

20 February 2020

Washington State Senate  
Olympia, WA 98504

Dear Senator:

On behalf of millions of taxpayers and consumers across the State of Washington, we, the undersigned, urge you to vote against S.B. 6254, which would make permanent the ban on the sale of flavored e-cigarette products in the state. In addition, the proposed legislation places strict limits on *all* vaping products in the states by banning e-cigarettes which contain nicotine that is equivalent to two percent of the total volume of the liquid, twenty milligrams of nicotine per milliliter of liquid, or twenty thousand parts per million of nicotine in the liquid. These misguided legal provisions would create insurmountable difficulties for cigarette smokers looking for a safe alternative to their deadly habits. In addition, all credible academic research demonstrates that youth non-smokers are simply not attracted to vaping products because of the use of flavorings. However, vaping does help millions of adults successfully quit smoking traditional combustible cigarettes.

This deeply troubling approach to ban flavors and place onerous restrictions on e-cigarettes comes amid hundreds of reported lung ailments allegedly stemming from vaping products. However, as has been confirmed by the [Centers for Disease Control and Prevention](#) and corroborated by numerous peer-reviewed academic publications such as the [New England Journal of Medicine](#), every case of illness and tragic death has been as a result of illicit, black-market THC vaping devices bought on the streets and laced with substances such as Vitamin E acetone. Further, restricting access to legal and regulated e-cigarettes will do nothing to address this problem. On the contrary, the effects will simply be to drive more people to purchase dangerous illegal bootleg vapes which will put even more lives in danger.

The weight of the evidence overwhelmingly demonstrates that e-cigarettes are a safe way for people to quit smoking. A recent U.S. National Academies of Sciences, Engineering and Medicine report on e-cigarettes also [found](#) that, based on the available evidence, “e-cigarettes are likely to be far less harmful than combustible tobacco cigarettes.” The United Kingdom (UK) Government and all major medical bodies now “encourage” smokers to use e-cigarettes as a quit-smoking aid.

This is not surprising because of the overwhelming evidence on the effectiveness of a product that is “around [95 percent less harmful than smoking](#),” and that e-cigarettes also pose no threat to bystanders via “passive smoking.” Numerous studies have shown that e-cigarettes are considerably more effective than traditional nicotine replacement therapies such as nicotine gums and patches. In January 2019, the [New England Journal of Medicine](#) [reported](#) the results of the largest and most comprehensive of these, finding unequivocally that e-cigarettes are nearly twice as effective as conventional nicotine replacement products (such as patches and gum) for quitting smoking. As such, the State of Washington should be doing everything in its power to encourage people to quit smoking through the use of e-cigarettes. A flavor ban would handicap these efforts, while strict nicotine limits on all products would effectively take the vast majority of current, proven products off the shelves.

This would spell disaster for thousands of ex-smokers statewide. As a result of the introduction of vaping products, smoking rates in Washington State have fallen significantly in recent years. [As of 2017](#), only 13.5 percent of Washington State adults, and 5 percent of high school students, currently smoke traditional combustible cigarettes. In addition, preliminary numbers from the FDA have indicated the number of teens smoking nationally has fallen by a staggering 20 percent on top of this over the past two years, the sharpest decrease in history. This is an outcome that should be embraced and celebrated by lawmakers.

According to the most comprehensive peer-reviewed research on the effects of switching coordinated by the George Washington University Medical Center, if a majority of smokers in Washington State quit smoking through the use of e-cigarettes over the next ten years, [160,000 lives would be saved](#). The current proposed executive action would reverse the trend away from traditional consumption, as people return to smoking harmful combustible cigarettes.

Flavored products are key to helping people transition from combustible cigarettes to safer alternatives. Existing survey evidence supports the idea that, amongst the general smoking public on the whole, flavors induce substitution from traditional cigarettes to reduced-risk e-cigarettes. A 2016 survey of more than 27,000 e-cigarette users [found](#) that nearly three-quarters (72 percent) of respondents “credited tasty flavors with helping them give up tobacco.” This shows that e-cigarettes may truly be providing all smokers an exit ramp from traditional, more harmful tobacco products.

While flavors may be helping conventional smokers quit smoking, the evidence shows that flavors play little to no role in inducing middle-and-high school students to use e-cigarettes. A 2016 study published in [Tobacco Control](#) used a national phone survey to ascertain teenage usage and interest in e-cigarettes and attempted to gauge the role of flavor in increasing interest in these products. The researchers found that, of teenagers that have never smoked, only 3.3 percent expressed interest in trying e-cigarettes and that there was no evidence for flavors driving e-cigarette uptake.

Given that the scientific literature demonstrates that flavors are not a decisive factor in youth taking up e-cigarettes, but are helpful for traditional smokers quitting, the state’s case for banning flavored product is not only without foundation but is downright damaging to public health.

Contrary to anti-vaping arguments, there is no evidence that e-cigarettes provide a “gateway” to smoking for youths as they enter adulthood. This has been demonstrated through numerous studies which instead find that vaporized nicotine has almost exclusively been taken up by smokers attempting to quit or lower their intake, therefore acting as a “gateway” away from tobacco smoking. An April 2019 study funded by the UK’s National Institute for Health Research and led by Cardiff University [concluded](#) that “fears over a resurgence in youth tobacco smoking because of the rise in e-cigarette use are largely unfounded to date” and that there is “no evidence” that e-cigarettes are causing young persons to commence smoking traditional combustible tobacco. In October 2019 the prestigious medical journal [Nicotine and Tobacco Research](#) found that, “E-cigarette use does not appear to be associated with current, continued smoking.”

Figures which purport to show that e-cigarettes are providing an on-ramp for non-smoking teenagers that would otherwise lead smoke-free lives have been debunked by newer, better evidence. Survey data finds that “never-smokers” comprise a tiny minority of e-cigarette users in young persons. The researchers find that, by far, the biggest predictor of current e-cigarette usage is current cigarette usage. Amongst ever-smokers and current smokers, current e-cigarette usage rates are 23.5 percent and 64.1 percent respectively.

When states take away options for smokers to quit their deadly habit, smokers turn to street dealers pedaling contaminated products. As a consumer and taxpayer advocacy groups, we encourage Washington State officials to make decisions that are in the best interest of the consumer. All available evidence confirms that adults are using flavored products to quit conventional tobacco products and that flavors are an important part of this trend, while not affecting youth uptake. In addition, the limited amounts of nicotine in existing products allows smokers a smooth, seamless transition away from cigarettes. Washington State should allow for innovations that could help wean smokers off conventional products. There is no reason to keep flavored products from the public and prohibit modest nicotine levels found in smoking cessation products currently on the market.

We urge you to carefully examine the facts and science attesting to e-cigarettes' efficacy as a powerful quit-smoking aid. Millions of lives depend upon it.

Thank you for your consideration of this pressing issue.

Regards,

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