

107TH CONGRESS
2^D SESSION

H. R. 4981

To amend the Consumer Product Safety Act to provide for fire safety standards for cigarettes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2002

Mr. STEARNS (for himself and Mr. TOWNS) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To amend the Consumer Product Safety Act to provide for fire safety standards for cigarettes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SEC. 1. SHORT TITLE.**

4 This Act may be cited as the “Fire Safe Cigarette
5 Act of 2002”.

6 **SEC. 2. FIRE SAFETY STANDARD.**

7 The Consumer Product Safety Act (15 U.S.C. 2051
8 et seq.) is amended—

1 (1) in section 3(a)(1)(B) (15 U.S.C.
2 2052(a)(1)(B)) by inserting “, except as provided in
3 section 7A” before the semicolon; and

4 (2) by adding after section 7 (15 U.S.C. 2056)
5 the following:

6 “FIRE SAFETY STANDARD

7 “SEC. 7A. (a) CONSUMER PRODUCT SAFETY
8 RULE.—Not later than 18 months after the date of enact-
9 ment of this section, the Commission shall by rule issue
10 a consumer product safety standard for cigarettes to re-
11 duce the risk of fire. In establishing the standard, the
12 Commission shall do the following:

13 “(1) Use the testing methodology for deter-
14 mining ignition propensity of cigarettes referenced in
15 ‘Relative Ignition Propensity of Test Market Ciga-
16 rettes—National Institute of Standards and Tech-
17 nology—NIST Technical Note 1436, January,
18 2001—Appendix D: Cigarette Extinction Method’,
19 with the modifications and specifications described
20 in this subsection. Testing shall be conducted on 3
21 layers of filter paper, as described in the referenced
22 test method. Forty replicate tests shall be required
23 to comprise a complete test trial for each cigarette
24 tested. Test results and the application of pass/fail
25 criteria shall be derived only for complete test trials
26 comprised of at least 40 replicate individual tests.

1 “(2) Establish the following ignition propensity
2 performance requirement for cigarettes using such
3 methodology: A test failure shall consist of more
4 than 50 percent of the cigarettes tested in a test
5 trial failing to self-extinguish prior to burning the
6 full length of the tobacco column.

7 “(3) For cigarette designs that cannot be tested
8 using the specified method because of unique or non-
9 traditional characteristics, the Commission shall ac-
10 cept test methods and acceptance criteria that are
11 proposed by manufacturers when the cigarette with
12 unique or nontraditional characteristics is found by
13 the Commission, after review of the application of
14 the test method and acceptance criteria, to have an
15 equivalent or lesser ignition propensity. In estab-
16 lishing the standard for cigarettes, the Commission
17 shall have the authority to regulate the ignition pro-
18 pensity of cigarette paper for roll-your-own tobacco
19 products.

20 “(b) REVISION OF RULE.—If the sponsor of the ref-
21 erenced test method revises it in any material respect, the
22 sponsor shall notify the Consumer Product Safety Com-
23 mission of the revision and the revision may be incor-
24 porated in the consumer product safety rule under sub-
25 section (a) if the Commission determines that such revi-

1 sion is in the public interest. The Commission is also au-
2 thorized to revise the rule, including the performance re-
3 quirements specified in subsection (a)(2), in whole or in
4 part, without regard to the referenced test method, if it
5 finds that compliance with such revision is technically fea-
6 sible and provides a higher degree of protection from fire
7 ignited by cigarettes.

8 “(c) MANUFACTURERS.—Manufacturers of cigarettes
9 shall identify for the Commission any measures the manu-
10 facturers will take to meet the consumer product safety
11 standard for cigarettes promulgated by the Commission.
12 Based on information that shall be submitted by the man-
13 ufacturers of cigarettes and other appropriate information
14 available to the Commission, the Commission shall deter-
15 mine whether each such measure does or does not increase
16 the toxicity of cigarettes. No cigarette shall be deemed to
17 meet such standard unless the Commission has deter-
18 mined that the measures taken by the manufacturer of
19 such cigarette to meet the standard do not increase the
20 toxicity of the cigarette.

21 “(d) PROCEDURES.—The Commission shall promul-
22 gate the standard under subsections (a) and (b) in accord-
23 ance with section 553 of title 5, United States Code, and
24 shall—

1 “(1) consult with the National Institute of
2 Standards and Technology, the American Society of
3 Testing and Materials, and the National Fire Pro-
4 tection Association, and seek the advice and exper-
5 tise of other Federal and State agencies; and

6 “(2) take into account all findings in the final
7 report to the Congress made by the Commission, in
8 consultation with the Technical Advisory Group es-
9 tablished under section 3 of the Fire Safe Cigarette
10 Act of 1990 (15 U.S.C. 2054 note), in which it was
11 found that cigarettes with a low ignition propensity
12 are already on the market.

13 “(e) STOCKPILING.—The Commission shall include in
14 the standard a prohibition of stockpiling of cigarettes to
15 which such standard will apply. For purposes of this sub-
16 section, the term ‘stockpiling’ means the manufacturing
17 or importing of a cigarette which would not comply with
18 such standard between the date such standard is promul-
19 gated under subsection (a) and the date the standard is
20 to take effect at a rate greater than the rate that ciga-
21 rettes were manufactured or imported for the 1-year pe-
22 riod ending on the date such standard was promulgated.

23 “(f) INAPPLICABLE.—The following shall not apply
24 to the promulgation of a standard under subsections (a)
25 and (b):

1 “(1) Sections 7, 8, 9, 11, and 12 of this Act.

2 “(2) Chapter 6 of title 5, United States Code.

3 “(3) The National Environmental Policy Act of
4 1969 (42 U.S.C. 4321 et seq.).

5 “(4) The Small Business Regulatory Enforce-
6 ment Fairness Act of 1996 (Public Law 104–121)
7 and the amendments made by such Act.

8 “(g) CONSUMER PRODUCT.—The standard promul-
9 gated under this section shall be a consumer product safe-
10 ty standard promulgated under this Act. A cigarette shall
11 be deemed a ‘consumer product’ under section 3(a)(1)(B)
12 only for the purpose of enforcing compliance with this sec-
13 tion and the standard promulgated under this section and
14 with respect to section 26 of this Act.

15 “(h) LIMIT ON JURISDICTION.—Except as expressly
16 provided in this section and in section 3(a)(1)(B), the
17 Commission shall have no jurisdiction over tobacco or to-
18 bacco products.

19 “(i) DEFINITIONS.—For purposes of this section—

20 “(1) the term ‘cigarette’ has the meaning pre-
21 scribed by section 3(1) of the Federal Cigarette La-
22 beling and Advertising Act (15 U.S.C. 1332(1)); and

23 “(2) the term ‘cigarette paper’ has the meaning
24 prescribed by section 5702(e) of the Internal Rev-
25 enue Code of 1986.

1 “(j) MODIFICATION OF LAW.—Nothing in this Act
2 nor the application of this Act to tobacco products shall
3 be construed to modify any provision of the Federal Ciga-
4 rette Labeling and Advertising Act (15 U.S.C. 1331 et
5 seq.).

6 “(k) EFFECTIVE DATE.—The Commission shall pre-
7 scribe the effective date of the consumer product safety
8 standard promulgated for cigarettes except that such date
9 shall be at least 180 days and no more than 12 months
10 after the date of the promulgation of the standard unless
11 the Commission, for good cause shown, determines that
12 an earlier effective date is in the public interest.”.

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