

August 5, 2013

The Honorable Debbie Stabenow
Chair, Senate Committee on Agriculture,
Nutrition & Forestry
328A Russell Senate Office Building
Washington, DC 20510

The Honorable Frank Lucas
Chair, House Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

The Honorable Thad Cochran
Ranking Member, Senate Committee on Agriculture,
Nutrition & Forestry
113 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Collin Peterson
Ranking Member, House Committee on Agriculture
2109 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman Stabenow, Chairman Lucas, Senator Cochran, and Congressman Peterson:

On behalf of the nation's fire and emergency services, we are writing to express our concern with a provision in H.R. 2642, the Federal Agriculture Reform and Risk Management Act. Specifically, we are contacting you in reference to Sec. 11312 of the House-passed bill, which has the potential to overturn fire-safe cigarette laws approved by all 50 states in the nation.

Sec. 11312 states:

"In General- Consistent with Article I, section 8, clause 3 of the Constitution of the United States, the government of a State or locality therein shall not impose a standard or condition on the production or manufacture of any agricultural product sold or offered for sale in interstate commerce if--

(1) such production or manufacture occurs in another State; and

(2) the standard or condition is in addition to the standards and conditions applicable to such production or manufacture pursuant to--

(A) Federal law; and

(B) the laws of the State and locality in which such production or manufacture occurs.

(b) Agricultural Product Defined- In this section, the term 'agricultural product' has the meaning given such term in section 207 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1626).

Cigarettes are a leading cause of home fire fatalities. According to the National Fire Protection Association (NFPA), smoking-material fires led to 610 fatalities and 1,570 injuries in 2010. Over the past decade, the nation's fire service has undertaken a 50-state initiative, encouraging states to pass "fire safe" cigarette laws. A fire-safe cigarette has a reduced propensity to burn when left unattended. Today, each state in the nation has passed fire-safe cigarette legislation, requiring all cigarettes sold in the state to meet an established cigarette fire safety performance standard, based on ASTM E2187, Standard Test Method for Measuring the Ignition Strength of Cigarettes. So far, these efforts are showing positive results. According to NFPA, deaths due to cigarette-ignited

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fires are down by 21% from 2003, the latest year before any state implemented a fire-safe cigarette law. The latest NFPA report on smoking-related fires estimates that decline will reach 30% by the time data is in from 2011 and every state has fully implemented a fire-safe cigarette law. State fire-safe cigarette laws work and have had a major impact in addressing the nation's fire problem.

Unfortunately, the language in H.R. 2642 could bring about unintended consequences for public safety. It could in essence nullify the cigarette fire safety performance standards that the fire service fought so hard to implement in each of our 50 states because tobacco is defined as an agriculture product. The individual states of this nation have taken it upon themselves to address a significant public safety issue and their important work should not be undone by the United States Congress.

As you meet to consider the conference report on H.R. 2642, we urge you to ensure that nothing in the bill prohibit states from imposing fire safety standards on tobacco products. We thank you for your consideration of this important issue and best wishes on your continued success and safety.

Sincerely,

American Fire Sprinkler Association
Center for Campus Fire Safety
Common Voices
Congressional Fire Services Institute
Fire Apparatus Manufacturers' Association
Fire and Emergency Manufacturers and Services Association
Fire Team USA
Institution of Fire Engineers – United States of America Branch
International Association of Arson Investigators
International Association of Fire Chiefs
International Association of Fire Fighters
International Code Council
International Fire Service Training Association
International Society of Fire Service Instructors
National Association of State Fire Marshals
National Fallen Firefighters Foundation
National Fire Protection Association
National Fire Sprinkler Association
National Volunteer Fire Council
North American Fire Training Directors
Phoenix Society for Burn Survivors
USA Sprinkler Fitters Association