

STATEMENT OF THE HONORABLE NANCY A. NORD ACTING  
CHAIRMAN U.S. CONSUMER PRODUCT SAFETY COMMISSION  
BALLOT VOTE  
(LIGHTERS)  
February 1, 2008

Today I am voting to seek public comment on whether the Consumer Product Safety Commission (“Commission” or “CPSC”) should formally rely on the voluntary consensus standard for cigarette lighters. (“ASTM F-400” *Standard Consumer Safety Specification for Lighters, ASTM F-400-00*). I support the Commission relying on this safety standard for cigarette lighters as it will protect the American consumer by better ensuring the safety of lighters, especially those imported from overseas. I am disappointed that my colleague is not joining me in this effort to provide protection to American consumers even to the extent of asking for public comment.

Of the nearly one billion cigarette lighters sold in the United States, over 700 million are imported each year, with the majority of those coming from China. With so many lighters manufactured abroad, the Commission must do all it can to make sure that these lighters are safe and meet the same high standards as those made in America.

The most frequent and severe injuries to consumers are from lighter explosions. According to the Commission staff, ASTM F-400, developed with input from CPSC technical staff, effectively addresses this risk, among others, and lighters conforming to it are much less likely to harm consumers.

While the majority of U.S. manufacturers are complying with ASTM F-400 already, CPSC staff data show that imported lighters have a significantly lower rate of conformance. This could be because many of the overseas manufacturers are ignorant of the existing standard or they simply might chose not to design and manufacture lighters to the standard. By relying on ASTM F-400, it would then be mandatory under Section 15 of the Consumer Product Safety Act for lighter manufacturers and retailers to report to the Commission if they seek to sell lighters that do not meet the safety requirements of ASTM F-400. Reliance would allow the Commission to seek civil and criminal penalties against those sellers that do not report noncompliance with the standard.

In addition, lighters are one of the specific product category working groups addressed by the product safety memorandum of understanding (“MOU”) the Commission established with its counterpart Chinese agency, and reliance on ASTM F-400 would send a strong message on lighter safety. Enforcement activities could be strengthened through the activity of the lighter working group. Relying on ASTM-F-400 would also bring the U.S. standard into harmony with much of the rest of the world. For example, Canada and Mexico have virtually an identical standard to ASTM F-400 and formal reliance by the Commission would likely encourage more manufacturers to comply.

Congress recognized the important role that consensus standards play in assuring consumer product safety and included in the Consumer Product Safety Act this unique statutory provision for the Commission to formally rely on standards such as ASTM F-400. Reliance would act as a strong deterrent to the import of unsafe lighters and would advance consumer safety. This concept deserves to be explored through the public comment process.

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