



**Written Testimony**  
**Senate Committee on Health and Welfare**  
**Hearing Regarding S. 18, “An act relating to banning flavored tobacco products and e-liquids”**  
**Thursday, February 23, 2023**

Dear Chairwoman Lyons, Vice Chair Weeks and Distinguished Members of the Committee:

My name is Trevor Summerfield and I am the Director of Advocacy for the American Lung Association in Vermont. The American Lung Association is the oldest voluntary health organization in the United States. For more than 115 years, the Lung Association has been working to save lives by improving lung health and preventing lung disease through education, advocacy, and research. The Lung Association works on behalf of the 37 million Americans living with lung diseases, including over 85,000 patients with lung disease in Vermont.

Thank you for the opportunity to comment on Senate Bill 18, an act relating to banning flavored tobacco products and e-liquids. The American Lung Association commends your comprehensive approach to the policy to clear the markets of *all flavored tobacco products*.

**The Need is Clear:**

Since the late 1990’s, we have been making tremendous progress in reducing cigarette smoking rates to all-time lows. However, this positive news has been tempered by a dramatic increase in youth e-cigarette use and a tobacco product use rate that hasn’t really changed in a decade.<sup>i</sup> According to the Lung Association’s [2023 State of Tobacco Control](#) report tobacco use is a very present and real issue in Vermont impacting too many, especially our most vulnerable populations.

- Nearly 1,000 Vermont residents die due to smoking attributable deaths annually.
- Tobacco costs Vermont more than \$348 million in healthcare costs directly related to smoking every year.
- More than 28% of Vermont high schoolers reported using tobacco products in the last year.

**Why address flavors?**

Flavors are one of the main reasons kids use tobacco products and have played a big role in the youth vaping epidemic. Research shows that 81% of kids who have ever used tobacco products started with a flavored product. Youth also cite flavors as a major reason for their current use of tobacco products.<sup>ii</sup>

Recognizing that almost all tobacco users begin their use during their adolescence or young adulthood, tobacco companies have spent billions of dollars marketing their products and making them more

attractive to young people. It is well established that flavors are attractive to children and young people. Both the U.S. Surgeon General<sup>iii</sup> and the National Academy of Sciences, Engineering and Medicine<sup>iv</sup> have written comprehensive reports on e-cigarettes that discuss the subject. For decades, the tobacco industry has used flavors to attract youth. Indeed, the industry's decades-long conspiracy to deceive the public includes many documents that demonstrate the industry's understanding of the role flavors play in kids starting to use tobacco products. While most flavored cigarettes are prohibited, the industry is once again using flavored e-cigarettes – as well as cigars – to attract youth – and then addict them. With products claiming to taste like Gummy Bears, Atomic Fireball, Captain Crunch, Apple Juice and a wide variety of other fruit, candy and sweet flavors, there is no question that these flavors appeal to youth.

Kids clearly follow flavors. The National Youth Tobacco Survey (NYTS) 2020 revealed that teens made several notable changes in how they used e-cigarettes in 2020. Disposable e-cigarette use skyrocketed by 1,000% among high school e-cigarette users (from 2.4% to 26.5%) and 400% among middle school e-cigarette users (from 3% to 15.2%). Flavored e-cigarette use among current e-cigarette users also increased from 71.7% to over 82.9% among high school students and from 59.9% to 73.9% among middle school students. In addition, higher levels of menthol e-cigarette use were observed with 37% of high school students and 23.5% of middle school students using menthol flavored products. The percentage was even higher among kids who used cartridge-based e-cigarettes.<sup>v</sup>

**A comprehensive approach: We should not pick winners and losers of public health protections based on the method of nicotine addiction? We must treat all tobacco products the same.**

*Electronic Cigarettes*

E-cigarettes are not an approved FDA tobacco cessation device. Public health authorities in the U.S., including the CDC and Surgeon General have found there is no valid scientific evidence demonstrating that flavored electronic cigarettes are effective at helping smokers quit.

E-cigarettes have been increasingly popular among youth and young adults, but not nearly as popular among older adults. In 2019, 4.5 percent of adults used e-cigarettes every day or some days, and 36.9 percent of adults who used e-cigarettes also used traditional/combustible cigarettes. Adult e-cigarette use is highest among young adults: 9.3 percent of 18 – 24 year olds use e-cigarettes compared to 3.0 percent of 45 – 64 year olds.<sup>vi</sup>

There is strong evidence that flavor additives in e-cigarettes – especially those that are based on natural plant-based extracts, are menthol-based and food-related additives such as cinnamaldehyde – are particularly toxic to lungs when they are inhaled. One study found that these additives significantly affect the lung cell viability and the respiratory barrier integrity.<sup>vii</sup> Another study found that lower concentrations of these flavor additives in e-cigarettes caused inflammation and created symptoms consistent with endothelial dysfunction.<sup>viii</sup> And of course, the presence of chemicals such as a diacetyl and acetyl propionyl, are associated with respiratory disease.<sup>ix</sup>

### Other Flavored Tobacco Products

For decades, communities of color and lower socioeconomic status have borne a disproportionate burden of the negative health outcomes that comes tobacco use and exposure to secondhand smoke. Menthol cigarettes remain a key vector for tobacco-related death and disease in Black communities, with over 80% of Black Americans who smoke using them. Nearly 9 in 10 African American smokers (88.5 percent) aged 12 years old and older use menthol cigarettes.<sup>x</sup> This is not by chance – the sale and marketing of menthol cigarettes disproportionately burdens the African-American community by the tobacco industry.<sup>xi</sup> Also, use of menthol cigarettes is more common among youth, female smokers, LGBTQ+ smokers<sup>xii</sup>, and those with mental illness.

A recent study showed that while overall cigarette use declined by 26% over the past decade, 91% of that decline was due to non-menthol cigarettes.<sup>xiii</sup> This underscores what an FDA scientific advisory committee already found:<sup>xiv</sup> menthol cigarettes are hard to quit, and they disproportionately affect Black communities.<sup>xv</sup>

Sales of flavored cigars have also increased by nearly 50 percent since 2008, and flavored cigars made up more than half of the U.S. cigar market in 2015. The number of unique cigar flavor names more than doubled from 2008 to 2015 from 108 to 250.<sup>xvi</sup>

The health disparities we see with tobacco use and tobacco related disease are some of the reasons the American Lung Association supports prohibiting the sale of all flavored tobacco products.

We appreciate the opportunity to submit this testimony and your attention to addressing the issue before us. With a vision of a world free of lung disease, the American Lung Association is working to eliminate the use of all tobacco products. We support strong tobacco prevention policies that are proven to reduce tobacco rates. A comprehensive approach, including passage of Senate Bill 18 banning flavored tobacco products is needed to realize this vision and prevent Vermont's youth from being the next generation of kids addicted to tobacco products.

Sincerely,



Trevor Summerfield  
Director, Advocacy (VT, NY)  
American Lung Association

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<sup>i</sup> E-cigarettes are Reversing Progress in Reducing Youth Tobacco Use. Campaign for Tobacco Free Kids. <https://www.tobaccofreekids.org/assets/factsheets/0408.pdf> Accessed January 29, 2021.

<sup>ii</sup> Flavored Tobacco Products Attract Kids: Brief Overview of Key Issues. Campaign for Tobacco-Free Kids. <https://www.tobaccofreekids.org/assets/factsheets/0399.pdf> Accessed January 29, 2021.

<sup>iii</sup> U.S. Department of Health and Human Services. (2016.) E-Cigarette Use Among Youth and Young Adults. Retrieved from [https://e-cigarettes.surgeongeneral.gov/documents/2016\\_sgr\\_full\\_report\\_non-508.pdf](https://e-cigarettes.surgeongeneral.gov/documents/2016_sgr_full_report_non-508.pdf)

<sup>iv</sup> National Academies of Sciences. (2018). Public Health Consequences of E-Cigarettes. Retrieved from <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>

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<sup>v</sup> Wang TW, Neff LJ, Park-Lee E, Ren C, Cullen KA, King BA. E-cigarette Use Among Middle and High School Students—United States, 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:1310–1312.

<sup>vi</sup> Electronic Cigarettes: Brief Overview of Key Issues. Campaign for Tobacco Free Kids. <https://www.tobaccofreekids.org/assets/factsheets/0396.pdf> Accessed January 29, 2021.

<sup>vii</sup> Fetterman, J.L., et al. (2018). Flavorings in Tobacco Products Induce Endothelial Cell Dysfunction. *Arterioscler, Thrombosis, and Vascular Biology*. Retrieved from <http://atvb.ahajournals.org/content/early/2018/06/13/ATVBAHA.118.311156>

<sup>viii</sup> Fetterman, J.L., et al. (2018). Flavorings in Tobacco Products Induce Endothelial Cell Dysfunction. *Arterioscler, Thrombosis, and Vascular Biology*. Retrieved from <http://atvb.ahajournals.org/content/early/2018/06/13/ATVBAHA.118.311156>

<sup>viii</sup> Farsalinos, K.E., et al. (2014). Evaluation of Electronic Cigarette Liquids and Aerosols for the Presence of Selected Inhalation Toxins. *Nicotine & Tobacco Research*. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4892705/>

<sup>ix</sup> Fetterman, J.L., et al. (2018). Flavorings in Tobacco Products Induce Endothelial Cell Dysfunction. *Arterioscler, Thrombosis, and Vascular Biology*. Retrieved from <http://atvb.ahajournals.org/content/early/2018/06/13/ATVBAHA.118.311156>

<sup>x</sup> <https://truthinitiative.org/news/6-key-takeaways-new-fda-plan-e-cigarettes-flavored-tobacco-products>  
<sup>xi</sup> Too Many Cases, Too Many Deaths: Lung Cancer in African Americans, American Lung Association. <https://www.lung.org/assets/documents/research/ala-lung-cancer-in-african.pdf>

<sup>xii</sup> Menthol cigarette smoking among lesbian, gay, bisexual, and transgender adults. Fallin A1, Goodin AJ2, King BA3. <https://www.ncbi.nlm.nih.gov/pubmed/25245795>

<sup>xiii</sup> Delnevo CD, Ganz O, Goodwin RD, Banning Menthol Cigarettes: A Social Justice Issue Long Overdue. *Nicotine Tob Res*, 2020 Oct 8;22(10):1673-1675. <https://doi.org/10.1093/ntr/ntaa152>.

<sup>xiv</sup> Tobacco Products Scientific Advisory Committee (TPSAC). Menthol cigarettes and public health: review of the scientific evidence and recommendations. Rockville, MD: Food and Drug Administration, 2011.

<sup>xv</sup> Delnevo CD, Ganz O, Goodwin RD, Banning Menthol Cigarettes: A Social Justice Issue Long Overdue. *Nicotine Tob Res*, 2020 Oct 8;22(10):1673-1675. <https://doi.org/10.1093/ntr/ntaa152>.

<sup>xvi</sup> Delnevo, CD, et al., "Changes in the mass-merchandise cigar market since the Tobacco Control Act," *Tobacco Regulatory Science*, 3(2 Suppl 1):S8-S16, 2017. [In Press]