

**Committee on Energy and Commerce**  
**Opening Statement as Prepared for Delivery**  
**of**  
**Subcommittee on Oversight and Investigations Chair Diana DeGette**

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

*September 25, 2019*

Our country is facing a serious public health epidemic, one that is causing severe harm. Today's hearing will examine the cause of that epidemic—the uncontrolled and rising use of e-cigarettes.

As life-threatening illnesses sweep the country, and use of e-cigarette products by young people soar, we must act to protect the American people from the myths and misunderstanding about these products.

First, the data is now clear. Over the past several years, we've seen an unacceptably high proportion of young people facing nicotine addiction.

This year, more than 27 percent of high schoolers report they are currently using e-cigarettes, or “vaping,” as it's also known.

From 2011 to 2015, there was a 900 percent increase in youth vaping, and from 2017 to today, the rate of high school use doubled.

The vaping epidemic and its impact is personal to me: my home state of Colorado has the unfortunate distinction of leading the nation in the rate of teen vaping.

A major factor contributing to the continued dramatic rise of e-cigarette use among teens is the inundation of flavored products. Recent data from the Centers for Disease Control and Prevention indicate that 60 percent of students using e-cigarettes within the past month cited using popular fruit, menthol, or mint flavors.

Young people turning to e-cigarettes also may have the false assumption that these products are safe or relatively harmless.

But contrary to many manufacturers' claims, e-cigarettes pose risks to young people and can lead to addiction, harm brain development, affect respiratory health, and can lead to heart disease. Additionally, e-cigarette use increases the risk of youth turning to conventional cigarettes.

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As much as we do know, the more troubling concern may be how much we don't know about these products. For example, in some cases, we don't even know what chemicals and toxins are being inhaled when vaping.

In a very real sense, the e-cigarette industry has launched a massive public health experiment on our country, of which its outcomes and consequences remain unknown.

A recent spate of serious vaping illnesses epitomizes just how much we are in the dark about these products. These illnesses, numbering 530 so far, and increasing daily, have led to hospitalizations, potential long-term health complications, and several deaths.

While CDC and FDA are here today and will provide more information about the status of the investigation, and what products may be the culprit, no specific cause of the illnesses has been determined yet.

With these agencies engaged and in collaboration with state partners, I have confidence that the root cause of this outbreak eventually will be identified.

But even if the cause is isolated to a product sold on the streets, or use of THC, we must keep in mind that branded e-cigarettes sold in stores are not harmless.

This brings me to my next concern—given the potential risks associated with these products, it would be reasonable to assume that e-cigarettes have been closely reviewed and approved by FDA.

But they haven't been. E-cigarette products are only on the market today because FDA is temporarily giving them a pass by exercising its enforcement discretion.

Let me be clear, no e-cigarette currently on the market in the United States has been fully reviewed by FDA for its impact on public health.

FDA needs to do its job, examine these products, and tell the public what the risks are, and how—or if—they can be legally sold.

In other words, FDA must go forward with conducting its repeatedly delayed premarket reviews for all e-cigarettes products and determine whether the sale of the product is [quote] “appropriate for the protection of public health.”

After years of dithering and delays around the regulation of e-cigarettes, the Administration recently announced that FDA would prioritize enforcement and clear the shelves of non-tobacco flavored e-cigarette products pending review.

This recent action is an encouraging first step. But FDA has yet to provide additional details or a timeline for action. We must ensure this policy will be implemented and enforced in a timely and effective manner.

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In the meantime, nothing is stopping manufacturers from submitting their applications to FDA today. The burden is on e-cigarette companies to demonstrate that these products meet FDA's health standard.

And regardless of the Administration's recent announcement, legislative action is not off the table. I and others have introduced bills to tackle this public health priority, including Chairman Pallone, who has been a steadfast leader on these issues.

States on the front lines of the youth epidemic have also been stepping up to take action on e-cigarettes. We'll hear some of their plans and ongoing efforts on today's second panel.

The industry has been swift to rail against efforts to restrict their products, claiming that they assist adult smokers in quitting traditional cigarettes. The evidence, however, is far from conclusive and FDA has not approved e-cigarettes for cessation purposes.

Any potential benefit to adult smokers must be weighed against the generation of young people for which vaping represents today's "on ramp" to tobacco use.

We can and we must do more to ensure we are not sacrificing today's young people to a lifetime of nicotine addiction.

I thank the witnesses for their service, and look forward to hearing about how we can work together to address this critical public health issue.

