

House Appropriations Subcommittee on  
Labor, Health and Human Services, Education, and Related Agencies

**“E-Cigarettes: An Emerging Threat to Public Health”**

Written Testimony of

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Good morning Chair DeLauro, Ranking Member Cole, and other distinguished members of the House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies.

My name is Meredith Berkman and I am here as a co-founder of Parents Against Vaping E-cigarettes, PAVe, a grassroots advocacy group founded in April 2018 by three concerned moms as a response to the youth vaping epidemic, the most serious adolescent public-health crisis our country has faced in decades.

We have all heard the staggering figures: 5 million teens are vaping, a 135% increase in youth use over two years. 1 out of every 4 high-school kids. It's the eternal exaggeration, the proverbial "everybody's doing it" but this time, it's more or less true.

It should never have happened. But it did. FDA allowed flavored e-cigs like JUUL—especially JUUL—to remain on the market, even until today, without undergoing a full regulatory review. We already know that these flavored vapes contain enormous amounts of nicotine that harm the developing brain, causing cognitive change and opening pathways to further addiction. Since e-cig flavors are proprietary, we still have no idea exactly what's in that heated toxic brew that millions of young people are pulling deep into their developing lungs dozens of times a day, in some cases for years.

The current outbreak of vaping-linked lung illness is terrifying but in retrospect perhaps not completely surprising. The outbreak whose cause has yet to be determined is, in fact, a symptom of the underlying crisis, the vaping epidemic itself that has harmed so many kids and upended the lives of so many families.

But I want to back up for a moment and share with you my own story, the reason that I am sitting here today testifying about vaping before a House subcommittee for the second time in six months. Earlier this morning my co-founder

Dorian Fuhrman was also a witness, speaking about PAVE and our work before an Energy and Commerce subcommittee. I could never have imagined any of this—nor would I have wanted to: I am an accidental public-health advocate, a MOMvocate, and none of this was ever part of the plan.

In fact, I have been a stay-at-home mom for many years, raising four kids—ranging in age from 19 to 12—and actively volunteering in their schools and in our community. But all of that changed on the evening of April 3, 2018 when my son Caleb, then 16, came home and said, “Mom, Dad—I want to talk to you.” If you are a parent of teenagers you know that never happens. And so my husband Daniel and I listened closely as Caleb began to tell us about a “confusing” e-cigarette presentation that he’d heard at school that day, given to the 9th grade by an anti-drug speaker brought in through an anti-addiction group.

Caleb described how this supposed educator told the class when the teachers and administrators were out of the room—a common practice for these talks—that JUUL was intended solely for adult use. Yet in the next breath, he told Caleb and his friends, who had started using JUUL, that it was “totally safe” and that the FDA would be approving the device any day—both things untrue.

At the end of the talk, Caleb and Dorian’s son Phillip approached the speaker to ask more questions. At that time, this adult took out his JUUL, showed the boys how it worked, and referred to it as the “iphone of vapes”.

We quickly discovered that the speaker was a JUUL rep; that Caleb’s school had no idea; and that an employee at the outside group had naively asked JUUL’s youth prevention education coordinator—a position no longer listed on the company’s website—for speaker suggestions.

The realization that JUUL was blatantly going into schools—something we discovered the company was doing in other states, where it was offering grants to districts that would accept its “curriculum”—forced us into action. We started researching JUUL and vaping in general late at night when our kids were asleep, and the more we learned the more determined we were to join forces with the vaping version of MADD—Mothers Against Drunk Driving. But such a group did not yet exist because the crisis was moving so quickly and unfolding in real time.

And that’s why we started PAVe.

Since then, our organization—originally intended as an on-line resource for parents who want to educate themselves about vaping—has gone national to meet the enormous demand from those seeking resources for their JUUL-dependent, nicotine-addicted kids. But there aren’t many. In fact, there is still no FDA-approved treatment for this problem.

We now have PAVe “pods”, as we call them, an intended pun on JUUL’s flavored pods, across the country including in states like New York, California, Illinois, Kansas, Maryland, New Jersey and Massachusetts.

And more importantly, we are creating a movement. We are a growing army of volunteer advocates—motivated MOMvocates—fighting to protect our kids from the predatory practices of flavored e-cigarette companies like JUUL. Through the use of flavors and targeted social-media marketing, JUUL convinced our kids that its tech-chic, stealth-by-design device was essential to a cool lifestyle.

What JUUL never said—and what the kids did not understand—is that the lifestyle JUUL was actually promoting with its fun flavors was nicotine addiction. And thanks to its patented nicotine-salt technology, and enormous amounts of nicotine—as

much in one flavored pod as in an entire package of cigarettes—JUUL successfully disrupted the entire e-cigarette market and seduced a generation of teens.

When JUUL got called out for creating the youth epidemic, it announced it was done with social media and quickly “made the switch” to an adult-focused ad campaign. Then it turned out those ads contained unsubstantiated health claims. Now JUUL’s not advertising in the US at all.

Claiming that it was “sensitive” to concerns about youth and flavors—well-founded concerns since research has proven that flavors hook kids—announced last November it would no longer sell retailers flavors like mango, crème, and fruit. Yet almost a year later, these flavors are still being sold in many vape shops and convenience stores all over the country. We know this because we have seen it ourselves and because parents report it to us this all the time. And by the way, JUUL exempted from this “self-regulation” its mint and menthol flavors that are teen favorites and are responsible for more than 70% of the company’s sales.

Meanwhile, JUUL copycats have continued to flood the market—still not fully regulated—with flavored vapes containing even more nicotine than JUUL. There’s EonSmoke, whose sweet flavors include pink-lemonade. The tropical mango Stig, a disposable vape so small it can fit in a child’s hand. Suorin’s products can easily be mistaken for a highlighter pen.

Some of these companies are so brazenly marketing to kids that they advertise on student homework websites like Quizlet used by middle-schoolers. My youngest, who’s in 7th grade, even saw a vape ad recently on a digital game she and her friends like called “Flippy Bird.”

But we MOMvocates won't allow Big Tobacco 2.0—new look, but original playbook—to use our kids as human guinea pigs for the e-cigarette experiment. Even JUUL's former CEO—recently replaced by an Altria apparatchik—admitted publicly that his company had no idea of JUUL's long-term effects. Haven't we already seen enough?

We are grateful that the president has promised that FDA will finally use its full authority to remove all e-cig flavors including mint and menthol from the market; we hope he fulfills that important promise immediately. We are not prohibitionist, and agree that tobacco flavor should remain available for adults.

No matter what, PAVe, along with our many partners in the anti-tobacco coalition, will continue pushing for flavor-ban legislation on the local, state, and national levels. That way, if and when JUUL and others slither their way back through FDA's regulatory process, these flavored products will not be available to our kids.

We are in a race against time on multiple levels. I urge the members of this subcommittee to provide much-needed additional support for the CDC as it struggles to solve the mystery of the vaping-linked lung illness and faces an enormous challenge that may take years to untangle: providing support for potentially millions of teens who are already addicted to nicotine.