

NY moving ahead with lower-fire-risk cigarette law

ALBANY (AP) — The Pataki administration has put forward guidelines for an ambitious mandate that all cigarettes sold in New York be wrapped in paper that poses a lower risk of igniting fires than the paper currently used.

The Legislature and Gov. George Pataki approved the law, the first of its kind in the United States and possibly the world, in 2000, and the Fire Prevention Bureau in Pataki's Department of State has been at work ever since figuring out how the statute will function and be enforced.

The law is designed to reduce the number of structural fires, and consequent deaths, caused by careless smoking. From 1997-2001, fire officials reported 199 deaths in New York in fires caused by smoking materials, the most frequent cause of fatal blazes during that period.

Typically, these fires are caused by people who fall asleep with lighted cigarettes in their hands. The cigarettes ignite bedding or upholstery.

The law is meant to force cigarette companies to shift to cigarettes wrapped in paper that burns at a lower temperature than those currently on the market. Not only are those cigarettes less likely to ignite other materials, they will also go out if not puffed on by smokers, typically within a few minutes.

The different paper does not change the toxicity of the cigarettes or reduce the risk of cancer and other diseases caused by smoking.

The regulations unveiled by the Pataki administration will put the onus on tobacco companies to have their cigarettes tested every three years for compliance with the law. If the companies make changes in the style or composition of the cigarettes, they have to get them retested before marketing them in New York.

Up To \$10,000 Fines

Manufacturers who knowingly make false certification about their cigarettes' fire propensity may face a \$10,000 fine.

"We keep looking for trap doors (in the regulations)," said Russ Haven of the anti-smoking New York Public Interest Research Group. "But it looks very solid."

Though the Fire Prevention Bureau was right on schedule in publishing the proposed regulations on the "low-ignition" cigarettes on Dec. 31, 2002 the agency had until Jan. 1, 2003, to do so it remains unclear when the requirement will actually go into force.

Publication of the regulations has triggered a 45-day public comment period, after which the state can issue final regulations. The new requirement is supposed to go into effect 180 days after that occurs, but a member of a state advisory board on anti-smoking efforts, Russell Sciandra of the Center for a Tobacco Free New York, said the tobacco industry could drag out the process by filing extensive written comment on the proposed regulations.

That would force the state to consider the comments, and possibly alter the regulations.

Sciandra suggested that it might take until July 1, 2004, until the requirement goes into effect throughout the state.

"How many people are going to get killed by a cigarette fire before then?" Sciandra asked. "That's on the conscience of the industry."

Litigation by the tobacco industry could also delay adoption of the new requirement, but Joshua Toss of the state Department of State said he didn't consider that likely. He said the tobacco industry officials his office has had contact with seem intent on finding out how the law in New York will work and preparing to comply with it.

Toss said Imperial Tobacco of Canada has told his office it will pull its cigarettes, which include the Player's and du Maurier brands, from New York markets rather than comply with the state law. Toss did not know of other tobacco companies planning similar strategies.

Spokesmen for R.J. Reynolds, Philip Morris and Lorillard did not return telephone calls for comment.

Philip Morris has been developing a slower-burning paper on its Merit brand, called SelectPaper, and has said in the past it would favor a national standard on safer cigarettes rather than a patchwork of state laws.

Not 'Fire-Safe'

R.J. Reynolds has contended that introduction of slower-burning cigarettes, even if they are acceptable to smokers, would create the misperception that they are "fire-safe." The company says things like flame-retardant furnishing materials and greater use of smoke detectors would be the most effective way to improve fire safety.

The state's ability to impose the requirement on New Yorkers' purchases of cigarettes over the Internet or on the cigarettes sold at American Indian-run smoke shops on Indian territory are "open questions of law" which the Pataki administration is continuing to explore, Toss said.

