

**Committee on Energy and Commerce**  
**Opening Statement as Prepared for Delivery**  
**of**  
**Chairman Frank Pallone, Jr.**

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

**September 25, 2019**

We are here today to examine the growing public health crisis involving e-cigarettes, and the proliferation of these products among kids and teens.

I am deeply concerned about the recent outbreak of lung illnesses that have killed eight people and sickened more than 530 here in the United States. I am also exceedingly frustrated by the fact that e-cigarette usage has reached epidemic proportions in recent years among kids. If you talk to any parent of a high school student, you know that our nation's e-cigarette problem is real – and getting worse. It is long past time for the public health agencies to address vaping and e-cigarette usage in a meaningful way.

I look forward to hearing about what the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) can tell us about how they are addressing these tragic mystery illnesses and their recent actions to combat youth e-cigarette use. But make no mistake – I firmly believe that many aspects of the youth vaping epidemic could have been addressed if the FDA had moved forward with reviewing all e-cigarettes on the market when it first had the chance two years ago.

Instead, in July 2017, FDA announced that it would delay implementation of key provisions of the agency's final deeming rule, which ensured the agency would review all e-cigarette products on the market. That same day I issued a statement expressing deep concerns that these delays would mean that e-cigarette products would continue to lack needed public health oversight for several years and risk continued exposure to a new generation. Here we are over two years later, and unfortunately my concerns have come to fruition.

Since that decision, youth e-cigarette usage has skyrocketed – more than one in four high school students say they have used e-cigarettes in the past 30 days. These products have been marketed and targeted to kids without our knowledge of the full public health consequences. As a result, we could lose an entire new generation to a lifetime of nicotine addiction.

At the same time, hundreds of people throughout the country have developed unknown lung illnesses following the usage of vape products. In many instances these products were manipulated beyond the product's intended use, but it still remains unclear what these products contained and how exactly they were manipulated. The lack of certainty on the root cause of these illnesses speaks to a larger problem – we do not know the full spectrum of health consequences associated with the use of e-cigarettes.

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Ten years ago, the Family Smoking Prevention and Tobacco Control Act was signed into law after coming out of this Committee. This law gave FDA the tools that it needed to effectively regulate all tobacco products. Unfortunately, that is not happening. Therefore, it is critical FDA and CDC explain today what actions they are taking, and what more we can be doing to protect consumers. I also look forward to hearing from states that have forged their own responses in the wake of inaction at the federal level.

The wide availability of flavored e-cigarette products, clearly designed for kids' consumption, are putting the interest of industry above the health of our kids. While I am pleased by the Administration's announcement that it plans to pull all flavored e-cigarette products from the market until they undergo full FDA review, I believe that ban should occur immediately.

Above all else, we must get to the bottom of what is causing these lung illnesses, and we must ensure that vape products are kept out of the hands of our kids. At the same time, it has become clear to me that we must enact new, comprehensive legislation to fully address this growing youth epidemic. We must eliminate flavors, prohibit online sales that make it easy for kids to buy e-cigarettes, and ensure that these products are not being marketed to anyone underage. My legislation, the Reversing the Youth Tobacco Epidemic Act, does each of these things, while also raising the age to 21 to buy tobacco products.

It is my intention to move this critical legislation forward, and I hope that it will receive the strong, bipartisan support that it deserves.

It is long past time to address the public health risks associated with e-cigarette use. We must be using every tool at our disposal to solve this crisis

Thank you to the witnesses for being here today and I yield back.