification fees and civil penalties received shall be deposited in a separate account in the general fund. The legislature may appropriate from this account to the fire prevention and public safety fund established under subsection 18.74.210.

**Subsection 18.74.190** requires the fire marshal, the Department of Revenue, or a law enforcement agency to seize cigarettes that are sold or offered for sale that are in violation of this chapter. Conditions for disposal of seized cigarettes are detailed.

**Subsection 18.74.200** allows the state fire marshal or the attorney general to seek additional remedies for violations of this chapter through superior court action.

**Subsection 18.74.210** establishes a fire prevention and public safety fund for the purpose of paying for the expenses of the state fire marshal in implementing and enforcing this chapter. Money appropriated to the fund may be expended without further appropriation.

**Subsection 18.74.220** specifies the requirements for implementation of this chapter.

**Subsection 18.74.230** requires the state fire marshal to report to the legislature every three years on the effectiveness of this chapter in reducing cigarette caused fires.

**Subsection 18.74.240** is the fire marshal's authority to adopt regulations.

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**Subsection 18.74.250** authorizes inspections by certain state officials of cigarettes being sold and examination of paper, invoices, and records of persons who possess, control, or occupies premises where cigarettes are being sold or stored.

**Subsection 18.74.260** exempts cigarettes manufactured in Alaska for sale in another state or another country from the requirements of this chapter as long as reasonable steps are taken to exclude sales in Alaska.

**Subsection 18.74.270** prohibits a municipality from enacting or enforcing an ordinance that is in conflict with the purpose and provisions of this chapter.

**Subsection 18.74.280** confirms the supremacy of federal law over provisions of this chapter.

**Subsection 18.74.290** provides definitions of terms used in this chapter.

**Section 2** provides for the transition from currently allow cigarette sales to the mandated sale of fire safe cigarettes only in the 13 month transition period.

**Section 3** provides a 13 month delayed effective date.

**COALITION  
for FIRE-SAFE  
CIGARETTES**

The time is now.

## **Coalition for Fire-Safe Cigarettes (CFSC)**

### **Mission Statement:**

The mission of the Coalition for Fire-Safe Cigarettes is to save lives, prevent injuries and devastation from cigarette-ignited fires by calling on cigarette manufacturers to immediately produce and market only cigarettes that adhere to an established cigarette fire safety performance standard, (based on ASTM E2187, Standard Test Method for Measuring the Ignition Strength of Cigarettes); and working to see that these standards for fire-safe cigarettes are required in every state in the country.

### **Who We Are:**

The Coalition for Fire-Safe Cigarettes (CFSC) is a national group of fire service members, consumer and disabled rights advocates, medical and public health practitioners and others, coordinated by the National Fire Protection Association (NFPA), who are committed to saving lives and preventing injuries by reducing the threat of cigarette-ignited fires.

### **Background:**

Cigarettes currently are the leading cause of home fire fatalities in the U. S. killing 700 to 900 people, smokers and non-smokers alike, per year. In addition, thousands of victims suffer burn and lung injuries, and property losses total millions of dollars each year.

Yet, there is a proven, practical, and effective way to eliminate the risk of cigarette-ignited fires. The use of cigarettes that have a reduced propensity to burn when left unattended will help to prevent tens of thousands of cigarette-ignited fires each year. The use of such "fire-safe" cigarettes has already been mandated in New York, California, Vermont, Illinois, New Hampshire, and Massachusetts (covering 25 percent of Americans) and in all of Canada.

### **Call to Action:**

We applaud the successful actions of state legislatures to mandate that cigarettes sold in their states follow established guidelines for reduced ignition propensity, and we encourage all states to do so.

Therefore, we call on cigarette manufacturers to immediately begin producing and marketing only cigarettes that have a reduced propensity to burn when left unattended (*as established through testing to a performance standard based on ASTM E2187, Standard Test Method for Measuring the Ignition Strength of Cigarettes*).

**COALITION**  
for **FIRE-SAFE**  
**CIGARETTES**

The time is now.™

## Cigarette Fire Facts

- Cigarettes are the leading cause of home fire fatalities in the United States, killing 700 to 900 people – smokers and non-smokers alike – per year.
- Smoking-material structure fires killed 760 people and injured 1,520 others in 2003.
- Property losses total hundreds of millions of dollars each year.
- There were 25,600 smoking-material structure fires in the United States in 2003.
- Fires caused by smoking materials have declined in recent years, thanks in part to more stringent standards for fire-resistive mattresses and upholstered furniture, public education, and a dramatic decrease in the number of cigarettes consumed per adult in the United States. But cigarettes are still the leading cause of residential fire deaths.
- The risk of dying in a residential structure fire caused by smoking materials rises with age. Two-fifths (38 percent) of fatal smoking-material-fire victims are age 65 or older.
- One-quarter of victims of smoking-material fire fatalities are not the smoker whose cigarette started the fire: 34 percent are children of the smokers; 25 percent are neighbors or friends; 14 percent are spouses or partners; and 13 percent are parents.
- Almost half (43 percent) of fatal home smoking-material fire victims were sleeping when injured; one-third (32 percent) were attempting to escape, to fight the fire, or to rescue others.

## Fire-Safe Cigarettes – The Time Is Now!

- One in four Americans is now or soon will be covered by fire-safe cigarette mandates approved in New York, California, Vermont, Illinois, New Hampshire, and Massachusetts. A fire-safe cigarette mandate has also been approved for all of Canada.
- Research in New York State shows no decline in cigarette sales with the introduction of fire-safe cigarettes, but cigarette-fire fatalities were reported to have declined in the state by a third in 2004 when the law was in place for not quite half the year.
- NFPA research in the mid-1980s predicted that fire-safe cigarettes would eliminate three out of four cigarette fire deaths. Had manufacture of fire-safe cigarettes become universal then, approximately 15,000 lives could have been saved by now.

*(Source: National Fire Protection Association, 10/05)*

**COALITION**  
for **FIRE-SAFE**  
**CIGARETTES**

The time is now.™

*Members as of February 1, 2007*

American Association of Retired Persons	Massachusetts Call/Volunteer Firefighters Associations
American Burn Association	Massachusetts Coalition for Fire-Safe Cigarettes
American College of Emergency Physicians	Metropolitan Fire Chiefs
American Fire Sprinkler Association	National Association of Emergency Medical Technicians
American Health Care Association	National Association of Hispanic Firefighters
American Society of Testing and Materials International	National Association of State Fire Marshals
AMERIND Risk Management Corporation	National Center for Assisted Living
Asian American Hotel Owners Association	National Fallen Firefighters Foundation
Automatic Fire Alarm Association, Inc.	National Fire Protection Association
Boston Society of Vulcans	National Fire Sprinkler Association
Business and Institutional Furniture Manufacturer's Association	National Native American Fire Chiefs Association
Center for Campus Fire Safety	National Safety Council
Center for Social Gerontology, Inc.	National Volunteer Fire Council
Firemen's Association of the State of New York	Phoenix Society for Burn Survivors
Florida Association of Fire & Life Safety Educators	Polyurethane Foam Association
Harvard School of Public Health	Property Casualty Insurers Association of America
Home Safety Council	Public Citizen
Illinois Fire Inspectors Association	Safe Kids Worldwide
International Association of Arson Investigators	Trauma Foundation
International Association of Black Professional Fire Fighters	Uniform Fire Code Association
International Association of Fire Chiefs	Washington Fire Chiefs
International Association of Fire Fighters	Western Fire Chiefs Association
International Association of Hispanic Firefighters	
International Code Council	<i>Supporters/State Groups</i>
International Fire Marshals Association	Tobacco Free Kids

www.firesafecigarettes.org

**COALITION for FIRE-SAFE CIGARETTES™**

The time is now.

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**What is a fire-safe cigarette?**

A fire-safe cigarette has a reduced propensity to burn when left unattended. The most common fire-safe technology used by cigarette manufacturers is to wrap cigarettes with two or three thin bands of less-porous paper that act as "speed bumps" to slow down a burning cigarette. If a fire-safe cigarette is left unattended, the burning tobacco will reach one of these speed bumps and self-extinguish.

Fire-safe cigarettes meet an established cigarette fire safety performance standard (based on ASTM E2187, Standard Test Method for Measuring the Ignition Strength of Cigarettes ).

**Fire-safe cigarettes save lives**  
 The good news is that improved standards for cigarette-resistant materials in furniture and mattresses, and public education have all helped cut down the number of fires caused by smoking materials and have saved many lives. The bad news is that 700 to 900 people still die each year due to cigarette-ignited fires. And the fact remains: smoking materials are the #1 cause of fire deaths in the United States.

There is no doubt that fire-safe cigarettes will save hundreds of lives each year. Deaths caused by cigarette fires have declined dramatically in New York State in the first few months that fire-safe cigarettes were mandated there in 2004. The use of cigarettes with a proven, reduced propensity to ignite other materials will save lives and offer the best opportunity to achieve the next big leap forward in fire protection.

**Is it possible for a "fire-safe" cigarette to ignite furniture or bedding?**

All cigarettes have the *potential* to ignite fires, but the use of "fire-safe" technology provides a tremendous reduction in those risks. A fire-safe cigarette cuts off the burning time before most cigarettes are able to ignite things like furniture or bedding material.

**Isn't the real issue the need to educate people about using cigarettes in a responsible way?**

Actually, the real issue is that cigarettes are the leading cause of home fire fatalities every year. Fires started by cigarettes kill smokers and non-smokers alike. Cigarette fires also burn and injure thousands of people, while causing millions of dollars in property losses. But, we have the opportunity to prevent those horrible situations through the use of fire-safe cigarettes.

With any fire problem, you can and should try to change the heat source (the cigarette), the items ignited (for example, mattress, couch), and the behavior that brings them together (that is, the smoker's behavior). And all of these strategies are being actively pursued. The reality is that without changing the cigarettes, there will still be hundreds of needless cigarette-fire deaths every year. That is why fire-safe cigarettes offer the best opportunity to achieve the next big leap forward in fire protection.

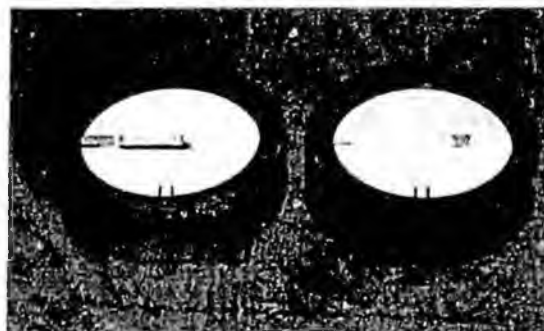
**Wouldn't it be better if the U.S. had a federal standard with which each state had to comply?**

All of us wish the tobacco companies would step up and do the right thing in this situation —

If a fire-safe cigarette is left unattended, the burning tobacco will reach one of these banded "speed bumps" and self-extinguish.



Illustration: John Roman



Cigarette regulations adopted in New York, California, and Vermont require that no more than 25 percent of 40 cigarettes tested burn their full length when placed on 10 layers of standard filter paper. The established cigarette fire safety performance standard is based on ASTM E2187, Standard Test Method for Measuring the Ignition Strength of Cigarettes. Photo: National Institute of Standards and Technology. See larger image.

replacing traditional cigarettes with fire-safe cigarettes. But, until that happens, strong legislation like this is the best way to prevent fires started by cigarettes. Currently, there is gridlock at the federal level, yet there is tremendous progress on the state level. Until a strong fire safety standard can be enacted by the U.S. Congress, we must pursue regulation at the state level. And to avoid a patchwork of standards, the best approach is to adopt the New York State standards, just as California and Vermont have already done.

#### What are other states doing?

New York State was the first to require that cigarettes sold and manufactured in the state be fire-safe. Vermont and California both adopted fire-safe legislation late last year. Additional states are considering fire-safe bills now, and many other states and jurisdictions are looking into it. In Canada, fire-safe cigarettes are mandated nationwide using the New York state standard.

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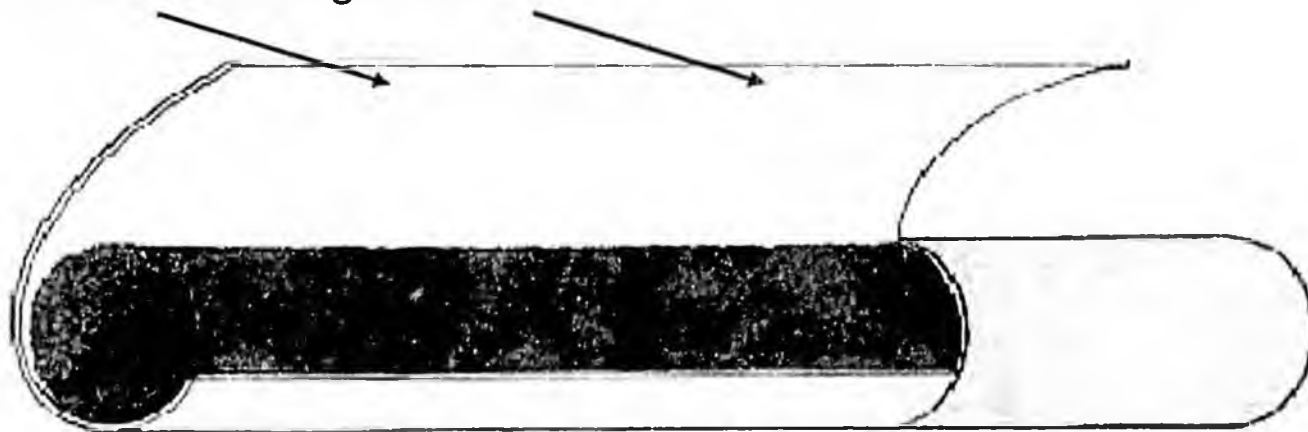
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The Coalition for Fire-Safe Cigarettes campaign is coordinated by NFPA.

URL: <http://firesafecigarettes.org/itemDetail.asp?categoryID=48&itemID=1190&URL=About%20fire-safe%20cigarettes/What%20is%20a%20fire-safe%20cigarette?>

If a fire-safe cigarette is left unattended, the burning tobacco will reach one of these banded "speed bumps" and self-extinguish.



**COALITION**  
for **FIRE-SAFE**  
**CIGARETTES**  
The time is now.™

www.firesafecigarettes.org

COALITION for FIRE-SAFE CIGARETTES™

The time is now.



**Legislation for fire-safe cigarettes around the U.S.**

- States that require fire-safe cigarettes
- States that have introduced legislation
- States that have not passed legislation

For more information on fire-safe cigarettes, visit our website at [www.firesafecigarettes.org](http://www.firesafecigarettes.org). We also have a press kit for you at [www.firesafecigarettes.org/presskit](http://www.firesafecigarettes.org/presskit). For state legislation, visit [www.firesafecigarettes.org/legislation](http://www.firesafecigarettes.org/legislation).

**Click on any state to learn more.**



# National Institute of Standards & Technology

## Certificate of Analysis

Standard Reference Material<sup>®</sup> 1082

### Cigarette Ignition Strength Standard

This Standard Reference Material (SRM) is intended for use by test laboratories to assess and control their testing of cigarette ignition strength in accordance with ASTM Standard Methods E 2187-04 (or ASTM E2187-02b). The SRM unit consists of one carton of cigarettes containing 10 packs of 20 cigarettes each.

**Certified Values and Uncertainties:** A NIST certified value is a value for which NIST has the highest confidence in its accuracy and that all known or suspected sources of bias have been investigated or accounted for by NIST. The certified value for ignition strength is given in Table 1. The certified value is the result of testing at NIST, Kidde-Fenwal, and the National Research Council, Canada. The certified value and its uncertainty were obtained by fitting a Bayesian hierarchical model [1] to the data from the two laboratories. The model accounts for random variation both within and between laboratories. The data from each laboratory was modeled using individual binomial likelihood functions, the between-laboratory variation was modeled using a beta distribution, and non-informative prior distributions were used for all parameters in the model. The model was fit to the data using Markov chain Monte Carlo methods. The expanded uncertainty given in Table 1 is reported at the 95 % probability level. This uncertainty includes measurement variability within and between laboratories. Tests for cigarette uniformity did not show evidence of any significant variation in ignition strength between packs. A combined standard uncertainty for the certified ignition strength of  $u_c = 1.65$  % should be used in further uncertainty calculations.

Table 1. Certified Values

Measurand	ASTM Method	Certified Value and Expanded Uncertainty
Ignition Strength (on 10 layers of filter paper)	E 2187-04 <sup>(1)</sup>	12.6 % ± 3.3 %

<sup>(1)</sup> Standard Test Method for Measuring the Ignition Strength of Cigarettes.

**NOTICE AND WARNING TO USERS:** THERE ARE SUBSTANTIAL SAFETY HAZARDS ASSOCIATED WITH EXPOSURE TO BOTH PRIMARY AND SECOND-HAND SMOKE FROM CIGARETTES. THESE CIGARETTES ARE ONLY TO BE USED UNDER THE LABORATORY CONDITIONS DESCRIBED IN ASTM E2187-04.

**Expiration of Certification:** The certification of SRM 1082 is valid, within the measurement uncertainties specified, until **31 December 2015**, provided the SRM is handled in accordance with the instructions given in this certificate (see "Instructions for Use"). This certification is nullified if the SRM is contaminated, disfigured, or otherwise modified.

**Maintenance of Certification:** NIST will monitor representative samples from this SRM lot over the period of its certification. If substantive changes occur that affect the certification before the expiration date, NIST will notify the purchaser. Registration (see attached sheet) will facilitate notification.

The coordination of the technical measurements leading to certification was performed by R.G. Gann of the NIST Fire Research Division.

Ignition strength measurements at NIST were made by J. Lee of the Fire Research Division.

Statistical consultation on experiment design and analysis of the certification data were performed by W.F. Guthrie of the NIST Statistical Engineering Division.

William L. Grosshandler, Chief  
Fire Research Division

Robert L. Watters, Jr., Chief  
Measurement Services Division

Gaithersburg, MD 20899  
Certificate Issue Date: 01 February 2006  
SRM 1082

Page 1 of 2

The support aspects involved in the issuance of this SRM were coordinated through the NIST Measurement Services Division.

The cigarettes were purchased by NIST from Philip Morris USA (Richmond, VA).<sup>1</sup>

#### INSTRUCTIONS FOR USE

**Stability and Use:** ASTM E2187-04 states that cigarette test specimens are to be protected from physical or environmental damage while in handling and storage. It is important that the specimens not be crushed or deformed in any manner. Careful handling is needed to ensure that the specimens are not contaminated while in storage, and that they are protected from degradation by insects. If test cigarettes are not to be used for more than one week, they are to be stored in a freezer at approximately 0 °C (32 °F).

Prior to testing, the cigarettes are to be removed from the pack(s) and conditioned at a relative humidity of 55 % ± 5 % and a temperature of 23 °C ± 3 °C (73 °F ± 5 °F) for at least 24 h. The cigarettes are to be placed in a clean, open container, with the number of cigarettes being sufficiently small to enable free air access to the specimens, for example, a maximum of 20 cigarettes in a 250 mL polyethylene or glass beaker.

**Material Selection and Packaging:** The state of New York, the state of Vermont, the state of California, and the dominion of Canada have enacted legislation requiring that all cigarettes sold in their jurisdictions must not exceed 25 % full-length burns using this test method. A test consists of 40 determinations, each on a substrate consisting of 10 layers of filter paper. The filter paper is to meet the weight requirements in ASTM E2187-04 and is to be conditioned prior to testing, as described in the ASTM standard.

This SRM was developed because cigarette companies, the New York Office of Fire Prevention and Control, and Health Canada indicated a need for a standard cigarette that could be used by testing laboratories and manufacturers to assess and control ignition strength testing to assure regulatory compliance and quality control. The planned cigarette was to have a target ignition strength near (a) the required pass/fail criterion and (b) the value to which cigarette companies would need to design products in order to assure success during compliance testing, which is somewhat lower than the pass/fail criterion.

After examining several prototypes, Philip Morris USA submitted the candidate standard cigarettes to NIST. The packs and cartons were printed to NIST specifications at the factory. The cigarettes themselves bear no markings.

#### REFERENCE

- [1] Gelman, A.; Carlin, J.B.; Stern, H.S.; Rubin, D.B.; *Bayesian Data Analysis*; Chapman and Hall: London (1995).

*Users of this SRM should ensure that the certificate in their possession is current. This can be accomplished by contacting the SRM Program at: telephone (301) 975-6776; fax (301) 926-4751; e-mail [srminfo@nist.gov](mailto:srminfo@nist.gov); or via the Internet <http://www.nist.gov/srm>.*

<sup>1</sup>Certain commercial equipment, instrumentation, or materials are identified in this certificate to specify adequately the experimental procedure. Such identification does not imply recommendation or endorsement by the NIST, nor does it imply that the materials or equipment identified are necessarily the best available for the purpose.



# American Burn Association

625 N. Michigan Avenue, Ste. 2550  
Chicago, IL 60611

Voice (312) 642-9260

Fax (312) 642-9130  
e-mail: [info@ameriburn.org](mailto:info@ameriburn.org)

## Fire-Safe Cigarettes American Burn Association Policy Statement

Cigarettes are the leading cause of fatal fires in the United States, killing 700 to 900 people every year and injuring thousands more. Those killed or injured in these fires are oftentimes not the smoker, but family members, children or neighbors. 34,800 smoking-material structure fires in the U.S. in 2002 resulted in property losses in the hundreds of millions of dollars.

The typical scenario for fires caused by cigarettes is the following: a lit cigarette is forgotten or dropped by a smoker whose alertness may be impaired by alcohol or medication. The cigarette fire can smolder for hours hidden between seat cushions or elsewhere before it flares up into a deadly blaze. "Fire safe" or reduced ignition propensity cigarettes have less porous paper, less dense tobacco, a smaller diameter, filter tip and no added citrates to the paper. These design changes result in no change in taste to the cigarette.

Fire safe cigarette legislation has passed in New York, California, Vermont, Illinois, New Hampshire and Massachusetts. Legislation is pending in New Jersey, Pennsylvania and Wisconsin.

The American Burn Association has been a strong advocate for the development of fire-safe cigarettes for more than 15 years, supporting past legislation on the issue and participating in two US Government studies that successfully demonstrated the technical and economic feasibility of commercial production of fire safe cigarettes.

The American Burn Association strongly and actively supports the passage of legislation mandating the manufacture and sale of fire-safe cigarettes along with the efforts of the Fire Safe Cigarette Coalition, a national group of fire service members, consumer, elderly and disabled rights advocates, medical and public health practitioners and other who are committed to saving lives and preventing injuries by reducing the threat of cigarette-ignited fires. The ABA is a member of the Fire Safe Cigarette Coalition.

For more information, contact Kitty Vineyard at the American Burn Association at (312) 642-9260 or [vineyard@ameriburn.org](mailto:vineyard@ameriburn.org).



# State of Alaska

Department of Public Safety  
Division of

## Fire Prevention

Sarah Palin, Governor  
Walt Monegan, Commissioner

February 21, 2007

The Honorable Donny Olson  
State Senator  
State Capitol, Room 514  
Juneau, AK 99801-1182

Dear Senator Olson:

The Division of Fire Prevention supports SB84 sponsored by you: "An Act relating to the burning capability of cigarettes being sold or offered for sale, or possessed for sale; relating to compliance certifications by tobacco product manufacturers, a directory of tobacco product manufacturers, the affixing of stamps to cigarette packages, and cigarette tax stamps; and providing for an effective date."

This bill embodies the focus of the Division's mission statement which is to prevent the loss of life and property from fire and explosion. This bill recognizes significant losses of life and property due to cigarettes; as the following statistics will show.

Between 1996 and 2005 Alaska lost \$8.0 million in property to fires with cigarettes as an ignition source.

Between 1996 and 2006 cigarette related fires caused 28% (51 Alaskans) of the deaths due to fire. This is the leading cause of fire fatalities in Alaska.

It is our belief that this bill will significantly lower fire fatalities in Alaska related to cigarettes, as the manufacturers will have to meet the new requirements for a cigarette that meets a fire safety standard. This would be at minimal cost to the state.

The states that have enacted similar legislation are New York, Vermont, California, Illinois, New Hampshire and Massachusetts. Those states are closely monitoring their fire statistics for the expected decline in fire fatalities. The legislation enactment is recent; therefore the information on fire fatalities is just now being collected for analysis.

If you have any questions or need more information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Belanger".

Steven "Rusty" Belanger  
Acting State Fire Marshal

# ALASKA FIRE CHIEF'S ASSOCIATION

2358 Bradway Road, North Pole, AK 99705

EIN #92-0098649

Phone: (907) 488-3400

FAX: (907) 488-6118



Date: February 20, 2007  
To: Alaska Legislators  
From: Alaska Fire Chiefs Association  
Subject: Support SB 84 (Olson) and HB131 (Gatto)

The Alaska Fire Chiefs Association, the largest membership of fire service managers in Alaska, is dedicated to serving the needs and issues that face Alaska's fire service. We would like to inform you that Alaska Chiefs strongly support the Burning Capability of Cigarettes (SB 84/HB131) legislation, and encourage your yes vote when this legislation comes before you.

SB 84/HB131 will prohibit the sale, manufacture or distribution of cigarettes in Alaska that do not meet fire safe standards established by the American Society of Testing and Materials (ASTM).

Careless smoking is the leading cause of fire deaths in Alaska. From 1997 to 2006, fires caused by careless smoking resulted in 23% of all fire deaths in Alaska. This type of fire killed 37 people during the past 10 years.

These costs are simply too great. Fortunately, an effective solution to this problem lies within your reach. California, Illinois, New Hampshire, New York and Vermont have already passed similar legislation to protect their residents. We hope you will do your part to accomplish the same in Alaska.

On behalf of the 150 members of the Alaska Fire Chiefs Association, we thank you for considering our support of this legislation, and we hope you will vote YES on SB 84/HB 131 – a life saving piece of legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren B. Cummings", is written over a horizontal line.

Warren B. Cummings  
President, Alaska Fire Chiefs Association



ALASKA FIRE CHIEF'S ASSOCIATION  
and the  
ALASKA STATE FIRE FIGHTERS ASSOCIATION



JOINT RESOLUTION NO. 2006-1

A JOINT RESOLUTION TO THE STATE OF ALASKA LEGISLATURE SUPPORTING  
PASSAGE OF LEGISLATION TO CREATE A FIRE SAFE CIGARETTE.

WHEREAS: Commercially, mass produced cigarettes have long been the leading  
cause of fire deaths in the United States and particularly here in  
Alaska and,

WHEREAS: Decades of research done by the National Institutes of Standards and  
Technology, private industry and congressional research groups have  
shown that reduced ignition propensity cigarettes can be  
manufactured and,

WHEREAS: Legislation has been passed in the state of New York, Vermont,  
Illinois, New Hampshire and California as well as the nation of  
Canada requiring cigarettes sold in those jurisdictions to meet the  
standard in the New York law requiring fire safety performance and,

WHEREAS: Preliminary data from New York state already shows a significant  
reduction in fire deaths following implementation of the law and,

WHEREAS: The National Fire Protection Association along with other national  
safety and health related agencies have formed a coalition to propose  
legislation in the remaining 44 states,

THEREFORE BE IT RESOLVED: That the Alaska Fire Chiefs Association and the Alaska  
State Fire Fighters Association request the Alaska State Legislature to pass legislation  
requiring cigarettes sold in Alaska meet the fire safe requirements of the standard written in  
New York.

Adopted this 29<sup>th</sup> day of September 2006 by a vote of the joint memberships at their Fall  
Conference in Fairbanks, Alaska.

Attested by: Warren B. Cummings  
Warren B. Cummings, Alaska Fire Chief's Association President

Attested by: Carol Reed  
Carol Reed, President Alaska State Fire Fighters Association



**National Fire Protection Association**

1 Batterymarch Park, Quincy, MA 02169-7471  
Phone: 617-770-3000 • Fax: 617-770-0700 • [www.nfpa.org](http://www.nfpa.org)

James M. Shannon  
*President and Chief Executive Officer*

February 23, 2007

Senator Donny Olson  
State Capitol, Room 514  
Juneau, AK 99801-1182

Dear Senator Olson:

I write to thank you for sponsoring SB 84, a bill that would require all cigarettes sold in Alaska to meet a fire safety standard. This important public safety bill will undoubtedly save lives and protect property all across your state.

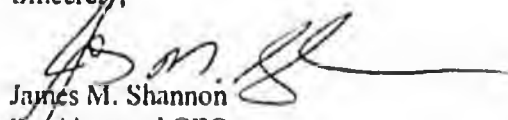
By filing this bill, you are taking a critical step to enhance fire safety by preventing fires caused by cigarettes. If the proposed fire-safe cigarette bill becomes law in Alaska, the state will be in good company. Already, legislative requirements for fire-safe cigarettes have been adopted in New York, Vermont, California, Illinois, New Hampshire and Massachusetts — covering over 25 percent of the U.S. population. Currently, there are 22 states across the country considering similar legislation.

Cigarettes are the leading cause of residential fire death across the country, killing 700 to 900 Americans each year. Additionally, thousands of victims suffer devastating burn and lung injuries, and property losses total millions of dollars each year. Cigarette fires also create a significant risk for firefighters battling these fires. Cigarette manufacturers can produce cigarettes that are more likely to go out when left unattended, greatly lowering the risk of igniting nearby furniture and bedding.

Fire-safe cigarettes work. Initial research in New York State since the implementation of its statewide mandate shows a dramatic decline in the number of fires and fatalities caused by cigarettes. Research has also shown that these fire-safe cigarettes have not reduced sales or made cigarettes more toxic to smoke. In short, fire-safe cigarettes save lives, and can make a difference in Alaska as well.

I strongly support this bill and your efforts to better protect the citizens of Alaska. Please let me know if I can be of assistance as the bill moves forward.

Sincerely,

  
James M. Shannon  
President and CEO  
National Fire Protection Association

## Denise Liccioli

---

**From:** Sen. Donny Olson  
**Sent:** Tuesday, March 27, 2007 8:09 AM  
**To:** Denise Liccioli  
**Subject:** FW: SB84

Jane Ann Boer  
Legislative Assistant  
Senator Donald Olson  
Capitol Building Rm 514

(907) 465-3707  
jane\_boer@legis.state.ak.us

-----Original Message-----

**From:** Jack Smith [mailto:Jack.Smith@north-slope.org]  
**Sent:** Tuesday, March 27, 2007 8:08 AM  
**To:** Sen. Donny Olson  
**Cc:** Edward Itta; George Olemaun; Andy Mack  
**Subject:** SB84

Dear Senator Olson:

Want to again thank you for sponsoring SB 84. Was notified the bill has been read and forwarded to Senate finance. Am hopeful it can be heard and continue to move forward. The fire service strongly supports mandating safe cigarette sales in Alaska, recognizing the potential to save lives and property. Fire Chiefs around the state are in constant email contact about important bills such as this, ready to offer additional assistance. Please let me know if there is anything we can do to continue to support your efforts.

Again, thank you for recognizing the importance of this issue and your willingness to take up the fight.

Jack M. Smith Jr., Fire Chief  
North Slope Borough Fire Department  
P.O. Box 69  
Barrow, Alaska 99723  
(907) 852-0234  
Fax (907) 852-0235



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## Fire leaves 18 homeless

### City still considering sprinkler rule for downtown buildings

For years, commercial fisherman Norval Nelson III and friends lived in the eight-unit apartment building at 331 Gastineau Ave.

It was the perfect spot for a bachelor's shack.

"It was a nice comfortable place for watching the boat leave and come back and for watching fireworks," he said. "It was a cool option for someone that wasn't the richest to have a bay view."

It's not any more.

An abandoned cigarette blew out of an ashtray and into a crevice in an outdoor couch Wednesday morning, touching off a fire that gutted the three-story Gastineau Avenue apartment building and left 18 people homeless, Capital City Fire & Rescue investigators said.

Propelled by gusting winds, the fire quickly decimated the wooden building. There was no sprinkler system to stop it.

"Really, the only way to make these old buildings safe is to install a sprinkler system," Fire Chief Eric Mohrmann said. "A system that was properly installed, with two or more heads at the most, would have easily extinguished the fire."

The smoldering cigarette was left in an ashtray outside the first floor 30 minutes before the fire was reported, at 10:23 a.m., Mohrmann said.

By then, the fire was progressing rapidly up the wooden staircase. The first Capital City unit arrived at 10:28, and the first ladder truck pulled up by 10:32.

The fire has been ruled accidental. No charges have been filed, nor are any anticipated, Mohrmann said. Property damage is still unknown, but the 18 residents lost practically everything they had in the building.

"There's definitely a large group of people that were living there that aren't the wealthiest," Nelson said. "They had enough to make ends meet. I doubt

that any of them will recover any personal belongings of that loss. And if they do, it's going to take some time to regain everything.

"It's a shame to live with 10 shirts, and 10 pants and 10 shoes, and get maybe a shirt and a pair of pants and a shoe," he said.

Though belongings were lost, no lives were. One person was treated at Bartlett Regional Hospital for injuries.

As of Thursday afternoon, the Red Cross had doled out \$11,000 in immediate response credit cards to the 11 families, or 18 people, who lived in the building, said Shad Engkilterra, Southeast service center director.

The cards pay for food for each person for a week, clothing, shoes, seasonal garments, an allotment for storage containers, bedding and linens.

The Red Cross expects to give out a total of \$22,000, he said. It also has a rental assistance program that sometimes provides the first month's rent or enough money to cover a deposit.

Six of the families have been housed at the Driftwood Lodge for at least three days. Five other families found alternative options.

In a situation like this, Engkilterra said, the Red Cross is able to pay for up to five days of lodging.

"After that, I have to say, 'No, you have to pay for this on your own,' which is hard," he said. "The housing situation in Juneau being what it is. I've had some people contact us about (housing options), and the best I can do is pass that information on."

As of 3 p.m. Thursday, Juneau residents had donated \$500 to the fire relief effort. Most people had called wondering if they could donate items.

"I've been referring them to St. Vincent or the Salvation Army," Engkilterra said. "We're not equipped to deal with anything other than monetary donations."

The apartment was built in the 1960s. The codes at that time did not mandate sprinkler systems, said Sara Boesser, the city's chief building inspector.

The owner installed a six-inch fire line in 2001 to feed a sprinkler system, but apparently never took the next step.

The city's Public Works Committee is deliberating a retrofit ordinance that would require all buildings in downtown Juneau's "high hazard" core area to install sprinkler systems.

The burned apartment falls within that zone.

The "high hazard" map stretches along Gastineau Avenue to Sixth Street, down Sixth to Main Street, and down Main to the intersection with Egan Drive and Marine Way. It also includes the area by the Mount Roberts Tram and part of Willoughby Avenue.

"The problem we have is a lot of 100-year-old wood-framed construction right next to each other without fire prevention or walls or yards separating them," Mohrmann said. "That can lead to fire jumping from building to building."

At the last Public Works Committee meeting, the staff was directed to develop a financial plan to help subsidize sprinklers, Mohrmann said.

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[http://www.juneauempire.com/stories/040607/loc\\_20070406028.shtml](http://www.juneauempire.com/stories/040607/loc_20070406028.shtml)