Public Vaping Opposition Statement

Smoke-Free Products Should Not Be Banned in All Public Places

Vapor products do not burn tobacco or emit smoke, which is the chief risk component of traditional cigarettes. Therefore, there is every reason to believe that these products have the potential for reducing harm to the consumer. A policy of Tobacco Harm Reduction (THR) aims to reduce the harm caused by cigarettes. It is designed to complement traditional cessation policies by encouraging adult smokers who do not wish to quit tobacco altogether to switch to less harmful and potentially less harmful, smoke-free products. Among smoke-free tobacco products, vapor products have the potential to provide harm reduction for smokers of all demographic groups who choose to switch to these products. However, public bans on these products may make it harder for smokers to switch. This is particularly true for adult-only facilities like bars and facilities where adults are the primary users (this includes restaurants and outdoor venues). Public policy should encourage, not ban, the use of vapor products.

Identifying the Right Places for Tobacco Bans

There are certain locations where no tobacco products should be allowed. These places include: schools, daycares and health care institutions like hospitals and doctors' offices.

Concerns about Exposure to Environmental Vapor

As there is no combustion, the vapor from these products is not the same thing as second-hand smoke. Therefore, and in the absence of scientific data, regulations pertaining to the use of conventional cigarettes indoors should not apply to vapor products. Most vapor products are designed to simulate the visual, sensory and behavioral aspects of smoking cigarettes. However, that is where the similarities end. Most of what comprises second-hand smoke from conventional cigarettes results from the burning of tobacco, emanating from the lit end of the cigarette. Unlike cigarettes, vapor products do not burn tobacco. As no tobacco is burned with a vapor product, nothing is emitted from the front end. Instead, the vapor product consumer inhales the vapor produced by the product and emits part of that vapor upon exhaling. Thus, the amount of aerosol generated and the composition of that aerosol differ dramatically from that of a cigarette. This difference is crucial when considering the extension of existing cigarette smoking bans to vapor products. Scientists who have evaluated "second-hand vapor" have concluded there is minimal to no risk to bystanders.[1]
Dr. Igor Burstyn of Drexel University released a report in January 2014 in which he reviewed all of the available chemistry on e-cigarette vapor and liquid. In his conclusion to the report, Burstyn stated, "Current state of knowledge about chemistry of liquids and aerosols associated with electronic cigarettes indicates that there is no evidence that vaping produces inhalable exposures to contaminants of the aerosol that would warrant health concerns by the standards that are used to ensure safety of workplaces. Exposures of bystanders are likely to be orders of magnitude less, and thus pose no apparent concern."[2]

Science on Vapor Products

- *A 2011 e-cigarette study by Zachary Cahn, a professor in the political science department at the University of California at Berkeley, and Michael Siegel, a professor in the Department of*

[1] See e.g., McAuley, T. R., Hopke, P. K., Zhao, J., & Babaian, S. (2012). Comparison of the effects of e-cigarette vapor and cigarette smoke on indoor air quality. *Inhalation Toxicology*, *24*(12), 850-857; and Pellegrino, R. M., Tinghino, B., Mangiaracina, G., Marani, A., Vitali, M., Protano, C., ... & Cattaruzza, M. S. (2012). Electronic cigarettes: an evaluation of exposure to chemicals and fine particulate matter (PM). *Annali di Igiene: Medicina Preventiva e di Comunita*, *24*(4), 279-288, available at: http://www.ncbi.nlm.nih.gov/pubmed/23033998.
[2] Burstyn, Igor, Peering through the mist: systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks, *BMC Public Health*, January 2014, available at: http://www.biomedcentral.com/1471-2458/14/18

Community Health Sciences at Boston University School of Public Health, states that there is no evidence that any of the estimated 10,000+ chemicals in tobacco smoke (including 40+ known carcinogens) are present at greater than trace levels in e-cigarettes.[3]

- *A 2013 study conducted by an international group of researchers and published in the Oxford Journals found* ***no harmful levels of carcinogens or toxic levels of any chemical in the vapor.***[4]

- *In a May 2014 letter to the World Health Organization (WHO), 53 global experts on nicotine science and public health policy (INCLUDING Professor Lynn Kozlowski, Dean SUNY Buffalo School Of Public Health and Professor Erenest Drucker of Columbia University) stated that tobacco harm reduction products, like vapor products, "could be among the most significant health innovations of the 21st Century – perhaps saving hundreds of millions of lives."*[5] *Those experts also directly addressed the subject of public place bans for vapor products by stating:* ***"It is inappropriate to apply legislation designed to protect bystanders or workers from tobacco smoke to vapour products. There is no evidence at present of material risk to health from vapour emitted from e-cigarettes. Decisions on whether it is permitted or banned in a particular space should rest with the owners or operators of public spaces, who can take a wide range of factors into account."***

- *Dr. Joel L. Nitzkin, a public health physician and a former health director at the local and state level including Director of Public Health for Monroe County, published a paper in June 2014 that includes significant discussion of efforts by lawmakers to ban the use of vapor products in public places. In his paper, Nitzkin states,* ***"States, counties and cities should not prohibit the use of e-cigarettes or other smoke-free tobacco products in non-smoking areas. Such a law or regulation could do harm by leaving the impression that these products are as hazardous to bystanders as cigarettes."***[6]

- *In August of 2014, the journal Addiction published a study that tracked over 6,000 smokers who reported trying to quit in the prior year.* ***The largest share of respondents who were able to quit – 20 percent – had done so using e-cigarettes, beating those who quit without help (15 percent) and those who used nicotine-replacement therapy such as gum or a patch (10 percent).***[7]

- *Dr. Michael Siegel, a professor in the Department of Community Health Sciences at Boston University's School of Public Health, has stated that* ***the levels of metals delivered to vapor product users are far lower than the daily exposures permitted by the authoritative United States Pharmacopeial Convention for inhalable medications.***[8]

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[3] Cahn Z, Siegel M. Electronic cigarettes as a harm reduction strategy for tobacco control: a step forward or a repeat of past mistakes? *J Public Health Policy*. 2011 Feb;32(1):16-31, available at: http://www.palgrave-journals.com/jphp/journal/v32/n1/abs/jphp201041a.html

[4] Kosmider, Leon, Sobczak, Andrzej, Fik, Maciej, Knysak, Jakub, Zaciera, Marzena, Kurek, Jolanta, Goniewicz, Maciej Lukasz, (2013), Carbonyl Compounds in Electronic Cigarette Vapors—Effects of Nicotine Solvent and Battery Output Voltage, *Nicotine & Tobacco Research*, doi: 10.1093/ntr/ntu078, May 15, 2014, available at: http://ntr.oxfordjournals.org/content/early/2014/05/14/ntr.ntu078.full

[5] Letter to Margaret Chan, WHO Director, from 53 nicotine policy experts, May 26, 2014, available at: http://nicotinepolicy.net/documents/letters/MargaretChan.pdf

[6] Nitzkin, Joel L., E-Cigarette Primer for State and Local Lawmakers, *R Street Policy Study No. 25*, June 2014, available at: http://www.rstreet.org/wp-content/uploads/2014/06/RSTREET25.pdf

[7] Brown J., et. al. "Real-world effectiveness of e-cigarettes when used to aid smoking cessation: A cross-sectional population study." *Addiction* 109, August 2014, available at: http://onlinelibrary.wiley.com/doi/10.1111/add.12623/abstract

[8] Siegel, M. "Metals in Electronic Cigarette Vapor are Below USP Standards for Metals in Inhalation Medications," Rest of the Story – Tobacco Analysis and Commentary, April 2013, available at: http://tobaccoanalysis.blogspot.com/2013/04/metals-in-electronic-cigarette-vapor.html