



Texas Department of Insurance
State Fire Marshal's Office

Date: December 29, 2020

To: The Honorable Greg Abbott, Governor
The Honorable Dan Patrick, Lieutenant Governor
The Honorable Dennis Bonnen, Speaker of the House
House Committee on Insurance
House Committee on Public Health
Senate Committee on Business and Commerce
Senate Committee on Health and Human Services

From: Chief Orlando P. Hernandez, State Fire Marshal

Re: Report on fire standard compliant cigarettes

In accordance with Health and Safety Code Section 796.017, the State Fire Marshal's Office submits the following report.

Beginning in January 2009, all cigarettes sold in Texas were required to have a marking on the case, carton, or pack identifying them as "FSC" (fire standard compliant). The marking indicates the cigarettes have been tested and certified to meet the state's fire safety standards to self-extinguish when not being smoked.

The industry has adopted the letters "FSC," placed near the universal product code, as the de facto standard. All manufacturers who have registered marks in Texas use this marking. The uniform marking allows distributors, wholesalers, retailers, and regulatory entities to easily identify compliant cigarettes. As of September 1, 2020, 871 brand styles of cigarettes from 34 manufacturers are certified for sale in Texas.

Reports of fires started by cigarettes have declined since the adoption of the state's safety standards. In 2019, fire departments reported 262 structure fires listing smoking as the ignition source. In 2008, the last year that non-FSC cigarettes were widely available in Texas, 518 structure fires were attributed to smoking. Smoking was listed as the cause for 180 outdoor fires in 2019, and 1,286 outdoor fires in 2008. These statistics indicate a drop of roughly 49 percent in structure fires and 86 percent in outdoor fires where smoking was listed as the ignition source. Although some of the decrease may be attributed to lowered smoking rates and other environmental factors, credit for at least

some of the decrease should be given to the reduced ignition tendency of FSC cigarettes.

The State Fire Marshal's Office allocates one program administrator to the program. Because all states now require that only FSC cigarettes be available for sale, oversight of the program is manageable with existing staff.

Please contact me at orlando.hernandez@tdi.texas.gov, or Libby Elliott, Director of Government Relations, at libby.elliott@tdi.texas.gov, if you have any questions or need more information about this report.

Respectfully submitted,

A handwritten signature in blue ink that reads "Orlando P. Hernandez". The signature is written in a cursive style with a large initial "O".

Orlando P. Hernandez
State Fire Marshal