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STATE REPRESENTATIVE • 51ST ASSEMBLY DISTRICT

P.O. Box 8953

Madison, WI 53708-8953

DATE: Thursday, January 11th, 2024
RE: Testimony on Assembly Bill 917
TO: Assembly Committee on Consumer Protection
FROM: State Representative Todd Novak

Thank you Chairman Callahan and members of the Assembly Committee on Consumer Protection for holding this public hearing on Assembly Bill 917 (AB 917), relating to the sale of counterfeit lighters and unsafe lighters.

I authored this bill with Senator Patrick Testin after learning about a disturbing trend in the rise of injuries particularly in children and counterfeit lighters. Particularly with unregulated, counterfeit, and unsafe lighters with ties to foreign countries.

Today, with the rise of online purchasing, these dangerous knock-off lighters are cheaper and easier than ever to purchase. More than 300 million imported lighters entered the U.S. in 2017 alone and 70% of lighter models tested in the U.S. failed ASTM International Safety Standards.

China and other countries have imported counterfeit unsafe pocket and utility lighters into the United States for decades. These unregulated items have led to thousands of injuries, billions of dollars in damages, enormous health care costs, and unfortunately, death. By simply defining what an "unsafe lighter" is we can vastly reduce the unnecessary damages and injuries incurred every year as well as reduce the strain on our hospitals and first responders.

AB 917 defines an "unsafe lighter" and prohibits their sale while adding no additional punishment or fees onto retailers. The bill will add no additional strain on local retailers as the bill does not include a penalty for retailers that possess and/or sale these unsafe lighters.

The bill does however send a clear message that Wisconsin will not tolerate intellectual property theft as well as the continued invasion of these unsafe lighters in Wisconsin retail marketplaces.

I am proud of the extensive list of supporters this bill has garnered, including Wisconsin retailer associations, as well as several law enforcement associations illustrating the strong support for consumer safety and protecting existing patent laws.

Thank you for your consideration of Assembly Bill 917.



PATRICK TESTIN

STATE SENATOR

DATE: January 11, 2024

RE: **Testimony on Assembly Bill 917**

TO: Assembly Committee on Consumer Protection

FROM: Senator Patrick Testin

Thank you Chairman Callahan and Committee Members for the opportunity to testify on Assembly Bill 917.

The production and trafficking of counterfeit goods poses a significant health and safety threat to consumers while also impacting the economic growth of legitimate businesses and consumers through lost revenue, downtime, and replacement costs.

Today, with the rise of online purchasing, these dangerous knock-off lighters are cheaper and easier than ever to purchase. More than 300 million imported lighters entered the U.S. in 2017 alone and 70% of lighter models tested in the U.S. failed ASTM International Safety Standards.

China and other countries have imported counterfeit unsafe pocket and utility lighters into the United States for decades. These unregulated items have led to thousands of injuries, billions of dollars in damages, enormous health care costs, and unfortunately, death. By simply defining what an “unsafe lighter” is we can vastly reduce the unnecessary damages and injuries incurred every year as well as reduce the strain on our hospitals and first responders.

Studies continue to prove that upheld safety standards for lighters reduce health care costs by over \$1 billion, reduce hospital grade injuries by 84% and reduce burn injuries by 74%. Passing this bill will add no additional strain to businesses while reducing intellectual property theft from China and reducing the enormous burden of unnecessary hospital bills and damages.

Counterfeit products not only attack the name and value of a known business, but, in many cases, can cause harmful, and sometimes fatal, consequences for the unsuspecting buyer.

Thank you for your consideration of Assembly Bill 917.



Professional Fire Fighters Wisconsin Charitable Foundation

TESTIMONY IN SUPPORT OF 2023 ASSEMBLY BILL 917 Relating to the sale of counterfeit lighters and unsafe lighters

Good Morning, my name is Mike Wos. I am a Lieutenant with the City of Oshkosh Fire Department. However, I am here today as the Executive Director of the Professional Fire Fighters of Wisconsin Charitable Foundation (PFFWCF).

The PFFWCF is an independent self-supporting public charity that serves as a champion for burn survivors fire fighters, and safe communities throughout Wisconsin through education, risk mitigation, and programming and services.

The organization we now operate started xx years ago in the City of Milwaukee. Where within a 15-day period, 3 fires took the lives of 20 people, including 17 kids. These tragic events lead to the creation of the Wisconsin Alliance for Fire Safety. An organization dedicated to supporting burn survivors and preventing fires and burns through education.

Because of modern furnishings, fuel load, modern construction, and building materials: fires today are faster, hotter, more toxic, and deadlier than ever before. Flashover is the point where fire grows to ignite everything in a room at the same time and no one survives flashover. 30+ years ago a fire could grow for 15-20 minutes before reaching flashover. Today we see flashover occurring in as little as 3 to 5 minutes. That is all the time you have to escape a fire.

Fires are not only more dangerous and faster, but children have access to devices that are more likely to start an accidental fire if not operated properly. For these reasons, we are in support of any regulation that will make it harder for kids to start or play with fires.

Lithium-ion batteries are increasingly found in devices and systems that the public and first responders use or interact with daily. While these batteries provide an effective and efficient source of power, the likelihood of them overheating, catching on fire, and even leading to explosions increases when they are damaged or improperly used, charged, or stored. While electronic lighters are not yet covered in the ASTM International standards covered in this legislation, we believe in soon will be to address the need safety concerns associated with them and the need for regulation.

For the past 29 years, we have also held our annual Summer Camp for Burn Injured Youth. Burn Camp is a free week-long summer camp, where 50-100 kids with life changing burn injuries come to have fun and heal emotionally – without having to worry about the world around them.

I came to Burn Camp 22 years ago as a new Mukwonago volunteer fire fighter and the experience changed my life. Seeing people from all walks of life come together to make these kids so happy is inspiring to say the least.

After all these years, I still can't imagine the pain and hardships these kids have to go through. Burns are the most painful thing a person can experience. A child with a skin graft has to go through multiple surgeries because as they grow, their skin grafts do not.



We have had kids who have had 100 surgeries before their 18th birthday. Seeing kids with burns covering 60,70,80% of their body is not easy. Especially now, knowing what treatments are involved, the cost of healthcare, and knowing the cause of a vast majority of these burns were preventable.

1,500 kids are seen in Wisconsin emergency rooms each year with burn injuries. Of those, more than 100 are admitted for more than 3 days with severe burns. This means there are more than 1,400 kids in Wisconsin; in the 7-17 age range, that are eligible to attend our Burn Camp.

Looking back at the causes of burns listed on the camper applications of the 1,000+ kids that have attended Burn Camp over the last 29 years. We have at-least 10-15 kids each year with burns caused by playing with fire and at-least 3-5 kids each year with burns caused by playing with lighters specifically.

Please support this legislation and help us create a fire-safe and burn-free Wisconsin.

Thank you,

Michael J. Wos, Executive Director
Professional Fire Fighters of Wisconsin Charitable Foundation, Inc.
321 East Main Street, Suite 200
Madison, WI 53703
(608) 630-8440
Mike@pffwcf.org

10 January 2024

TO: Committee on Consumer Protection

ATTN: Representative Calvin Callahan

REFERENCE: AB 917

On behalf of the firefighters and EMTs of the Dodge County Firefighters Association, I urge you to consider voting in favor of this important legislation (AB-917; Prohibition of sell or offer Counterfeit Lighters or Unsafe Lighters).

Our mission as first responders is to protect and teach those we serve of the many hazards in our world. One hazard is the possession of items that can cause fires leading to life changing injuries or accidents. The loss of a home or other structures could occur by allowing counterfeit or unsafe lighters be accessible and sold. These devices are designed to attract people to purchase or take, especially children are attracted. These uniquely designed lighters may be a device that plays music, flashing lights, or looks like a toy, musical instrument, etc. These are created to have people [kids] to purchase.

Every month we read reports individuals have started a fire and were injured or even killed because of playing with fire. These incidents are enhanced due to the easy access to instruments of fire. Some of these are found to be Counterfeit or Unsafe Lighters used to ignite a cigarette, cigar or pipe that doesn't comply with ASTM International standard F400-20. Some other items that have been counterfeited include utility, grill or fireplace lighters, along with lighting rod or gas match.

Our state restricts the sale of smoking items [cigars, cigarettes]. We are asking that we create a law that prohibits the offer of a free sample or the sale of these lighters deemed counterfeit or unsafe to minors and adults. This legislation would prohibit the sale of these dangerous items in the State of Wisconsin.

Thank you for your consideration of holding a hearing on this legislation, AB-917 and trust that you will provide the leadership in moving this forward to the floor of the Assembly for a vote.

Sincerely,

Kelly Keller
President
Dodge County Firefighters Association

TESTIMONY OF

BIC CORPORATION

Steve Burkhart

Vice President and General Counsel Emeritus

Before the Wisconsin General Assembly

January 11, 2024

Good morning and thank you for your time today. My name is Steve Burkhart and I'm here on behalf of BIC Corporation in support of Assembly Bill 917, relating to: the sale of counterfeit and unsafe lighters.

In 2021 I retired from BIC after 28 years of service as in-house counsel, including over a decade as Vice President Administration, general counsel, and secretary. I chair the International Organization for Standardization's Working Group for lighters and am the President of the US Lighter Association.

BIC has a long and proud history in the United States. BIC's lighter factory has called the United States home for nearly 60 years. Every day, more than 400 U.S. employees, including over 100 United Steelworkers, support the manufacture, distribution, and sale of BIC products throughout the world, including the highest quality lighter, and the only one of its kind made in the USA.

Assembly Bill 917 seeks to support the efforts of our employees, customers, and consumers, by ensuring that lighters sold in Wisconsin are safe, meet long-established ASTM industry standards, respect intellectual property, and don't injure children.

Without the protections afforded by this bill, consumers will continue to experience unsafe lighters in the marketplace, sold by both brick-and-mortar retailers and online merchants.

Today, and for many years, unsafe and counterfeit have been purchased unknowingly, and unintentionally by consumers, and sometimes retailers, in Wisconsin. While attempting to purchase a genuine BIC lighter, consumers and retailers are fooled by a cheap knock-off, often imported from Asia.

BIC has tirelessly sought to promote rules that prevent, or at least diminish these unsafe practices. BIC brought an unfair competition claim before the International Trade Commission, against Chinese manufacturers counterfeiting the world famous, and protected, BIC lighter made in the USA. BIC even sued some of its own customers to send a message to the industry that sales of such unsafe products will not be tolerated. BIC won the lawsuit and works directly with US Customs to train staff at US ports to reduce the importation of unsafe and counterfeit lighters.

BIC has invested millions of dollars, including over \$50M in recent years, in its state-of-the-art factory in the USA, to ensure every BIC lighter meets or exceeds all industry standards, including ASTM, which has guided industry since the early 1970s.

Working with the US Lighter Association and others, BIC is supporting state laws prohibiting the sale of unsafe and counterfeit lighters throughout the USA.

Assembly Bill 917 will provide additional resources to consumers, retailers, distributors, and BIC by requiring manufacturers to respect long established ASTM industry standards that ensure safety.

Please support our efforts to improve safety for Wisconsin residents.

Thank you.