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STANDARDISATION MANDATE TO CEN RELATIVE TO THE FIRE SAFETY REQUIREMENT FOR CIGARETTES

I. Background

Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety¹ aims at ensuring that only safe products are placed on the EU market. To that end, it establishes a general safety requirement for consumer products, supported by a definition of “safe” product.

Article 4(1) of the Directive establishes the procedure for the drawing up of European safety standards for consumer products.

Cigarettes are inherently dangerous products since they produce heat and because they contain a burning material that keeps burning through the whole cigarette length when ignited. A risk associated with lit cigarettes, when laid carelessly down and left unattended, are fires with ensuing fatalities, injuries and material damage. Accidents of this kind have been observed and cause an estimated minimum of 1,000 fatalities in the Community every year.²

According to data reported by 14 Member States, Iceland and Norway from 2005 to 2007 to DG SANCO on cigarette related fires, carelessly unattended cigarettes cause some 11,000 fires every year in those Member States and Norway, with 520 deaths, 1,600 injuries and €14 million of material damage.

The 14 Member States, Iceland and Norway have a population of about 160 million, which is about 1/3 of the population of the EU-27 + Iceland + Norway comprising some 490 million. It can therefore be assumed that a RIP requirement in the EU-27, Iceland and Norway could save considerably more lives and damage. Extrapolating the data received from the 14 Member States and Norway to the EU-27 + Iceland + Norway, on the basis of the population, would lead to an initial tentative conservative estimate (34% reduction)

¹ OJ L11, 15.1.2002, p.4.

² The ASPECT Consortium. Tobacco or Health in the European Union. Past, present and future. European Commission, 2004.

of avoiding about 14,000 fires, 700 fatalities, 2,500 injuries and €50 million of material damage.³

Technical solutions to prevent cigarettes from burning through their whole length when not actively puffed have been developed. Commercially available cigarettes contain bands of paper in the cigarette paper, about 6 mm wide and spaced by about 20 to 30 mm. Such "speed bumps" make burning cigarettes self-extinguish, at least to a certain extent, by hindering oxygen access to the burn area. The reduced ignition propensity thus restricts the source and risk of fires.

Thus, on 25 March 2008, the Commission adopted Decision 2008/264/EC, based on Article 4(1) (a) of the Directive, on the fire safety requirement to be met by European standards for cigarettes, in order that it may request the relevant standardisation bodies to establish the relevant standard for reducing the ignition propensity of cigarettes. The fire safety requirement is that no more than 25% of a batch of cigarette specimens to be tested shall burn through their whole length.

II. Considerations

Cigarettes with reduced ignition propensity required in several parts of the world

Reduced ignition propensity cigarettes are commercially available in several US Federal States. At the end of 2007, 22 Federal States had introduced a legal obligation requiring all cigarettes sold on their territory be of reduced ignition propensity, thus covering more than 50% of the total US population; 11 further States had filed such legislation, thus covering more than 20%. In total, close to $\frac{3}{4}$ of the US population is, or will soon be, covered by a reduced ignition propensity cigarette requirement.^{4, 5}

At the same time Canada as a whole has adopted legislation requiring all cigarettes be of reduced ignition propensity, and Australia is preparing such legislation.

Experience in the US has shown that consumers well accept the commercially available reduced ignition propensity cigarettes^{6,7}. This suggests that there is no major difference in the organoleptic qualities compared to conventional cigarettes.

³ Note that these figures are consistently higher than a multiplication with 490/160 would suggest. This is because the 14 Member States and Norway did not always report data on all items, in particular data on material damage were missing quite often. For the extrapolation, those data gaps were taken in to account.

⁴ Coalition for fire-safe cigarettes:
<http://www.firesafecigarettes.org/categoryList.asp?categoryID=74&URL=Legislative%20updates>

⁵ Coalition for fire-safe cigarettes:
<http://www.firesafecigarettes.org/itemDetail.asp?categoryID=93&itemID=1295&URL=Legislative%20updates/State-by-state%20efforts#california>

⁶ Alpert HR, et al (2005) "Fire Safer" Cigarettes, The effect of the New York State cigarette fire safety standard on ignition propensity, smoke toxicity, and the consumer market. A preliminary report. Research conducted at the Harvard School of Public Health.

⁷ Connolly GN, Alpert HR, Rees V, Carpenter C, Wayne GF, Vallone D, Koh H (2005) Effect of the New York State cigarette fire safety standard on ignition propensity, smoke constituents, and the consumer market. *Tobacco Control* 14:312-327.

Member States favour an early adoption of a fire safety standard in the EU

During the discussions with the Member States about the fire safety requirement for cigarettes, several Member States favoured a swift adoption of a standard on reduced ignition propensity. One Member State reported to be preparing national legislation, expected to come into force in 2009.

Thus, in view of the interest of Member States to see a standard rather sooner than later, and considering that the inconvenience of national legislation disharmonising the Internal Market might be considered acceptable due to the potentially life-saving effects of such legislation, there is a certain urgency to develop and adopt a standard on reduced ignition propensity of cigarettes.

Consumer information campaign

Since cigarettes with reduced ignition propensity are still a source of heat, they can still ignite materials such as furniture or textiles. Stakeholders therefore suggested that consumers be informed that also reduced ignition propensity still represent a fire risk, albeit reduced. It could therefore be useful to consider a consumer information campaign at the time when reduced ignition propensity cigarettes will be placed on the market in the EU.

Toxicity of cigarettes with reduced ignition propensity

Some stakeholders expressed concerns that cigarettes with reduced ignition propensity might be more toxic than traditional cigarettes. However, available evidence provides that the already high toxicity of traditional cigarettes does not change when using the "speed bump" technique found in commercial reduced ignition propensity cigarettes in the relevant US Federal States and in Canada.

Results for the toxic potential of other possible techniques for reducing ignition propensity are not available. Therefore, such techniques may have to be carefully scrutinised before application. General knowledge about chemical reactions in the flame may be of assistance in this regard, thus the use of flame retardants appears less promising since at least some of them can generate compounds of very high toxicity.

Of course the requirement of Article 6 of Directive 2001/37/EC on tobacco products, whereby manufacturers and importers submit a list of tobacco ingredients with their toxicological data to Member States, also applies to reduced ignition propensity cigarettes.

III. Description of the mandated work

CEN is mandated to draw up a European standard(s) for cigarettes that satisfies the fire safety requirement laid down in Decision 2008/264/EC and will thus, once referenced in the Official Journal, allow cigarettes manufactured in compliance with it to have a presumption of conformity with the general safety requirement of Directive 2001/95/EC, as far as the fire safety requirement covered by the standard(s) is concerned.

According to Decision 2008/264/EC, the ignition propensity of cigarettes shall be reduced in order to minimise fires with ensuing fatalities, injuries and material damage. A cigarette with reduced ignition propensity means a cigarette that self-extinguishes when not actively

puffed, before it has burnt through its whole length. The fire safety requirement in Decision 2008/264/EC is the following:

‘No more than 25% of a batch of cigarette specimens to be tested shall burn through their whole length.’

The standard should include the fire safety requirement and a suitable test method to test whether the requirement is fulfilled by the cigarette specimens tested. The test method should provide statistically satisfactory results such as by taking into account the size and number of batches to be tested.

In carrying out the mandated work, CEN is requested to consider existing standard(s) in this area, and take into account, whenever considered appropriate, in particular the testing method described in ASTM E2187-04 or any subsequent, active version of that standard. CEN should also consider whether cigarettes manufactured by consumers themselves can be covered.

IV. Execution of the mandate

The European standard(s) shall be delivered within 2 years of acceptance of the mandate at the latest. At this time the text of the standard in the three working languages of CEN (DE, EN, FR) shall be available, as well as the correct titles in the other official European Union languages.

CEN shall inform the Commission of the arrangements to be adopted for the execution of the work within three months of acceptance of this mandate.

CEN shall develop the draft standard in close consultation with the European Commission.

In carrying out the mandate, appropriate co-ordination and liaison with relevant activities on fire safety and related organisations shall be established at international, national and regional level to ensure coherence. In particular, the work should be coordinated with activities in ISO at international level, taking into account, inter alia, the standardisation work on fire safety standards in ISO TC 92 "Fire safety" and, as appropriate, the work of ISO TC 126 "Tobacco and tobacco products".

Acceptance by CEN of this mandate starts the standstill period referred to in Article 7 of the Directive 98/34/EEC of 22 June 1998 (OJ L 204, 21 July 1998, p. 37).

V. Bodies to be associated

ANEC (European association for the co-ordination of consumer representation in standardisation), ECOS (European Environmental Citizens Organisation for Standardisation), NORMAPME (European Office of Crafts, trades and Small and Medium-sized Enterprises for Standardisation) and ETUI-REHS (European Trade Union Institute – Research, Education, Health and Safety) should be invited to take part in the mandated work.