



**MEMORANDUM
OFFICE OF ATTORNEY GENERAL
FIRE MARSHAL DIVISION**

TO: Senator Judy Lee
Chairman, Health Services Committee

RE: The interim report of the test methods and performance standards of the law on the reduced ignition propensity standards for cigarettes.

DATE: October 8, 2014

Madam Chairman and Members of the Health Services Committee,

I am Raymond Lambert, North Dakota State Fire Marshal. I am here to provide you with an update on N.D.C.C. § 18-13-02 which requires a review of the effectiveness and test methods and performance standards of the reduced ignition propensity standards for cigarettes sold in the state of North Dakota.

Chapter 18-13, N.D.C.C. took effect August 1, 2010 and specified that any cigarette made available and distributed by wholesalers to retail outlets in the state of North Dakota must be tested in accordance with under the ASTM (American Society of Testing of Materials) standard and meet the ignition propensity safety standards for all cigarettes. Currently we have 734 manufacturer brand styles sold in the state of North Dakota. All manufacturer brand style cigarettes sold in the state are certified and recertified every 3 years. Certifications and recertification come with a written statement from the manufacturer showing the tests conducted were by a laboratory that has been accredited to standard ISO-IEC of the International Organization for Standardization. The Fire Marshal's Office conducts random checks on retail outlets that sell cigarettes to the general public. Some items included with these checks are brand or trade name on package, cigarette style, FSC (Fire Safer Cigarette) stamp, and if the cigarette has been certified and approved for sale in North Dakota.

It has been 10 years since the first states such as New York, California, Vermont, Illinois, New Hampshire adopted mandated rules that only cigarettes tested to the national standards and certified by the individual states as low ignition propensity cigarettes (commonly known as the fire safer cigarette), could be sold in these states. With little changes since that time in the manufacturing process and the test procedures to certify a cigarette to be sold on the open market, the state of North Dakota was one of the last states to adopt the mandates that came into effect August 1, 2010. The law states that only cigarettes tested to the ASTM standard and certified by the State Fire Marshal's Office can be sold in North Dakota.

Data collected from the National Fire Incident Reporting System for the state of North Dakota for the years 2005 through 2009 show that 2,384 structure fires were reported.

Of those fires, 142 fires were listed as being caused by cigarettes. Data collected for 2010 through 2014 to date shows there were 2,303 structure fire incidents reported in the state of North Dakota. Of these fires, 196 fires were reported as cigarette caused fires. Although the data for North Dakota are over a 10 year period of time, specifically in the past 5 years they have shown an increase in the number of fires caused by cigarettes.

The national statistical averages indicate there has been an overall reduction in the number of fires caused by cigarettes and fire fatalities resulting from these fires with all 50 states having adopted similar laws requiring that only fire safer certified cigarettes may be sold in their states.

I believe the state of North Dakota benefits from the overall program to have certified low propensity ignition cigarettes sold. Fire numbers and their cause fluctuate from year to year. From 2010 to date, the fires caused by cigarettes in North Dakota have increased. Nationally fires and fire deaths caused by cigarettes are declining as shown from data from the US Fire Administration. The Fire Safer Cigarette is listed as having likely attributed to the overall decrease in the number of residential smoking related fires.

Madam Chairman and Members of the Committee, I will be glad to address any questions you have at this time. Thank you for the opportunity to present this report to you on the certifications testing and performance standards of the reduced propensity ignition on cigarettes.

Raymond Lambert
North Dakota State Fire Marshal