Opening Statement of Republican Leader Greg Walden
Subcommittee on Oversight and Investigations
"Vaping in America: E-Cigarette Manufacturers' Impact on Public Health"
February 5, 2020

As Prepared for Delivery

Chair DeGette, thank you for holding this hearing. Electronic cigarettes, or e-cigarettes, the lung illnesses associated with vaping, and the youth vaping epidemic are a major health concern in the United States, and particularly in my home state of Oregon, which unfortunately is one of the 27 states where there was a confirmed death associated with the e-cigarette, or vaping, product use-associated lung injury (EVALI).

Since the Subcommittee's hearing in September with federal and state health officials, we have learned more about what caused the lung illnesses. According to the Centers for Disease Control and Prevention laboratory data shows that vitamin e acetate, an additive in some THC-containing vaping products, is strongly linked to the EVALI outbreak.

While there is still more to learn about EVALI and what causes it, we must remain vigilant about a separate, but equally alarming issue—the troubling statistics regarding e-cigarette use among our youth. As Republican Leader Guthrie stated, the most recent data from the National Youth Tobacco Survey is alarming. 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 Trump Administration, the states, manufacturers like the ones before us today, and this Committee are right to look for solutions to curb youth access to e-cigarettes. I applaud the Trump Administration's pursuit of a solution to address our country's youth vaping epidemic. For example, in December, President Trump signed legislation to raise the legal age to purchase tobacco products from 18 to 21. Additionally, the U.S. Food and Drug Administration (FDA) issued guidance in January finalizing its enforcement policy regarding unauthorized flavored cartridge-based e-cigarettes that appeal to children, including fruit and mint. In addition to these two changes, the May deadline for manufacturers to submit their premarket tobacco product applications (PMTA) to FDA is quickly approaching, which will shift the industry's landscape even further.

While these are all promising steps, we remain concerned about the counterfeit and black-market products that current e-cigarette users, including our youth, may increasingly turn to when products they currently use may no longer be available in the legitimate marketplace. I am also concerned about potential shifts in youth usage to other non-cartridge-based e-cigarettes, and am interested in

hearing from the companies today for their thoughts on how we can prevent this from occurring.

I would also like to note the irony of the Health Subcommittee holding a hearing just two weeks ago that included bills about de-scheduling and de-criminalizing marijuana, much of which is smoked, followed by this hearing where my colleagues are now denouncing smoking tobacco in all forms. While I have concerns about the epidemic of youth tobacco usage, I believe that concern should extend to expanded access to marijuana, especially considering the death in Oregon was likely related to a THC vape pod purchased at a dispensary. Denouncing smoking tobacco in all forms while embracing the de-scheduling or legalization of marijuana, is at best inconsistent when considering long-term health outcomes and the lack of research and data.

In addition to the Committee's ongoing work, I'd like to ask the Chair to invite FDA to testify again once the PMTA deadline passes in May. While we heard from FDA in September, it is critical to continue to hear from FDA as the issue evolves and as FDA begins to evaluate the manufacturers' PMTAs. We also need a full investigation into counterfeit and black-market products that are likely to fill the void of the products that are expected to exit the market, whether from the Administration's January guidance, or from manufacturers who do not file PMTAs and accordingly remove their products from the market. We want to make

sure FDA stands ready to address these issues as they arise to protect current e-cigarette users, but most importantly our youth.

I want to thank the companies before us today for voluntarily agreeing to testify before the Subcommittee. While it is important to hear from these five companies and what they are doing to ensure that their products stay out of the hands of youth, they only represent a portion of the vaping industry, and one that is captured by the Administration's January guidance. This further underscores the importance for a more thorough examination of the industry writ large, as well as those manufacturing and selling counterfeit and black-market products.

I look forward to listening to the testimony of the witnesses and working with our friends on the other side of the aisle to ensure that we make fully informed policy decisions to protect public health and our youth. I yield back.