

Time to legislate for fire-safe cigarettes in Australia

We need a national tobacco act to regulate all aspects of tobacco manufacturing and marketing

“Fire safe” cigarettes are those which self-extinguish when they are not being smoked, as opposed to regular cigarettes which continue to burn. For nearly two decades there has been opposition from the tobacco industry to proposals for legislation that would mandate fire-safe, or “reduced ignition propensity”, cigarettes. And this is despite the fact that smoking is the leading cause of residential and total fire deaths in at least eight countries, including Australia.¹ The good news is that two jurisdictions in North America have now legislated to require all cigarettes to pass a “fire-safe” standard.

The evidence that cigarettes cause fires is extensive. Data from the Australasian Fire Authorities Council (Mr C Donnelly, Director Corporate Strategy, New South Wales Fire Brigades, on behalf of the Australasian Fire Authorities Council, personal communication 5 February 2004) show that, annually, at least 4574 fires are caused directly by cigarettes and smokers’ materials around Australia (excluding the Northern Territory and South Australia, for which no data were available). In addition, an unknown proportion of another 78 894 fires of indeterminate origin could be associated with smoking.

Determining the exact ignition source of a fire is often difficult because the evidence is generally destroyed. Cigarette butts are easily destroyed in fires, and conclusions about their role in causing fires are therefore deduced from a combination of evidence about the location and ignition point of fires (eg, beds, furniture, roadsides) and the elimination of other possible causes.

The costs of cigarette-caused fires in terms of lives lost and property damaged are high. Around 14 people in Australia die from cigarette-caused fires annually,² and infants are over-represented in these deaths, often dying in household fires resulting from cigarettes igniting bedding or furniture.³ In 1998–99, smoking-related fires throughout Australia cost some \$52.1 million in tangible costs — health costs, private property damage and fire service costs — plus an estimated \$28.5 million in intangible costs (such as the value of lives lost in such fires). This estimate is highly conservative, as it excludes valuations of public property damage, such as national parks, loss of animals, and of amenity while bushland regenerates.⁴

In Australia, particular focus has fallen on the role of discarded cigarettes as one cause of our infamous bushfires. Conservatively, it is estimated that about 7% of bushfires are caused by discarded cigarettes,⁵ and all states and territories now have laws for prosecuting people who discard lighted butts. A recent study has confirmed the ability of cigarettes to ignite bush litter. In outdoor conditions, with wind speed about 40 km/h, grassy fuel moisture content about 12% of oven dry weight, and humidity 14%, cigarette butts caused three ignitions in 75 trials (4%). If 1000 smouldering butts were discarded in comparable conditions, 40 fires might result.⁶

The same 2003 study examined butt discard rates on median strips next to two traffic lights on two of Sydney’s major arterial roads. Everyone’s daily experience of seeing people discarding

glowing butts hardly needed confirmation, and the study found 426 discarded butts in a 3-week period.⁶ Education, fines, and talkback radio vilification of butt-throwers would thus appear to have minimal impact on this practice.

Australian fire investigators report that hundreds of fire officers are often unnecessarily exposed to physical and psychological harm from cigarette-caused fires. Fire-cause investigators and other fire industry leaders unanimously support the introduction of regulations to reduce the fire risk of cigarettes.⁷

Tobacco companies commonly add burn accelerants, such as sodium and potassium citrate, to cigarette paper.⁸ However, in the United States, tobacco companies have patented many reduced ignition propensity cigarettes,⁹ and their own market research has shown them to be acceptable to smokers.¹⁰ To date only one such brand has been released (Philip Morris’s *Merit*, which is available in the USA and New Zealand).

A recent comparative study of self-extinguishment showed that all regular manufactured cigarettes, 73% of *Merit* cigarettes, but no hand-rolled cigarettes (wrapped in virtually citrate-free paper), burnt full length.¹¹ The hand-rolled cigarettes were wrapped in a brand of cigarette paper containing only trace levels of impregnated citrate. The elimination of citrate and other burning agents in cigarette paper thus appears to be a simple and effective means of dramatically reducing the ignition propensity of cigarettes.

Now, after decades of advocacy from paediatricians, trauma physicians and fire authorities, both the state of New York and Canada have passed legislation on “fire-safe” cigarettes. From July this year, all cigarettes sold in the state of New York must pass a performance standard requiring that no more than 25% of cigarettes tested shall exhibit full-length burns on a bed of filter paper specified in the test method.¹² (*Merit* would thus fail the New York standard.) Canada’s similar legislation was passed in March 2004, to take effect from October 2005.¹³

It would appear ethically inconceivable that the tobacco industry, knowing that it can produce products that will greatly reduce the potential to cause fires, should refuse to release them onto the market. Why, then, does it continue to do this, given the potential for saving lives, property and the likely public relations benefits to that beleaguered industry that would almost certainly follow? Evidence from internal tobacco company documents shows that the industry’s principal concerns appear to be legal — they are concerned about litigation relating to people burnt in fires caused by cigarettes that the industry could have made less combustible. As a 1983 British American Tobacco document stated:

In view, however, of their recent decision taken by the Tobacco Institute not to work actively in the development of self-extinguishing cigarettes (*for product liability reasons*) it will be necessary for B&W management to define its wishes ... [emphasis added].¹⁴

A major impediment to regulating fire-safe cigarettes in Australia is that the constituents of tobacco products are totally unregulated.¹⁵ Their ingredients and “quality” are not controlled by any

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food, pharmaceutical or poisons legislation, allowing the industry to avoid the sort of regulatory standards that could require cigarettes with reduced ignition propensity to conform to a standard. Instead, the industry enters into self-regulatory agreements with government, such as the current arrangement to list additives on industry websites. This agreement allows local manufacturers to avoid listing any ingredients they do not wish to reveal by designating them as generic “processing aids” or declaring them commercial-in-confidence.¹⁵

This regulatory “no-man’s land” should be replaced by a national tobacco act,¹⁶ which would allow complete regulation of all aspects of tobacco manufacturing and marketing. Such regulation, in mandating reduced ignition propensity cigarettes, would save lives, millions of dollars in damage and contribute to bushfire reduction. In the event that a national tobacco act was opposed by one or both of the major political parties, interim cigarette reduced ignition propensity regulations should be introduced, in line with those introduced in the Canadian and New York State jurisdictions.

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