

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of
Ranking Member Greg Walden**

Sounding the Alarm: The Public Health Threats of E-Cigarettes

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Chair DeGette, thank you for holding this hearing. Electronic cigarettes, or e-cigarettes, the current outbreak of lung illnesses associated with e-cigarettes, and the youth vaping epidemic are a front-and-center health concern in the United States, and particularly my home state of Oregon.

In recent weeks, an as-yet unidentified lung illness has killed seven people and sickened more than 500 across at least 38 states. As we will hear from Dr. Sharpless and Dr. Schuchat today, the investigation into the cause or causes of this illness is ongoing, but it appears to be vaping-related. Many of the individuals who have gotten sick seem to have used black-market products containing THC.

Earlier this month, public health officials in Oregon announced that a person who died in July of a severe respiratory illness had used an e-cigarette containing marijuana oil purchased from a licensed dispensary, meaning that the products sold in the store should have gone through a testing process regulated by the state. It was the first death in the U.S. tied to a vaping product bought at a marijuana shop. Much is still unknown, however, including which dispensary sold the product, and whether it was contaminated or whether something was added into the liquid in the device after purchase.

In July, an 18-year-old male went to the hospital complaining of breathing problems. Within 48 hours, he was sent to the Intensive Care Unit and diagnosed with acute respiratory distress syndrome, a condition associated with acute lung injury. He was connected to a breathing tube and placed in a medically induced coma for one week. Later, the patient's mother found an e-cigarette cartridge with the label of a licensed company based in California that sells THC products. The cartridge was later found to be a counterfeit of the company's product.

In North Carolina, five individuals bought the marijuana oils that made them sick "on the street" from unlicensed and likely illegal dealers. All five were hospitalized, three in intensive care. It took a battery of tests to figure out that all five had acute exogenous lipid pneumonia – lung inflammation caused by breathing oil.

Luckily, the individuals in New York and North Carolina survived, but not all have been so lucky, including the individual who died in Oregon. These cases of young, seemingly healthy young adults getting sick after vaping are piling up too quickly.

These cases are shining a light on the youth vaping epidemic in the United States. The most recent data from the National Youth Tobacco Survey is very troubling. About 27.5 percent of youth reported using e-cigarettes in 2019, compared with 20.8 percent in 2018. This is a big jump from 11.3 percent just three years ago.

Given these trends, the Administration, the states, and this Committee are right to look for solutions to curtail youth access to e-cigarettes. I appreciate the Trump Administration's pursuit of an effective solution to the problem of youth access, as well as the partnership between the Administration and the states to investigate this outbreak of lung illnesses.

However, there is another overlay to the e-cigarette problem: counterfeit products, including counterfeit THC products. Bootleg THC cartridges are becoming more common on the market, with vendors advertising counterfeit and bootleg products on social media platforms, such as Snapchat and Instagram. According to press reports, the states that appear to be the most inundated with counterfeit THC products are in states where recreational marijuana is legal.

According to the California Department of Public Health, there have been 28 potential cases of acute lung disease among people who had recently vaped cannabis products. In August, the California Department of Public Health reported a "cluster" of at least seven healthy adults in Kings County, California, all admitted to hospitals with symptoms of severe lung disease. All seven of these cases were linked to THC vapes that had been purchased from the black market. Lab tests conducted by a third-party testing company showed common contaminants in counterfeit vapes including pesticides, and a fungicide when vaporized that converts into a substance used as a chemical weapon by the French army during World War I.

In addition to the ongoing work, we need a full investigation into counterfeit THC cartridges, as well as the vaping and cannabis black markets. Let's get a full set of facts to ensure we get it right on the policy solutions.

I look forward to listening to the testimony of the witnesses and working in a bipartisan fashion on solving this problem.