

**Committee on Energy and Commerce  
Subcommittee on Oversight and Investigations**

**Hearing on  
“Sounding the Alarm: The Public Health Threats of E-Cigarettes”**

**September 25, 2019**

**Dr. Lee Norman, Secretary, Kansas Department of Health and Environment**

**The Honorable Frank Pallone (D-NJ)**

1. In your testimony you stated that “we could have benefited by having much tighter regulatory controls on [vaping devices] and the vaping solutions.” What more could the FDA do to protect the public from the public health harms of e-cigarettes?

FDA needs to execute their authority to regulate vaping and e-cigarette products and prioritize the enforcement of those products that do not have FDA authorization for marketing. FDA should also provide clarification to the public that just because an ingredient is FDA approved for human ingestion, does not mean the product has been approved for human inhalation. The FDA needs to act quickly. They originally planned to require premarket tobacco product applications from all e-cigarette manufacturers by 2018, but that deadline got [pushed back](#) to as late as 2022 before the federal court ruling that brought it back up to May 2020.

2. You also stated in your testimony that we know very little about the contents of the aerosolized vaping solution. Why is it important to understand the potential health effects of the contents of these aerosolized solutions used in vaping?

It is essential to understand the potential health effects of the contents in vape solutions because as of October 29, 2019 they have been related to over 1,600 cases of lung injury and illness, including 34 deaths in 24 states. In addition to the potential risk to the user, there has been limited research on the effects of secondhand aerosol to non-users who happen to be nearby someone using an Electronic Nicotine Delivery System device.

**The Honorable Diana DeGette (D-CO)**

1. You noted in your testimony the Kansas Department of Health and Environment is working closely with the Kansas Department of Education on school programs for vape-free toolkits. What lessons have you learned from that collaboration, and to what extent does the youth vaping crisis require the development of new approaches?

We learned that collaboration is key to addressing this epidemic. Working with schools has been crucial to reaching our target audience, young people. We heard from school

teachers and administration that student use of e-cigarettes in class has become severely disruptive to learning. Schools have been burdened by the need to provide staff and student training and resources to address this issue among their students. In addition, building relationships with other community members has been necessary to reaching audiences such as parents, school nurses, medical providers, and state legislators.

Development of new approaches is important to reaching all youth in a way that will get their attention and potentially get them help for their nicotine addiction. While e-cigarette companies have used tactics historically used by the tobacco industry to entice young people to use their products, they have been able to reach young people that would not have traditionally been tempted to try conventional tobacco products.

2. Your testimony discussed the addictive nature of nicotine:

- a. Do you think the average consumer knows enough about the potential dangers of e-cigarette use?

No, but the perception of the risk of the potential dangers from e-cigarette use has increased in recent years. The proportion of adults who perceive e-cigarettes as less harmful than combustible cigarettes decreased from 2012 to 2017 (-5.5% TPRPS study; -16.2% HINTS study).

Among adolescents, e-cigarettes have one of the lowest levels of perceived risk for regular use of all drugs, including alcohol. The percentage of youth who perceive e-cigarette use as a risk to health increased from 14.5% in 2015 to 20.3% in 2017 among 8th graders, from 14.1% to 19.4% among 10th graders, and from 14.2% to 16.1% (a non-significant increase) among 12th graders. Perceived risk of vaping nicotine on a regular basis declines at higher grade levels, which is opposite of the pattern seen for perceived risk of combustible cigarette smoking.<sup>1</sup>

- b. What more can be done to share this information?

Clarity of messaging from FDA and CDC that these products are not safe and are not approved as tobacco cessation devices. Additional funding and resources for statewide tobacco control programs to conduct mass media campaigns in order to educate the public. We have been sending e-cigarette, or vaping, products associated with lung illness to the FDA for analysis. KDHE has not seen any results from the FDA. Sharing these results with states would be very helpful.

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<sup>1</sup> Johnston LD, Miech RA, O'Malley PM, Bachman JG, Schulenberg JE, Patrick ME. (2018). Monitoring the Future National Survey Results on Drug Use: 1975-2017: Overview, Key Findings on Adolescent Drug Use. Ann Arbor, MI: Institute for Social Research, The University of Michigan.

**The Honorable Brett Guthrie (R-KY)**

1. What are your states seeing in terms of data and trends with respect to youth use of e-cigarettes over the past few years?

- a. For the data that is included in these statistics, how often or how recently does an individual have to have used an e-cigarette to be captured in the data (e.g. in the last 30 days, single-use versus chronic use)?

Current e-cigarette use is defined as use at least one time in the last 30 days.

- b. Does the data break out how many are using e-cigarettes for tobacco products (e.g. nicotine) or for THC products?

Kansas data defines how many high school students are using e-cigarettes for tobacco products; however, Kansas does not currently have data available on the prevalence of vaping THC products.

CDC researchers estimated that about 1 in 11 US students between 6th and 12th grades had consumed THC through vaping in 2016. This is approximately 1.7 million high-schoolers and 425,000 middle-schoolers, nationwide.<sup>2</sup>

Data from the 2017 North Carolina Youth Tobacco Survey indicate approximately 1 in 10 high school students reported ever vaping cannabis (9.6%).<sup>3</sup>

- c. How does that data compare to trends regarding youth use of combustible cigarettes?

The Kansas Youth Risk Behavior Survey (KS YRBS) shows that the percentage of high school students who currently smoked combustible cigarettes has significantly declined from 20.6% (95% CI: 18.2% - 23.2%) in 2007 to 7.2% (95% CI: 5.6% - 9.1%) in 2017. The 2017 KS YRBS also shows that 10.6% (95% CI: 8.7% - 12.9%) of Kansas high school students currently use e-cigarettes. Unfortunately, KS YRBS only has one data point for e-cigarettes so to examine trends we must look at another data source. The Kansas Communities That Care (KCTC) data show that the prevalence of e-cigarettes has more than doubled since 2016.

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<sup>2</sup> Trivers KF, Phillips E, Gentzke AS, Tynan MA, Neff LJ. Prevalence of Cannabis Use in Electronic Cigarettes Among US Youth. *JAMA Pediatr.* 2018 Nov 1;172(11):1097-1099. doi: 10.1001/jamapediatrics.2018.1920.

<sup>3</sup> Kowitt SD, et al. Vaping cannabis among adolescents: prevalence and associations with tobacco use from a cross-sectional study in the USA. *BMJ Open.* 2019 Jun 13;9(6): e028535. doi: 10.1136/bmjopen-2018-028535.