

## Vaping Bans in Vermont: A Counterproductive Strategy

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It is estimated that almost twenty thousand Vermont adults currently use electronic cigarettes.<sup>1</sup> Estimates of the quit smoking rate using electronic cigarettes range from 23.2%<sup>2</sup> to 96.6%<sup>3</sup> - this means that between 4335 to 18050 Vermonters who currently use e-cigarettes have quit smoking. By comparison, there are estimated to be only 82,800 smokers in Vermont.<sup>4</sup> Unfortunately, while those families may be doing better and taxpayers who subsidized healthcare costs for smokers may be doing better, there are organizations which are less excited about Vermonters quitting smoking. Specifically, not only do tax revenues fall when people quit smoking, but so does the need for governmental agencies, quasi-governmental agencies, and NGOs to combat smoking. If people can quit smoking without assistance – from governmental agencies or otherwise – then why are those organizations still being funded? Indeed, such a panic has been induced in public health professionals that one such person, spokeswoman Jill Sudhoff-Guerin of the American Cancer Society, was actually happy that kids would continue to smoke: “This tax . . . will help eliminate [kids] switching to e-cigarettes.”<sup>5</sup>

If e-cigarettes were more harmful than cigarettes, this would make sense. However, all peer-reviewed studies suggests the exact opposite. Nearly all researchers and many public health professionals have found e-cigarettes to be safer and most researchers have estimated that vaping (using an e-cigarette) is 95-99.99% safer than smoking. There was a small concern caused by a letter to the editor of the New England Journal of Medicine in 2015 indicating that researchers had found higher than expected levels of formaldehyde in e-cigarette aerosol/vapor. However, it was soon discovered that the methodology of that research was flawed and that, used properly, e-cigarettes did not produce formaldehyde in concentrations that would be of concern to e-cigarette users or to those exposed to secondhand vapor. Indeed, even Mitch Zeller of the FDA has stated his belief that vaping is likely significantly less harmful than smoking.

Which brings me to the public vaping ban. Proponents argue that this bill, H.171, will prevent youth e-cigarette use, prevent exposure to secondhand vapor, and prevent confusion on the part of business owners and employees which would weaken the current smoking ban. Each of these relies on faulty assumptions and will be dealt with separately.

For those that are unaware, it is already illegal for minors to purchase, possess, or use electronic cigarettes. This bill would do nothing to increase the penalties or to prevent some minors who choose to break the law from doing so. Indeed, as youth vaping is already illegal, youth are the least likely to use electronic cigarettes and vaping devices in public for risk of receiving a fine or being adjudicated delinquent. Who will be effected are those adults who are unashamed to have quit or to be quitting smoking. This bill will send the message that vaping is as bad as smoking and that those four to eighteen thousand Vermonters who have quit smoking should be ashamed. Further, as many e-cigarette users start vaping in order to evade smoking bans and only coincidentally – without trying – quit smoking, this bill will discourage Vermonters from quitting smoking.

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1 18685 Vermont e-cigarette users, based a 3.7% adult e-cigarette usage rate from the 2014 NIHS and a Vermont adult population of 505,000 in 2014 from the U.S. Census Bureau.

2 Testimony of Jan Carney. <http://legislature.vermont.gov/assets/Documents/2016/WorkGroups/House%20Human%20Services/Bills/H.171/Witness%20Testimony/H.171~Dr.%20Carney~Slides%20from%20Tobacco%20Panel~2-24-2016.pdf>

3 “e-Cigarette Questionnaire” See attached.

4 [https://www.tobaccofreekids.org/facts\\_issues/toll\\_us/vermont](https://www.tobaccofreekids.org/facts_issues/toll_us/vermont)

5 <http://www.rutlandherald.com/article/20160401/THISJUSTIN/160409945/0/SEARCH>

It is true that e-cigarette vapor contains dangerous chemicals. What is not true, however, is that it contains those chemicals in dangerous concentrations. A hot topic currently among Vermont public health professionals is formaldehyde. What they fail to mention is that healthy human breath also contains formaldehyde which, as they have pointed out, is a likely carcinogen. However, similar to the vapor or aerosol produced by e-cigarettes, it is not in a concentration considered to be harmful. Likewise, metals are present in the air we inhale everyday. They can come from cars, cooking, or just natural processes. It is not the chemical in and of itself that is dangerous, but the amount of that chemical. For this reason, it is important to note the research that has been done at Drexel University. The researchers there found that for users and for secondhand exposures, the chemical contaminants released by e-cigarettes do not pose any significant risk. In other words, if a workplace was pumping secondhand e-cigarette vapor into a factory, OSHA would consider that a safe working environment.

Finally, there is no reason to believe that any business or public accommodation has experienced or is experiencing any problems in enforcing the current smoking ban due to electronic cigarettes. E-cigarettes generally do not look like traditional cigarettes and smell nothing like cigarettes. No organization that represents Vermont businesses has asked for a vaping ban. One might imagine that, if this had been a problem, there would have been much more complaining by business during the decade e-cigarettes have been allowed in Vermont businesses where smoking was banned. This has not occurred. Some businesses have decided not to allow vaping on their premises, and that is their right, but it is not necessary to make that decision for all businesses where there is no confusion occurring and where the human cost of such a ban clearly outweighs the non-existent benefits.