



HOT- ISSUES



Oregon passes ban on toylike lighters!*

Governor Kulongoski signed HB 2365 into law on March 4, 2009. The law banning toylike lighters

goes into effect on June 2, making Oregon the third state to pass a ban, after Maine and Tennessee.

On February 23 the Oregon Senate passed HB 2365, a bill banning the manufacture, sale, and distribution of toylike (novelty) lighters. The Senate vote came just nineteen days after a unanimous pass vote from the House of Representatives.

Chair of the House Consumer Protection Committee, Representative Paul Holvey (D-Eugene), and Representative Greg Matthews (D-Gresham), who is also a Gresham firefighter, carried the bill to the House floor while Senators Suzanne Bonamici (D-Washington County/Portland) and Larry George (R-Sherwood) carried the bill to the Senate floor.

Under the law, toylike lighters with features attractive to children, including visual effects, flashing lights, musical sounds, and toylike designs are prohibited from being sold, distributed, or manufactured for the purpose of sale or distribution in Oregon.

Since 2003, it has been the vision of the Office of State Fire Marshal to have toylike lighter bans on a state and national level.

The Oregon Fire Safety Coalition, chaired by retired Tualatin Valley Fire and Rescue Division Chief Tim Birr, brought stakeholders together to support the concept.

The coalition gathered more stakeholders in support than space will allow us to print. The coalition included forty-five Oregon fire departments or districts and cities or boards; fourteen fire service associations, including Western Fire Chiefs Association, National Fire Protection Association, and the National Association of State Fire Marshals; five hospitals and seven individuals. Prior to passage of the state law, two Oregon cities banned the lighters — Rogue River and Sandy. Keizer and Clatskanie passed a resolution to support statewide legislation.

The National Association of State Fire Marshals and The Lighter Association, a national trade group, are supporting an effort to ban toylike lighters across the country.

**Hot Issues* usually isn't given to exclamation points, but this news warrants it.

Ed. note. Those of you who have been working so hard to pass toylike lighter bans within your local jurisdiction or state have a lot to celebrate. Six states have passed bans as *Hot Issues* goes to print and many bans have been enacted at the city or county level. Congratulations!

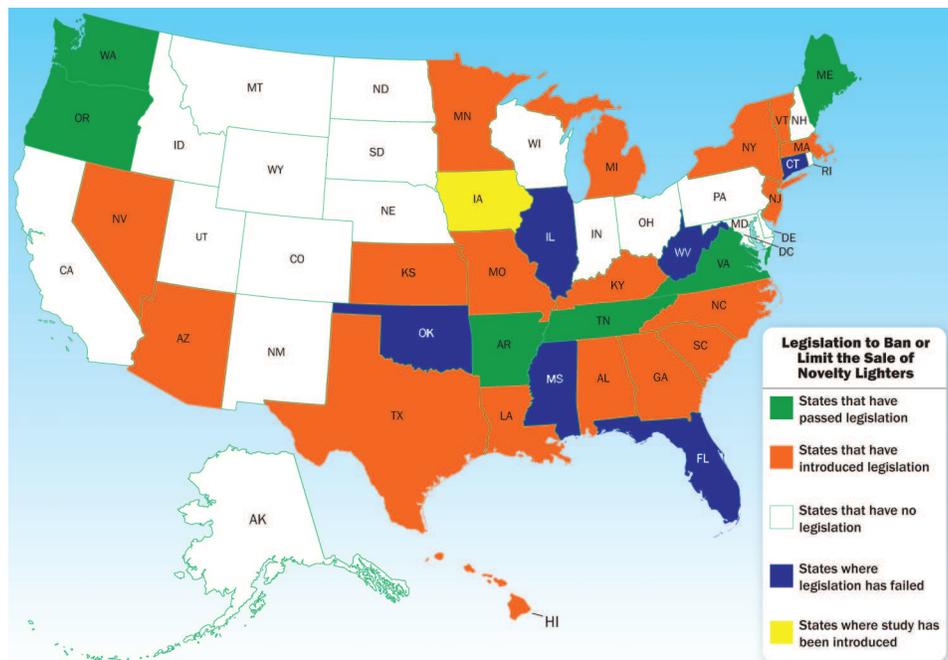
In this edition you will find the latest news about toylike lighter bans and "lessons learned" from people who were working to enact bans.

Check the Office of State Fire Marshal's Web site for more information: http://www.oregon.gov/OSP/SFM/Novelty_Toylike_Lighters.shtml

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New resource: USFA novelty lighter Web site



Tim O'Dowd, United States Fire Administration/FEMA, contacted *Hot Issues* recently with the news USFA is launching a comprehensive Web presence tracking the progress of toylike lighter bans across the United States. Part of the site's content will include the graphic included above. The map will be maintained with the most current information. The site's Web address is <http://www.usfa.dhs.gov/noveltylighters>.

O'Dowd reports that six states to date have been successful in passing legislation. In order of pas-

sage they are Maine, Tennessee, Oregon, Arkansas the Commonwealth of Virginia, and Washington. They are shown on the map in green.

The Oregon Office of State Fire Marshal and *Hot Issues* extend thanks to USFA and Tim for making this resource available to everyone. If you have toylike lighter news to share, contact Tim at Tim.ODowd@dhs.gov.

Posters to give away



The Office of State Fire Marshal has toylike lighter ban campaign posters left in stock. We are offering them, one hundred at a time, to anyone who wants them — until they are gone.

There are two different posters, in English as shown and in Spanish.

Contact Judy Okulitch at Judy.OKULITCH@state.or.us to request some.

Update on EU lighter ban legislation

A year ago the EU banned non-child-resistant lighters and lighters that in any shape or form resemble objects commonly recognized as appealing to children.

Since the ban's passage, the member states have been actively enforcing the law. European Union Member States worked together in a joint market surveillance action, with funding provided by the European Commission, to perform inspections. Inspections were performed both at customs and retailers.

At the one-year anniversary, both the ban and the joint surveillance action have been termed a success. As a result of the inspections, more than 600 lighters were removed from the market.

Federal legislation

Senator Wyden (D-Oregon) introduced Senate Bill 723 “to prohibit the introduction or delivery for introduction into interstate commerce of lighters, and for other purposes” in March of this year. Senators Collins (R-ME), Dodd (D-CT) and Carper (D-DE) were co-signers on the bill.

S. 723 was read twice and referred to the Committee on Commerce, Science, and Transportation.

S. 723 is identical to the House version of the bill, H. R. 2050. The bill has been referred to the House Energy and Commerce Committee. The bill is reprinted to the right and the committee members are shown below. If you wish to help move this bill forward, email your representative and/or members of the committee. Contact information for your representative can be found at www.house.gov/.

Members of the House Energy and Commerce Committee in the 111th Congress:

Henry A. Waxman, CA, Chair
Joe Barton, TX, Ranking Member
John D. Dingell, MI, Chair Emeritus

Mike Ross, AR	John B. Shadegg, AZ
Lois Capps, CA	Anna G. Eshoo, CA
Jane Harman, CA	Mary Bono Mack, CA
Doris O. Matsui, CA	Jerry McNerney, CA
George Radanovich, CA	Diana DeGette, CO
Christopher S. Murphy, CT	Cliff Stearns, FL
Kathy Castor, FL	Nathan Deal, GA
John Barrow, GA	Phil Gingrey, GA
Bruce L. Braley, IA	Bobby L. Rush, IL
Jan Schakowsky, IL	John Shimkus, IL
Steve Buyer, IN	Baron P. Hill, IN
Ed Whitfield, KY	Steve Scalise, LA
Charlie Melancon, LA	Edward J. Markey, MA
John P. Sarbanes, MD	Mike Rogers, MI
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Marsha Blackburn, TN	Bart Gordon, TN
Michael C. Burgess, TX	Charles A. Gonzalez, TX
Gene Green, TX	Ralph M. Hall, TX
Jim Matheson, UT	Rick Boucher, VA
Donna M. Christensen, VI	Peter Welch, VT
Jay Inslee, WA	Tammy Baldwin, WI

111TH CONGRESS
1ST SESSION

H. R. 2050

To prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2009

Mr. MICHAUD introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Protect Children
5 from Dangerous Lighters Act of 2009.”

6 SEC. 2. FINDINGS.

7 Congress makes the following findings:

8 (1) Lighters are inherently dangerous products
9 containing flammable fuel.

1 (2) If lighters are used incorrectly or used by
2 children, dangerous and damaging consequences
3 may result.

4 (3) Novelty lighters are easily mistaken by chil-
5 dren and adults as children’s toys or as common
6 household items.

7 (4) Novelty lighters have been the cause of
8 many personal injuries to children and adults and
9 property damage throughout the United States.

10 SEC. 3. NOVELTY LIGHTER DEFINED.

11 (a) IN GENERAL.—In this Act, the term “novelty
12 lighter” means a device typically used for the igniting
13 or lighting of cigarettes, cigars, or pipes that has a toy-
14 like appearance, has entertaining audio or visual effects,
15 or resembles in any way in form or function an item that
16 is commonly recognized as appealing, attractive, or
17 intended for use by children of 10 years of age or
younger, including

18 such a device that takes toy-like physical forms, in-
19 cluding toy animals, cartoon characters, cars, boats, air-
20 planes, common household items, weapons, cell phones,
21 batteries, food, beverages, musical instruments, and
22 watches.

23 (b) EXCLUSION.—Such term does not include
24 standard disposable and refillable lighters that are
1 printed or decorated with logos, labels, decals, artwork,
2 or heat shrinkable sleeves.

3 SEC. 4. BAN ON NOVELTY LIGHTERS.

4 (a) BANNED HAZARDOUS SUBSTANCE.—A
5 novelty lighter shall be treated as a banned hazard-
ous substance
6 as defined in section 2 of the Federal Hazardous Sub-
7 stances Act (15 U.S.C. 1261) and the prohibitions set
8 out in section 4 of such Act (15 U.S.C. 1263) shall apply
9 to novelty lighters.

10 (b) APPLICATION.—Subsection (a) applies to a
11 novelty lighter—

12 (1) manufactured on or after January 1, 1980;
13 and

14 (2) that is not considered by the Consumer
15 Product Safety Commission to be an antique or an
16 item with significant artistic value.

What story might firesetting tell?

a case study

by Brad Jackson, Ph.D.

A sixteen year old girl, Carrie, was picked up by the police after attacking her adoptive mom, Lynn, in the parking lot at the phone store. Carrie had gone over her phone minutes and charged up a large bill. When her adoptive mom told her she was going to lose her phone for a while, Carrie exploded and attacked physically. Carrie was taken to the county juvenile assessment center for evaluation. During the interview, Carrie also talked about a history of firesetting behavior.

This initial presentation might suggest a pattern of delinquent behavior or conduct problems. However, in follow-up interviews regarding the explosive outburst, she indicated she didn't even remember acting aggressively and simply felt "her world was being taken away from her."

Carrie was offered a plea agreement and entered a diversion program that required her to complete community service, pay a fine, re-enter therapy, and attend the juvenile firesetting intervention program at The Children's Hospital. During the firesetting evaluation, our team began looking for possible triggers for her firesetting behavior as well as for her explosive outburst. We found some clues in her history and in psychological testing.

Carrie was adopted after early neglect and abuse by her biological mother. The neglect involved long periods of unattended time during the day. Carrie initially described "feeling bored," but also remembered hours of loneliness, worry, and fear regarding her biological mother's reactions. Carrie became extremely alert and on guard for changes in her world. Interestingly, Carrie's more recent fire-setting behavior also seemed to occur when she described "feeling bored." During the treatment program, Carrie completed a "fire graph" linking thoughts and feelings to her firesetting behavior. She was finally able to identify that setting fire was calming and soothing for her and often led to day-dreaming of being in another place. We traced this story back to the earliest firesetting she could remember ... lighting her biological mother's cigarettes while she was alone as a child, watching the flame ignite them, and then slowly burning before she put them out.

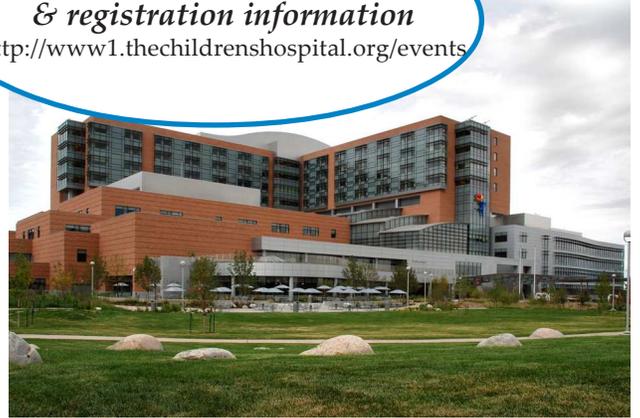
From Spark

Western Juvenile Firesetting Conference

Come join us in colorful Colorado as the as

For conference updates
& registration information

<http://www1.thechildrenshospital.org/events>



The Children's Hospital is thrilled to host
From Spark to Finish
the 2009 Western Juvenile Firesetting Conference
at the hospital's NEW state-of-the-art conference
facility in Aurora, Colorado.

Co-sponsored by
Oregon Office of State Fire Marshal,
Fire Safe Children & Families Program in Oregon
Burn Institute of San Diego, Oregon Burn Center

Call for proposals: If you are interested in presenting, submit your name, organization, presentation title, brief description, two learning objectives, estimated time (talk, workshop, or poster), audiovisual needs, and target audience by June 15th.

Contact: Veronica Garza at The Children's Hospital to submit presentation proposals and to receive conference updates.

Veronica.Garza@tchden.org or 720-777-6661.

She described this early experience as calming and soothing for her as a young child.

For Carrie, firesetting had become a way of coping with overwhelming emotions when no one else was there to nurture her. Thankfully she has been adopted into a loving and caring home where she has begun to allow others to care for her and where she is learning new ways of calming herself. The outburst over the cell phone shows how fragile her world can feel, so this will likely be a long process.

This case demonstrates the important role of juvenile

Back to Finish

Firesetting Conference

Open leaves turn and cool evenings emerge.

October 8 – 9, 2009

The Children's Hospital
13123 East 16th Avenue
Aurora, CO 80045

Conference highlights will include:

- Intervention across the continuum: fire service first responders, investigation, prosecution, diversion, education, mental health treatment, residential, and family services
- Juvenile assessment centers: models for integrated response within the juvenile justice system
- Culturally sensitive & family-focused intervention
- Assessment of juvenile firesetting behavior: enhancing your assessment approaches
- Tackling firesetting prevention and intervention at the legislative level
- Updates on national fire safety efforts
- The role of hospital burn units in prevention, intervention, and treatment, including advances in burn treatment, tours of the burn center, and models of collaboration between medical, mental health, human services, juvenile justice, and fire service personnel

*We look forward to seeing you this
Fall in Colorado!!*

assessment centers, law enforcement, and juvenile justice in identifying risk for firesetting behavior. Their screening, evaluation, and recommendations ensured this young lady and her adoptive mom received appropriate referrals, emotional assistance, and support. We look forward to highlighting this vital continuum in our intervention and prevention efforts at the Western Juvenile Firesetting Conference hosted this year in Denver, CO. Hope you can join us.

About the author. Brad Jackson is the director of the Juvenile Firesetting Evaluation and Treatment Program at The Children's Hospital.

Lessons learned in Florida

Fire service organizations in Florida came together this year to support proposed legislation banning the sale of toylike lighters in Florida. Unfortunately, our first attempt at passing this legislation failed in the Senate when the bill was caught in the middle of political posturing over an entirely different issue.

We had slightly better luck on the House side. There were a few issues, but we were able to resolve most of them through meetings and other communications. The bill passed two committees and was very likely headed to the floor until the problems came up in the Senate.

Issues that came up regarding our bill:

- Possible conflict with the CPSC requirements.
- One retail group came out in opposition of the bill. The efforts did not become an issue or hamper the bill's progress.
- The strongest opposition was from the House side, where the NRA came out in opposition and threatened to have the bill killed if the word gun was not removed from the bill.
- The biggest issue, however, was the legislators' lack of understanding of toylike lighters and the danger they present. We often heard statements such as "this is a do nothing bill," and "we have more important pressing issues to deal with." We must change these perceptions before next year's session.

As we move forward, we will be working with our current sponsors' support to file the bill again next year. We will also establish a line of communication with those in opposition to better educate them about the dangers presented by these lighters.

PARADE Conference passes resolutions

The United States Fire Administration (USFA) hosted 140 fire prevention professionals for the fifth National PARADE (Prevention Advocacy and Data Exchange) Conference in May.

The 2009 PARADE participants crafted and unanimously passed two resolutions: on in support of banning the sale of toylike lighters and the second supporting the International Residential Code for fire sprinklers in on- and two-family dwellings and townhouses. To review these resolutions, visit the USFA Web site at www.usfa.dhs.gov/parade/.

Lessons learned in Virginia

by Lt. Wanda Willis

On July 1, 2009, new legislation will go into effect in Virginia prohibiting the sale of novelty lighters to juveniles under the age of eighteen. An important aspect of the legislation is that all novelty lighters available for purchase at retail establishments shall be located in a place that is not open to the general public. This will help keep children from taking these lighters and parents from accidentally purchasing them.

This was hard-fought legislation that took many twists and turns on its way to becoming a law. In 2006, our novelty lighter fire prevention week display caught the attention of a candidate running for a Virginia House of Delegates seat. After being elected to office, Delegate Matt Lohr approached the Harrisonburg Fire Department about introducing novelty lighter legislation at the Virginia General Assembly. That year the proposed legislation asked for a full ban on novelty lighters but it failed in subcommittee. Though the committee members were sympathetic to the proposed legislation, they stated the wording would need to be changed and brought back another year.

In 2009 the Harrisonburg Fire Department decided to pursue the legislation again. With the support of the Virginia Fire Chiefs Association, we were given access to their lobbyist who kept us informed of the actions of the General Assembly. Lobbyist Ed Rhodes helped rewrite the legislation and provided day-by-day updates during the weeks we were at the General Assembly. Safe Kids Worldwide provided statistics and information from their Public Policy Division. Virginia Fire Prevention Association, Virginia Chapter of the International Association of Arson Investigators, Virginia Association of Volunteer Rescue Squads, Virginia Association of Governmental EMS Administrators, Virginia EMS Councils Directors Group, and the Virginia Chapter of the American Academy of Pediatrics also supported the legislation. We stayed in the forefront of legislators by speaking at several meetings of the Governor's Secure Commonwealth Panel.

At one meeting another Delegate also became an advocate for novelty lighter legislation. Delegate Algie Howell (D) and Delegate Matt Lohr (R) brought the bipartisan legislation to the General Assembly agenda.

The proposed novelty lighter legislation had to pass through subcommittees in both the House of Delegates and Senate. It then went to the full committees before being voted on by both the full House of Delegates and Senate. This was not an easy task and the legislation was rewritten several times to accommodate different opinions. The legislation was signed by Governor Tim Kaine on March 30, 2009, and will go into effect on July 1, 2009.

For communities and states looking to pass similar legislation, I would recommend getting support from your prevention and injury advocacy groups. Without their support we would not have had access to our lobbyist who introduced us to delegates and senators and advised us where to be and when we needed to be there. Secondly, be prepared with up-to-date incidents both locally and nationally involving novelty lighters. We were able to answer questions and concerns but also provided handouts for the delegates and senators. And the last and most important part is, never give up! There were times we thought the legislation would not pass but with persistence and patience we were able to obtain a positive result.

If you have any questions about Virginia's Novelty Lighter legislation please contact me at 540-432-7703 or wandaw@harrisonburgva.gov.

About the author. Lt. Wanda Willis is the fire prevention education specialist with the Harrisonburg Fire Department (Virginia).

Wanda sent *Hot Issues* this photo. Can you tell which cow is actually a lighter? (answer below)



The cow on the left is a lighter.

Oregon's approach to fire education

The Office of State Fire Marshal (OSFM), in partnership with a cadre of professional Oregon health teachers, is delivering trainings to Oregon teachers on Oregon's fire awareness curriculums — *What Can You Do?* (elementary level), and *It's up to You!* (middle school level). Thus far, the team has delivered regional trainings in Eugene, La Grande, Newport, Ontario and Portland. Attending teachers are taking the curriculums back to their schools and will train fellow staff on them. So far, a total of sixty-eight teachers have received the training.

The fire department in each of the cities was the host agency. Fire personnel also attended the training and they will partner with the classroom teacher as the curriculums are being taught.

Judy Okulitch, OSFM, said the goal of the curriculums is to provide quality fire education that will lead to preventing youth-set fires and to teaching youths to become fire-safe adults.

The Office of State Fire Marshal will soon publish its final fire awareness curriculum, *Do the Right Thing*. This curriculum includes lessons that directly enhance and expand classroom lessons in *What Can You Do?* They are designed for delivery in the classroom by fire service educators. Okulitch said fire departments can become teaching partners, rather than serving as the sole source of classroom fire safety teaching — a role they can only fill as time permits and to the extent they are invited into classrooms.

The curriculums provide structured fire safety education on the reality of fire, fire prevention and safety, survival skills (including earthquake and tsunami lessons which are required by law in Oregon schools), and personal responsibility. The middle school curriculum also includes a unit about how media pieces are constructed and the influence media has on students' perceptions of fire.

Okulitch participated in a full day retreat with members of the health cadre that is training

teachers on the elementary and middle school fire awareness curriculums. They reviewed the evaluations from the teachers on their experience with the materials and the training format. Some of the comments:

"I have never had any training in fire safety — extremely valuable."

"It is great to get updated materials. Before today, the curriculum I have been using is 20 years old."

"Thanks for giving us the curriculum. It is a great new resource."

"Thanks for paying for my substitute. I otherwise could not have attended."

"Make sure that administrators understand the law about teaching fire safety each month."

As the comments show, the training model and curriculums have been very successful. The cadre is funded by a group of Oregon agencies and the Office of State Fire Marshal has dedicated money and staff to support the trainings because of the high value it places on fire safety education.

Hard-copy curriculums are available free of charge only to Oregon schools. Others may download them from the OSFM Web site.

Nineteen Eugene area teachers, the Oregon Health Cadre, and Eugene Fire and EMS are shown below at the February training in Eugene.





Oregon Office of State Fire Marshal
Department of State Police
Juvenile Firesetter Intervention Program
4760 Portland Road NE
Salem, OR 97305-1760

ASTM F400 standard

Another way you can help

The ASTM F400 is a standard that addresses safety issues related to the function of all lighters such as flame height and extinction, structural integrity and levels of pressure and fuel. It is the most comprehensive lighter safety standard in existence.

All members of the Lighter Association comply with this voluntary standard. According to David Baker, General Counsel for the Lighter Association, "very few Chinese lighters fully comply with these requirements. Published testing shows that from 77 percent to 100 percent of Chinese lighters failed third party testing of the lighters for compliance with ASTM F400."

In 2004, CPSC held a public hearing on the petition to make ASTM F400 mandatory. The National Association of State Fire Marshals spoke in favor of making the standard mandatory for the U.S. as it is in Canada and Mexico. If it were mandatory, CPSC and Customs could stop noncompliant lighters at the border rather than waiting for them to enter the stream of commerce.

CPSC has not yet issued a ruling on the standard. If you want to help support it, contact David H. Baker, General Counsel, Lighter Association, www.lighterassociation.org or 202-253-4347

Kudos to Tennessee

In Tennessee, the *NewsChannel 5 Investigates* team took two honors in the Tennessee Associated Press Broadcaster awards for the state's "Best Investigative Reporting" and "Best Public Affairs."

The award for "Best Public Affairs" went to NewsChannel 5's investigation of toylike lighters. That project, led by investigator Jennifer Kraus, prompted lawmakers to ban the cigarette lighters that children might mistake for toys.

Jeff Huddleston, Tennessee State Fire Marshal's Office, led the effort to ban the lighters by calling attention to them and involving the Channel 5 investigative reporter. Huddleston showed a group of children between the ages of three and seven with some toylike lighters. All the children thought the lighters were toys and began playing with them. Jeff said, "You're taking something that is deadly and you're making it appealing to children and that's wrong."

Congratulations Jeff, Tennessee, and *NewsChannel 5*.

Hot Issues is a quarterly newsletter of information and ideas for those concerned about juvenile with fire. It is published by the Oregon Office of State Fire Marshal. Please submit news, announcements, articles, suggestions or resources for review to *Hot Issues*. In compliance with the Americans with Disabilities Act, this publication is available in alternate formats by calling 503.373.1540, ext. 230. Subscriptions are free of charge. Also available on the Office of State Fire Marshal Web site: <http://www.oregon.gov/OSP/SFM/>

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