

FIRE SAFETY STANDARD AND FIREFIGHTER PROTECTION ACT

(Pursuant to Act 56 of 2009)

Prepared by:

Kevin J. Sehmeyer, State Fire Marshal

Department of Licensing and Regulatory Affairs
Bureau of Fire Services



GRETCHEN WHITMER
GOVERNOR



ORLENE HAWKS
DIRECTOR

TABLE OF CONTENTS

| | |
|---|---|
| <u>Executive Summary</u> | 3 |
| <u>Reporting Requirements</u> | 3 |
| <u>Certifications</u> | 4 |
| <u>Recommendation</u> | 4 |

EXECUTIVE SUMMARY:

On June 25, 2009, [Public Act 56 of 2009](#) (SB 264 – Senator Hunter, sponsor) was signed into law, which created the Fire Safety Standard and Firefighter Protection Act. This Act provides for the regulation of the sale and distribution of reduced ignition propensity cigarettes, otherwise known as “fire safe cigarettes”. These cigarettes are specifically manufactured to self-extinguish if they are left unattended.

Under this law, cigarette manufacturers are required to certify that their product meets the established stringent manufacturing and safety testing standards for cigarettes sold in Michigan. The testing of cigarettes must be conducted by a laboratory that is accredited pursuant to standard ISO/IEC 17025:2005 of the international organization for standardization or other comparable accreditation standards as required by the Department of Licensing and Regulatory Affairs, Bureau of Fire Services (Department). The testing must also be conducted in accordance with the American Society of Testing and Materials (ASTM) standard E2187-04, “Standard Test Method for Measuring the Ignition Strength of Cigarettes”.

When a cigarette manufacturer submits a written certification or recertification, they must also pay a fee of \$1,250.00 to the Department for each brand family of cigarette listed in the certification. Approved certifications are valid for a 3-year certification period.

The Fire Safety Standard and Firefighter Protection Act Enforcement Fund is created within the State Treasury. The Department shall deposit fees paid under this section into the fund. The State Treasurer shall direct the investment of the fund however; at the close of the fiscal year, fees collected shall remain in the fund and shall not lapse to the general fund as the Department then expends money from the fund, upon appropriation, for processing, testing, enforcement, and oversight activities under this Act.

Pursuant to this law, the Department has prepared this report and issued electronically to the House and Senate appropriations committees and the State Budget Director. This report specifically covers certifications approved October 1, 2015 through September 30, 2018 (FY16 through FY18).

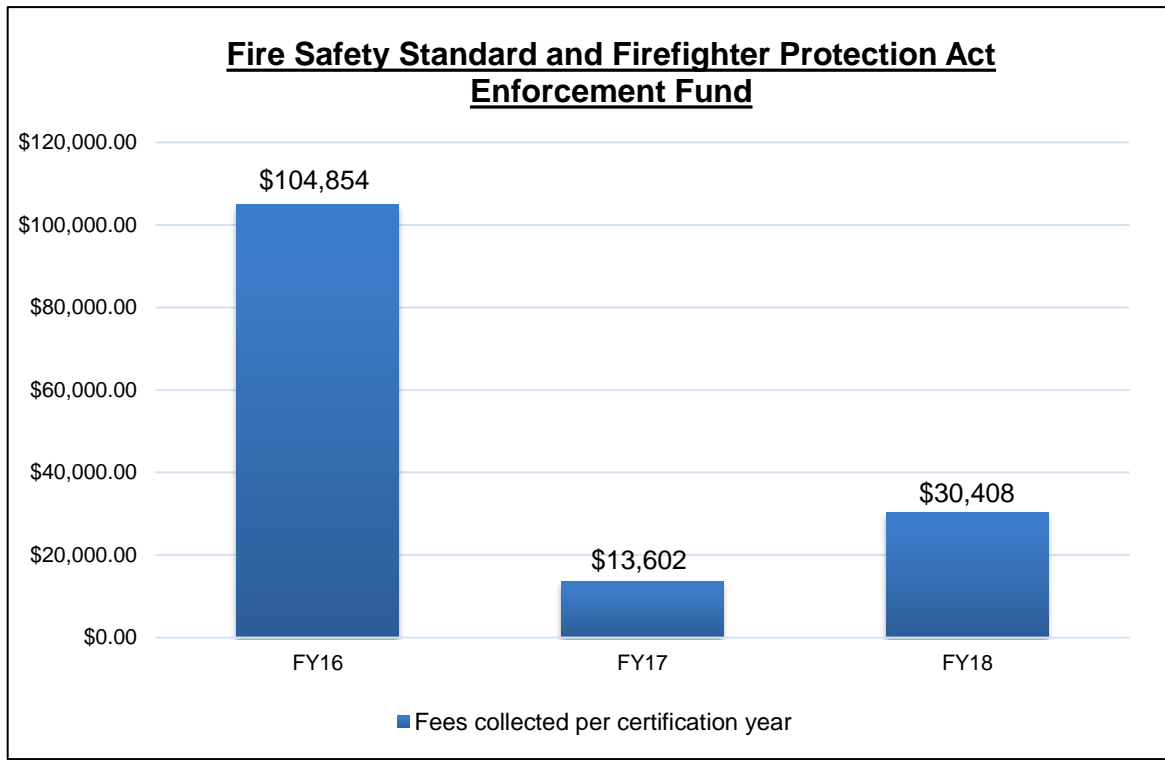
REPORTING REQUIREMENTS:

Under 29.495, Section 5(11), the Act states the reporting requirements for the Department. Specifically:

Sec. 5(11) The Department shall review the effectiveness of this section and report every 3 years to the legislature the Department’s findings and, if appropriate, recommendations for legislation to improve the effectiveness of this Act. The Department shall submit the report and legislative recommendations no later than the first June 30 following the conclusion of each 3-year period to the Legislature and, if appropriate; make recommendations for legislation to improve the effectiveness of this Act.

CERTIFICATIONS:

During the FY16-FY18 reporting period, there was a total of 20 active cigarette manufacturers and 61 active brand families in Michigan. Our records indicate that manufacturers have complied with the certification performance standards. The following revenue was collected during time timeframe and deposited into the Fire Safety Standard and Firefighter Protection Act Enforcement Fund:



RECOMMENDATION:

In 2012-2016, National Fire Protection Association (NFPA) Fire Analysis and Research (FAR) reported that U.S. fire departments estimated an annual total of 18,100 (5%) fires involving smoking related materials which caused an average of 590 (23%) civilian deaths, 1,130 (10%) civilian injuries per year, and caused \$476 million in direct property damage (7%) per year. NFPA and the National Fire Incident Reporting System (NFIRS) surveyed that most deaths in home fires involving smoking related materials were caused by fires ignited in a bedroom (34%) or in living room, family room or dens (43%). The research found that the bedroom fires are first ignited with the mattress or bedding (29% of fires) and the living or family rooms are first ignited by the upholstered furniture (38% of fires).

Between 2016 and 2018, Michigan fire departments estimated approximately 3,600 fires were caused by smoking related materials, which caused 28 civilian deaths, 107 civilian injuries, and \$37,307,678 million in property and content damages. Most deaths in home fires involving smoking related materials were caused by fires ignited in a bedroom (190 total) or

in living room, family room or dens (97 total). The research found that the bedroom fires are first ignited with the mattress or bedding (71% of fires) and the living or family rooms are first ignited by the upholstered furniture (89% of fires).

Based on valid testing requirements, certifications, reasonable standards and acceptable FSC markings, the Department does not recommend any changes in the law at this time.