

SmokeLess New Zealand

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LAW CHANGE TO PREVENT SMOULDERING CIGARETTES CAUSING FATAL HOUSE FIRES



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Aim: To regulate the cigarette so it self-extinguishes when discarded, and so prevent fatal fires.

This change of wording will:

- 1) clarify that Ministry of Health, which administers this Act, is responsible for regulating to control this problem.
- 2) strengthen the Act to provide sufficient regulatory powers.

Smoke-free Environments Act 1990, Section 31. Suggested changes

Section	Current wording	Desired wording
31	Limits on harmful constituents "No manufacturer or importer may offer for sale or export any tobacco product or herbal smoking product that-	Limits on harmful constituents and product design "No manufacturer or importer may offer for sale or export any tobacco product or herbal smoking product that-
31 (c)	New subsection	"Is designed in contravention of fire safety or other health requirements in regulations made under this Part."
31 (c) (i)	New	The fire prevention standard should require that no more than five cigarettes per carton of 200 manufactured cigarettes, burn full length under American Standard Test Method for cigarette self-extinction.

Section 31 (as above) limits harmful constituents in smoke, but also needs to control cigarette design so that it may:

- 1) *Greatly reduce fire deaths and injuries.* Every year 2-3 New Zealanders,¹ including children are killed by cigarette fires, and many injured. Cigarettes cause over 300 fires a year. A fire safety standard to greatly reduce cigarette fires is feasible² and acceptable to smokers³ but requires changes to cigarette design. **New York type regulations cannot be passed under NZ's Smokefree Act, due to lack of powers in s.31.**
- 2) *Permit inclusion of protective features.* The Act lacks powers to require cigarettes to be sold with safety or health promoting features, eg a filter, and in particular a charcoal filter to reduce cyanide intake, the main smoke hazard causing of heart disease. Most Maori are smoking hand-rolled (unfiltered) cigarettes.

Background

- Cigarette manufacturers continue to put fire accelerant in cigarette paper used in manufactured cigarettes, to ensure they continue to smoulder, and NZ Government has not regulated to prevent this cause of fires.
- After a private members bill (from fire fighter MP Grant Gillon) a government administrative committee several years back referred this issue to the Ministry of Consumer Affairs.
- However the issue may have fallen between ministries and neither is currently doing anything.
- The Ministry of Health, which administers the Smoke-free Environments Regulations, has limited power to regulate the cigarette to fix the problem. (as in New York State 2004 and in Canada from October 2005).

The remedy is feasible for cigarette manufacturers and acceptable to smokers

- Cigarette manufacturers comply by selling only fire-safer cigarettes in New York.
- NZ smokers polled do not object to cigarettes that self-extinguish – hand rolled cigarettes self-extinguish and this is accepted, and smokers are aware of the need to prevent cigarette fires.

Precise nature of the problem.

Cigarette paper used to wrap manufactured cigarettes is impregnated with potassium citrate, to ensure the cigarette burns full length. Hand rolling cigarette paper does not contain citrate and if used to wrap manufactured cigarettes, the cigarette self extinguishes very quickly and does not burn full length. Similarly, hand rolled cigarettes do not burn full length. See under www.healthnz.co.nz/firesafepubs.htm or Laugesen, Fraser, et al. 2003; 12: 40-10et al www.tobaccocontrol.com

Why a policy is needed

- Every year several people die from fires started by discarded cigarettes. Others suffer disfiguring and painful burns. Often these are children. Cigarette fires are particularly dangerous, often occurring while people are asleep. Smoke alarms are insufficient – five were functioning in the house shown above.

Proposed policy

- The Ministry of Health can pass regulations now to ban the use of fire accelerants in cigarette paper, using its current powers. However:
- We believe that Parliament should also amend the Smoke-free Environments Act to specifically require all cigarettes to self-extinguish and not burn full length - as is already the case with hand rolled cigarettes, with a tolerance of 2.5% over 200 cigarettes (only 5 cigarettes permitted to burn full length per carton)

Have legislators and the Ministry been informed? Yes.

¹ NZ Fire Service 1998-2002 unpublished data. 12 deaths were due to cigarettes or smoking materials.

² Laugesen M, Davidson M, Fraser T, et al. Hand rolling cigarette papers as the reference point for regulating cigarette fire safety. Submitted to *Tobacco Control* May 2003.

³ UMR national telephone survey of 750 adults, April 2003: 67% of smokers surveyed supported legislation requiring manufactured cigarettes to go out if left unattended.

- Health New Zealand made representations to the Ministry of Health, the Health Select Committee, and the Ministry's 2004-5 regulatory review. ASH has made representations to the Ministry of Consumer Affairs.
- The NZ Fire Service has run advertising on television in support of smoke alarms. However, this would not have prevented the case illustrated above, in which five fire alarms were in place and functioning.
- Has the Fire Commission been informed? Yes ASH wrote to them in 2003.

ACTION POINTS

- Write to the Ministry of Health. Ask them, will they include a few extra lines in cigarette regulations, now to be developed until 2007, to prevent these needless deaths and injuries?

IF NEW YORK AND CANADA CAN REGULATE, SO CAN NEW ZEALAND.

LEGISLATIVE UPDATE May 2006.

Canada. Regulations came into force 1 October 2005, based on the New York state law.

New Zealand. No regulation in place. Smokers polled, agree to modifying their cigarettes to prevent fires.

United States Since New York passed the nation's first "fire-safe" cigarette requirement, many states have considered similar laws :

Alabama: Bill introduced, died without a final vote at session's end.

Alaska: Bill introduced, awaits final votes.

California: Fire-safe cigarette law passed, effective Jan. 1, 2007.

Delaware: Legislature directed state fire marshal to study need for such a law.

Georgia: Bill introduced, died without a final vote at session's end.

Hawaii: Bills in House and Senate await committee action before a vote.

Illinois: Bill passed, awaits governor's signature.

Maine: Bill introduced, died without a vote at session's end.

Maryland: Bill passed the House, died without a Senate vote at session's end.

Massachusetts: Bill introduced, no final vote scheduled.

Minnesota: Bill introduced, awaits committee action. No final vote scheduled.

New Hampshire: Bill passed the Senate, awaits House vote.

New Jersey: Bill introduced, awaits committee votes. No final vote scheduled.

New York. Law in effect since 2004.

Pennsylvania: Bill introduced, no final vote scheduled.

Rhode Island: Bill introduced, awaits committee action. No final vote scheduled.

Vermont: Fire-safe cigarette law took effect May 1.

Washington: Bill introduced, died without a vote at session's end.

Wisconsin: Bill introduced, awaits committee action. No final vote scheduled.

- Peter Eisler. States target cigarette fire risks. USA Today www.usatoday.com 9 May 2006.