

TESTIMONY BY
THE HONORABLE JOHN JOSEPH MOAKLEY

BEFORE THE
SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT

ON THE
CIGARETTE SAFETY ACT
(H.R. 1880)

MARCH 21, 1983

IN 1979, A YOUNG FAMILY IN MY CONGRESSIONAL DISTRICT DIED IN A FIRE THAT WAS CAUSED BY A CIGARETTE. THAT FAMILY, THE MOTHER, FATHER, AND FIVE CHILDREN, THE OLDEST OF WHICH WAS ONLY TEN, DIED A SENSELESS DEATH, A DEATH WHICH MIGHT HAVE BEEN PREVENTED IF CIGARETTES WERE MADE TO BURN IN A MANNER WHICH LIMITED THEIR ABILITY TO IGNITE UPHOLSTERED FURNITURE AND MATTRESSES.

IN 1981 IT IS ESTIMATED THAT THERE WERE 63,518 RESIDENTIAL FIRES IN THE UNITED STATES RESULTING FROM THE CARELESS USE OF SMOKING MATERIALS. WHILE CARELESS SMOKING IS NOT THE NUMBER ONE CAUSE OF FIRES, IT IS THE NUMBER ONE CAUSE OF FIRE DEATHS IN THE UNITED STATES.

OVER ONE THIRD OF THE FIRE DEATHS IN THE UNITED STATES ARE CAUSED BY CIGARETTE IGNITED FIRES. 67.4% OF THE FIRE DEATHS IN HOTELS AND MOTELS RESULT FROM CIGARETTE IGNITED FIRES. IN 1981, 2,144 PEOPLE LOST THEIR LIVES AND 3,819 MORE WERE INJURED AS A RESULT OF CIGARETTE IGNITED FIRES.

RESEARCH BY THE UNIVERSITY OF MICHIGAN HAS ESTABLISHED THAT CIGARETTE FIRE VICTIMS (THOSE THAT ARE ADMITTED TO BURN TRAUMA CENTERS INVOLVED IN THE RESEARCH) ARE DISPROPORTIONATELY CHILDREN AND ELDERLY. IN FACT, IF ONE FOLLOWS THE NEWS REPORTS OF CIGARETTE FIRES, IT BECOMES EVIDENT THAT CIGARETTE FIRES DO DISCRIMINATE, AND THAT THE INNOCENT CHILD ASLEEP, OR THE ELDERLY PERSON CONFINED IN A NURSING HOME, IS OFTEN THE VICTIM OF SOMEONE ELSE'S CARELESSNESS.

IT IS CLEAR TO ME, AS I BELIEVE THESE HEARINGS WILL CLEARLY DEMONSTRATE TO YOU, THAT CIGARETTE FIRES ARE CAUSING SIGNIFICANT LOSS TO OUR NATION AND THAT WE HAVE A REALISTIC ALTERNATIVE TO THAT LOSS-- THE FIRE-SAFE CIGARETTE.

THE CIGARETTE SAFETY ACT, H.R. 1880, WOULD DO TWO THINGS. FIRST, IT WOULD GIVE THE CONSUMER PRODUCT SAFETY COMMISSION JURISDICTION OVER TOBACCO PRODUCTS AS AN IGNITION SOURCE. LET ME STATE AT THIS POINT THAT I AM NEITHER ANTI-SMOKING NOR AM I OUT TO "GET" THE TOBACCO INDUSTRY. THIS LEGISLATION IS NO MORE ANTI-SMOKING THAN CONTROLLING AUTOMOBILE EMISSIONS IS ANTI-DRIVING. H.R. 1880 WOULD GIVE AN APPROPRIATE AGENCY OF THE FEDERAL GOVERNMENT JURISDICTION OVER A KNOWN FIRE HAZARD. IT WOULD NOT GIVE THE CPSC JURISDICTION OVER HEALTH-RELATED TOBACCO ISSUES.

THE SECOND THING THAT THE CIGARETTE SAFETY ACT WOULD DO IS GIVE THE CONSUMER PRODUCT SAFETY COMMISSION TWENTY-FOUR MONTHS TO DEVELOP PERFORMANCE STANDARDS TO INSURE THAT CIGARETTES HAVE A MINIMUM PROPENSITY TO IGNITE UPHOLSTERED FURNITURE AND MATTRESS FIRES. THIS LEGISLATION DOES NOT MANDATE SELF-EXTINGUISHING CIGARETTES. IT MANDATES THAT THEY HAVE A MINIMUM CAPACITY FOR IGNITING UPHOLSTERED FURNITURE AND MATTRESSES. THIS COULD BE ACCOMPLISHED THROUGH SELF-EXTINGUISHING OR BY SOME OTHER PROCESS WHICH WOULD ALLOW THE CIGARETTE TO BURN ITS ENTIRE LENGTH, YET NOT IGNITE THE UPHOLSTERED FURNITURE.

IF THE CONSUMER PRODUCT SAFETY COMMISSION DETERMINES, AFTER ITS INVESTIGATION, THAT IT IS NOT POSSIBLE TO ESTABLISH STANDARDS, THEN THE COMMISSION IS NOT REQUIRED TO PROMULGATE REGULATIONS. AFTER DISCUSSING THIS ISSUE WITH A NUMBER OF PEOPLE KNOWLEDGEABLE ABOUT THIS PROBLEM, I AM CONVINCED THAT REASONABLE STANDARDS, FAIR TO BOTH THE CONSUMER AND THE INDUSTRY, CAN BE ESTABLISHED.

WHEN I FIRST STARTED TALKING ABOUT FIRE-SAFE CIGARETTES I MET WITH A GREAT DEAL OF SKEPTICISM FROM BOTH THE PUBLIC AND SOME COLLEAGUES. MANY BELIEVED THAT IT WAS LUDICROUS TO ATTEMPT TO MAKE A CIGARETTE FIRE-SAFE. WHAT WE ARE DISCUSSING IS THE ABILITY OF A CIGARETTE, WHEN DROPPED ON A CHAIR, TO NOT SET THE CHAIR ON FIRE. THIS IS NOT ONLY POSSIBLE IN THEORY, BUT IS ALREADY TRUE OF SOME CIGARETTES.

I CALL YOUR ATTENTION TO TWO DOCUMENTS. THE FIRST IS BY THE NATIONAL BUREAU OF STANDARDS' CENTER FOR FIRE RESEARCH AND IS ENTITLED "DEVELOPMENT OF A CANDIDATE TEST METHOD FOR THE MEASUREMENT OF THE PROPENSITY OF CIGARETTES TO CAUSE SMOLDERING IGNITION OF UPHOLSTERED FURNITURE AND MATTRESSES".

THIS NBS STUDY COVERED BOTH EXPERIMENTAL AND 30 COMMERCIALY AVAILABLE BRANDS OF CIGARETTES. SEVERAL CHARACTERISTICS WERE NOTED AS HAVING AN IMPACT ON THE IGNITION POTENTIAL OF CIGARETTES. AMONG THESE WERE CIGARETTE DIAMETER, PACKING DENSITY AND WHETHER OR NOT THE CIGARETTE HAD A FILTER. A FILTER, FOR EXAMPLE, REDUCES THE AMOUNT OF OXYGEN DRAWN THROUGH THE CIGARETTE. CUT DOWN ON THE OXYGEN AND YOU REDUCE THE HEAT-FLUX FROM THE CIGARETTE. A FILTER IS NOT THE COMPLETE ANSWER, BUT IT DOES APPEAR TO BE ONE POSSIBLE COMPONENT OF A FIRE-SAFE CIGARETTE.

NBS, THROUGH THIS RESEARCH, HAS ESTABLISHED A CANDIDATE TEST METHOD. WHILE NBS SPECIFIES THAT ADDITIONAL RESEARCH IS NEEDED AND THAT ITS STUDY DID NOT SYSTEMATICALLY REVIEW COMMERCIALY AVAILABLE CIGARETTES, THE STUDY DID ESTABLISH THAT THERE ARE DISTINCT DIFFERENCES IN CIGARETTES AND THEIR LIKELIHOOD TO IGNITE UPHOLSTERED FURNITURE.

THE SECOND DOCUMENT IS A RECENTLY PUBLISHED STUDY BY THE UNITED STATES TESTING COMPANY SHOWING SOME DRAMATIC DIFFERENCES BETWEEN THREE CIGARETTE BRANDS WHICH ARE PRESENTLY ON THE MARKET. THERE ARE TWO CIGARETTES IN THIS STUDY THAT I WOULD PARTICULARLY LIKE TO BRING TO YOUR ATTENTION. THE FIRST IS "SHERMAN", A CIGARETTE, WHICH IS MADE WITH NO CHEMICAL ADDITIVES, THAT WILL SELF-EXTINGUISH. I THINK THIS IS EXTREMELY IMPORTANT BECAUSE IT SHOWS THAT THE ANSWER TO THIS PROBLEM MAY REST NOT IN THE TOBACCO, BUT IN WHAT IS ADDED TO IT.

A SECOND CIGARETTE, "MORE", WHICH IS CURRENTLY ON THE MASS MARKET, DID NOT SELF-EXTINGUISH BUT BURNED ITS ENTIRE LENGTH WITHOUT IGNITING THE UPHOLSTERED FURNITURE. THIS TOO IS EXTREMELY IMPORTANT BECAUSE IT GIVES CONSIDERABLE SUPPORT TO THE POSITION THAT MAKING A FIRE-SAFE CIGARETTE IS NOT ONLY POSSIBLE--ITS BEING DONE.

IN A RECENT THE NEW YORK TIMES ARTICLE (DECEMBER 19, 1982) A SPOKESMAN FOR R.J. REYNOLDS, DAVID FISHEL, STATED THAT THE "MORE" CIGARETTE, WHEN ORIGINALLY MARKETED, HAD A TENDENCY TO SELF-EXTINGUISH WHEN NOT PUFFED. THE COMPANY "ADJUSTED" THE CHEMICAL COMPOSITION OF THE CIGARETTE PAPER TO KEEP IT BURNING. DESPITE THIS ACTION, THE "MORE" CIGARETTE STILL FARED WELL IN THE U.S. TESTING COMPANY'S STUDY.

I BELIEVE THAT WE HAVE THE ABILITY WITH THIS LEGISLATION TO MAKE SOME DRAMATIC CHANGES IN THE PROBLEM OF BURN DEATHS AND INJURIES. THE CIGARETTE, WHEN IT IS FINALLY ANALYZED, IS NOTHING MORE THAN A TORCH. WHILE I HAVE NO DESIRE TO PLACE UNNECESSARY REGULATIONS ON ANY INDUSTRY, I ALSO FEEL COMPELLED TO PROTECT THE PUBLIC, PARTICULARLY THE INNOCENT, WHO ARE BEING VICTIMIZED BY CIGARETTE FIRES. I AM CONVINCED THAT WE CAN SET A STANDARD WHICH WILL ALLOW FOR FIRE-SAFE CIGARETTES THAT ARE NO MORE TOXIC THAN PRESENT CIGARETTES. I AM CONVINCED THAT SUCH A STANDARD WOULD NOT PLACE ANY UNDUE BURDEN ON THE TOBACCO INDUSTRY.

ONE FINAL NOTE--THERE IS NO SINGLE ANSWER TO THE UNITED STATES FIRE PROBLEM. WE MUST MOVE AHEAD ON MANY FRONTS TO COMBAT ARSON, IMPROVE CONSTRUCTION TECHNIQUES AND INSTALL SPRINKLER SYSTEMS AND SMOKE DETECTORS TO NAME JUST A FEW. I AM CONVINCED, HOWEVER, AND I CANNOT OVERSTATE THIS POINT, THAT THE FIRE-SAFE CIGARETTE IS A VERY NECESSARY COMPONENT OF THIS FIRE PREVENTION AND SAFETY FORMULA. THE FIRE-SAFE CIGARETTE WILL, I BELIEVE, DRAMATICALLY REDUCE THE NUMBER OF FIRE DEATHS AND BURN INJURIES IN THIS COUNTRY.

THE TOBACCO INDUSTRY SPOKESMAN WILL TELL YOU OF THEIR EFFORTS TO DEVELOP A SCOTCH-GUARD TYPE SPRAY WHICH WILL MAKE HOMES FIRE SAFE-- THEY WILL CONTEND THAT THE WHOLE ENVIRONMENT CAN BE MADE SAFE FROM NOT JUST CIGARETTES, BUT FROM OTHER FIRE HAZARDS AS WELL, WITH THIS NEW FIRE PROOFING SPRAY. I HAVE SEEN A DEMONSTRATION OF THIS PRODUCT AND THE DEMONSTRATION WAS VERY, I REPEAT, VERY IMPRESSIVE.

I AM NOT A SCIENTIST, SO I CANNOT COMMENT ON THE VALIDITY OF THE CLAIMS WHICH YOU WILL HEAR. I CAN, HOWEVER, AS A CITIZEN WHO HAS SPENT MY ENTIRE ADULT LIFE IN PUBLIC OFFICE, RAISE A COUPLE OF POLICY QUESTIONS WHICH I BELIEVE MUST BE CONSIDERED. WHILE I COMMEND THE TOBACCO INDUSTRY ON THEIR EFFORTS TO DEVELOP THIS SPRAY, I AM ALSO CAUTIOUS ABOUT A PRODUCT WHICH SUDDENLY COMES ON THE MARKET AND IS ABLE TO DO WHAT THE FURNITURE INDUSTRY HAS NOT BEEN ABLE TO DO IN THE LAST 15 TO 20 YEARS. I AM NOT, IN ANY WAY, QUESTIONING THE SINCERITY OR MOTIVES OF THE TOBACCO INDUSTRY SPOKESMEN WHO WILL BE TESTIFYING TODAY. I KNOW MANY OF THESE PEOPLE AND I HAVE THE HIGHEST PERSONAL REGARD FOR THEM.

HOWEVER, AS A PUBLIC OFFICIAL WHO HAS HAD TO DEAL WITH SUCH ISSUES AS TRIS, UREA-FORMALDEHYDE INSULATION, ASBESTOS AND MANY MORE, I URGE CAUTION IN ACCEPTING THE CLAIMS THAT THIS IS THE ANSWER. THEIR PRODUCT IS NOT ON THE MARKET TODAY, IT HAS NOT BEEN TESTED IN THE MARKET AND IN FACT HAS NOT BEEN FULLY DEVELOPED FOR COMMERCIAL SALE. I HOPE THAT IT IS SUCCESSFUL AND THAT IT CAN BECOME ANOTHER IMPORTANT PART OF OUR FIRE PREVENTION FORMULA, BUT I BELIEVE WE NEED TO KEEP ITS DEVELOPMENT IN PROPER PERSPECTIVE.

LET'S NOT WASTE VALUABLE TIME. WE MUST MOVE FORWARD ON ALL FRONTS TO WIN THE WAR AGAINST FIRE LOSS IN THIS COUNTRY. NEARLY AS MANY AMERICANS WERE KILLED IN THIS COUNTRY BY CIGARETTE FIRES AS WERE KILLED IN SOUTHEAST ASIA DURING THE ELEVEN YEARS OF THE VIETNAM WAR. THE TIME HAS COME WHEN THIS TRAGEDY MUST END AND I BELIEVE THAT THE FIRE-SAFE CIGARETTE IS OUR BEST HOPE.