



National Association of County & City Health Officials

The National Connection for Local Public Health

December 3, 2019

The Honorable Raja Krishnamoorthi  
Chair  
House Oversight and Reform  
Economic and Consumer Policy Subcommittee  
Washington, DC 20515

The Honorable Michael Cloud  
Ranking Member  
House Oversight and Reform  
Economic and Consumer Policy Subcommittee  
Washington, DC 20515

Dear Chair Krishnamoorthi and Representative Cloud:

On behalf of the National Association of County and City Health Officials (NACCHO) and the nearly 3,000 local health departments across the country, I write today to thank the committee for holding the hearing, “The Federal Response to the Epidemic of E-Cigarette Use, Especially Among Children, and the Food and Drug Administration’s Compliance Policy.” NACCHO represents our nation’s county, city, metropolitan, district, and tribal health departments that are on the front lines of addressing tobacco use—including vaping and e-cigarettes—each day. NACCHO has urged the Trump Administration to move forward on prohibiting the sale of flavored e-cigarettes, including mint and menthol, and to apply the ban to all retailers.

Any tobacco product use, including e-cigarettes and other nicotine products, is unsafe, especially for youth. However, youth trends in tobacco use are going in the wrong direction. The Centers for Disease Control and Prevention has reported that in 2018 more than 1 in 4 (27%) high school students and more than 1 in 20 (7.2%) middle school students reported using an e-cigarette in the last 30 days.<sup>i</sup> Even more concerning, among current tobacco product users, about 2 in 5 (1.68 million) high school students and 1 in 3 (270,000) middle school students used two or more tobacco products in 2018.<sup>ii</sup> E-cigarettes were the most commonly reported product used in combination with other tobacco products among both middle and high school students. While we are seeing trends of e-cigarette use skyrocketing among youth, the Journal of the American Medical Association reported e-cigarette use in adults, the intended users of the products, has remained stable and even showed signs of decline in use.<sup>iii</sup>

Local health departments are key partners with the healthcare system and non-governmental organizations to protect the health and well-being of their community and are instrumental in ensuring public awareness about the dangers of tobacco use, including e-cigarettes, particularly among youth. For example, NACCHO’s recently released report, [Tobacco Control Efforts in Rural America: Perspectives from Local Health Departments](#), found that nearly all respondents (90%) reported engaging in tobacco and cessation activities and initiatives in the community, including education, referrals to Quitlines, social marketing campaigns, and cessation support groups. This same study highlighted the particular challenge of e-cigarette use to their regions, with 93% of respondents noting that e-cigarettes were a threat in their communities.<sup>iv</sup> These numbers reinforce what we are hearing from health departments of all sizes across the country: youth e-cigarette use is a big problem getting bigger. Local health departments are tackling this issue through both programmatic and policy channels by raising awareness and disseminating educational materials, providing support to parents and schools, ensuring



local policies support tobacco-free kids, and continuing to promote evidence-based approaches to combat use among youth.

Bold action to tackle this issue is needed, and that includes addressing what leads children to use these products and the wide range of locations where they can be purchased. Flavors are a primary reason why youth are using e-cigarettes, cigars, and other tobacco products. Flavors alter the taste and reduce the harshness of tobacco products, making them more appealing to young people and easier for them to use. According to the CDC, 3.14 million (64%) of current middle and high school tobacco users reported current flavored tobacco product use in 2018, with e-cigarettes cited as the most used flavored tobacco product in 2018<sup>v</sup>. Despite the appeal of flavors among youth, manufacturers have introduced thousands of flavored tobacco products to the market in recent years, including e-cigarettes with flavors such as gummy bear, cotton candy and peanut butter cup and cigars with flavors such as watermelon, lemonade and cherry dynamite. As of 2017, researchers had identified more than 15,500 unique e-cigarette flavors available online.<sup>vi</sup>

The availability and easy access to flavored e-cigarette products are another major concern. According to a 2018 estimate, 74% of youth are purchasing e-cigarette and related products from brick and mortar vape shops.<sup>vii</sup> This is likely due to an insufficient record of checking purchasers' age. A 2019 study in JAMA Pediatrics found that in California, e-cigarette sales to minors violations are significantly higher in tobacco and vape shops than any other type of retailer, with nearly 45% selling to underage decoys.<sup>viii</sup> With a high percentage of youth purchasing e-cigarettes from physical shops, no exceptions to the proposed ban should be made.

The alarming rise in e-cigarette use among youth calls for immediate federal action. Support is needed for more education at the local level to inform parents and children about the dangers of nicotine on the developing brain and damage caused to the lungs by inhalation of dangerous, highly addictive substances. We also need to ensure that there are programs and services available to help youth who are addicted to these products to quit—something that is receiving far too little public attention. And we call on Congress to do all it can to reduce the availability, appeal, and use of e-cigarettes among youth to protect them from the dangers of nicotine and vaping by supporting efforts to remove enticing flavored e-cigarettes from the marketplace immediately.

Thank you for your leadership on this issue. For more information, please contact Adriane Casalotti, NACCHO's Chief of Government and Public Affairs at [acasalotti@naccho.org](mailto:acasalotti@naccho.org).

Sincerely,



Lori Tremmel Freeman, MBA  
CEO

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<sup>i</sup> Gentzke AS, Creamer M, Cullen KA, et al. *Vital Signs: Tobacco Product Use Among Middle and High School Students — United States, 2011–2018*. MMWR Morb Mortal Wkly Rep 2019;68:157–164. February 2019. Retrieved November 26 from <http://dx.doi.org/10.15585/mmwr.mm6806e1>.

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<sup>ii</sup> *ibid.*

<sup>iii</sup> Dai H, Leventhal AM. Prevalence of e-Cigarette Use Among Adults in the United States, 2014-2018. *JAMA*. Published online September 16, 2019. Retrieved November 26, 2019 from <https://www.ncbi.nlm.nih.gov/pubmed/31524940>

<sup>iv</sup> NACCHO, Tobacco Control Efforts in Rural America: Perspectives from Local Health Departments, September 2019. Retrieved November 26, 2019 from <https://www.naccho.org/uploads/downloadable-resources/Tobacco-Control-Efforts-in-Rural-America-Issue-Brief.pdf>

<sup>v</sup> Centers for Disease Control and Prevention. Smoking & Tobacco Use. Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, 2019 Retrieved November 26, 2019 from <https://www.cdc.gov/tobacco/about/osh/index.htm>

<sup>vi</sup> Zhu, S-H, et al., "Evolution of Electronic Cigarette Brands from 2013-2014 to 2016-2017: Analysis of Brand Websites," *Journal of Medical Internet Research*, 20(3). Retrieved November 26, 2019 from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5869180/>

<sup>vii</sup> Truth Initiative, "Where are kids getting JUUL?" Retrieved December 2, 2019 from <https://truthinitiative.org/news/where-are-kids-getting-juul>.

<sup>viii</sup> Roeseler, A, et al., "Assessment of Underage Sales Violations in Tobacco Stores and Vape Shops," *JAMA Pediatrics*. Retrieved December 2, 2019 from <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2735684>.