



**U.S. CONSUMER PRODUCT SAFETY COMMISSION**  
WASHINGTON, DC 20207

Record of Commission Action  
Commissioners Voting by Ballot\*

Commissioners Voting:     Chairman Hal Stratton  
                                    Commissioner Thomas H. Moore

ITEM:

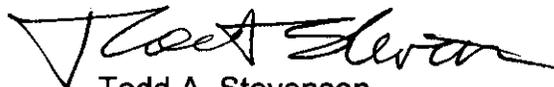
Petition CP 02-1; requesting that Commission adopt ASTM F-400 as a mandatory standard for cigarette lighters  
(Briefing package dated November 19, 2004)

DECISION:

The Commission voted unanimously (2-0) to grant Petition CP 02-1, submitted by the Lighter Association, Inc., requesting that the Commission adopt ASTM F-400 for cigarette lighters as a mandatory standard.

Commissioner Moore submitted the attached statement to accompany his vote.

For the Commission:

  
Todd A. Stevenson  
Secretary

\* Ballot vote due November 30, 2004



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STATEMENT OF THE HONORABLE THOMAS H. MOORE  
ON THE CIGARETTE LIGHTER PETITION, CP 02-1  
November 30, 2004

I am voting to grant this petition to allow for additional fact finding. I view an Advance Notice of Proposed Rulemaking as an opportunity to gather more data on an issue that may or may not merit further rulemaking proceedings. In this case I do have doubts, based on the staff's current analysis, that promulgating a final rule in this area would be the best use of government resources. However, continuing to gather data on whether lighters that fail to comply with the ASTM standard constitute a big enough hazard to justify a federal rulemaking proceeding, is warranted

Given the major resource-intensive flammability projects that the Commission is working on at the moment, I would not like to see any significant staff time or agency money devoted to a cigarette lighter proceeding until those major flammability projects are closer to completion. And, unless additional death and injury data changes the hazard analysis picture substantially, it will be hard to argue with our technical staff's assessment that lighters do not appear to present an unreasonable risk of injury.

I raised a question at the public briefing on the resource implications of a monitoring program to verify conformance with the voluntary standard. Staff has not had an opportunity to respond, given the press of other work, but I would like to have that information as part of the ANPR process.

As with our other pending rulemakings in the flammability area, enforcement will be crucial to making a federal regulation successful. Nearly a billion lighters enter the U.S. market every year, and a growing number of them are imports. Due to the U.S. Customs and Border Protection's emphasis on homeland security, it has limited ability to help us interdict violative products. Therefore, at some point we may have to ask ourselves if lighters that fail to meet a voluntary standard, but which do not present a significant hazard to the American public, are what we want Customs to be spending its time helping us stop at the borders.