



The African American Tobacco Control Leadership Council

December 16, 2019

To: Governor Phil Scott, Lt. Governor David Zuckerman, Ethan Latour, Assistant Director of Policy Development and Legislative Affairs, Governor's Office, Kendal Smith, Director of Policy Development and Legislative Affairs, Governor's Office, Commissioner of Health Mark Levine, Xusana Davis, Director of Health Equity, Sen. Ginny Lyons, Senate Health and Welfare Committee Chair, Rep. Ann Pugh, House Human Services Committee Chair, Rep. Jessica Brumsted, Rep. George Till, Rep. Janet Ancel, House Ways and Means Committee Chair, Senate President Pro Tem Tim Ashe, Peter Sterling, Chief of Staff, Senate President Pro Tem, Speaker of the House Mitzi Johnson, Katherine Levasseur, Chief of Staff, Speaker's Office and Rep. Brian Cina,

From: The African American Tobacco Control Leadership Council

Re: Prohibit the Sale of Menthol and all Other Flavored Tobacco Products, Including Flavored E-Juices, with no Adult Venue Exemptions in the State of Vermont

Dear Governor Scott, Legislators, Commissioners and Staff,

The African American Tobacco Control Leadership Council (AATCLC) strongly encourages the State of Vermont to prohibit the sale of menthol and all flavored tobacco products, combustibles and vapes in your State. We were all buoyed by the Governor of Massachusetts, Charlie Baker bold step by signing off on the joint Senate and Assembly bill to stop the sale of flavored combustible and vaping products throughout the Commonwealth of Massachusetts. Similarly, to really address the vaping lung injuries sweeping the nation and "flavors explosion" that is addicting kids and adults alike, it is imperative that the State of Vermont take a stand against these practices along with its neighbor.

We cannot lose sight of the fact that menthol in cigarettes and little cigars are driving not only youth uptake, but also health disparities among our citizens. We already know that 80% of youth's 12-17 start smoking using flavored cigarettes (Ambrose et al., 2015). Similarly, and unfortunately, the percentage of high school e-cigarette users who reported using mint and menthol increased from 42.3% in 2017 to 63.9% in 2019 (National youth Tobacco Survey, 2019). If the State government truly wants a healthier Vermont, and we believe that you do, then it is imperative that the sale of menthol and all other flavored tobacco products, vaping and combustibles, be prevented from being sold in the State. The predatory marketing of these products must be stopped and recognized as the social injustice issue that it is, an issue that

disproportionately impacts poorer communities, marginalized groups, our youth and communities of color.

This is no minor matter. Menthol and flavored tobacco products are driving tobacco-caused deaths and diseases nation-wide. While the use of non-flavored tobacco cigarettes has been decreasing, the use of menthol cigarettes is on the rise, among youth and adults; among Latinos, Blacks, and Whites (Villanti, 2016). Let's be clear, the majority of Women smoker's smoke menthol cigarettes; folks from the LGBTQ community disproportionately smoke these products; 47% of Latino smokers prefer menthol cigarettes, with 62% of Puerto Rican smokers use menthol; nearly 80% of Native Hawaiians; a majority of Filipinos; and a majority of smokers with behavioral health issues, all smoke menthol cigarettes. Frankly, the most marginalized groups disproportionately use these "minty" products (CDC, 2010; Fallin, 2015; Forbes, 2013; Delnevo, 2011; Hawaii State Dept. of Health, 2009; Euromonitor, 2008; Hickman, 2015).

Be appraised that 85% African American adults and 94% of Black youth who smoke are using menthol products (Giovino, 2013). These striking statistics arise from the predatory marketing of these products in the Black Community, where there are more advertisements, more lucrative promotions, and *cheaper prices* for menthol cigarettes compared to other communities (Henriksen et al., 2011; Seidenberg et al., 2010). These predacious practices for the past 50 years have led to Blacks folks dying disproportionately from heart attacks, lung cancer, strokes and other tobacco related diseases (RSG, 2014). Some say that prohibiting the sale of menthol products would take away "Black cigarettes;" we say it will save Black lives. It was the tobacco industry that pushed these products down our throats in the first place.

The Lawmakers should be aware that menthol, as if to add insult to injury, masks the harsh taste of tobacco smoke that allows for deeper inhalation of toxins and greater amounts of nicotine, resulting in greater rates of addiction and making these products harder to quit (Ton et al., 2015; Levy et al., 2011). The "cool refreshing taste of menthol" heralded by the tobacco industry is just a guise; ultimately, menthol and all flavors allows the poisons in cigarettes, cigarillos and e-cigarettes "to go down easier!"

We all have been reading in the papers about the vaping lung disease crises sweeping the nation (EVALI: e-cigarette or vaping product use-associated lung injury.) This health crises was pushed and under girded by the "JUUL Explosion," where a little thumb drive looking device is used more than regular cigarettes among today's youth (CDC, 2018). Frankly, the "JUUL Explosion" is really a "Flavors Explosion" given the fact that there are now over 15,000 kid friendly flavors available in the marketplace! (<https://www.flavorshookkids.org/> 2018). While there has not been a definitive cause of the deaths and hospitalizations associated with e-cigarettes lung disease outbreak, (could be multiple sources), the vaporist community would like you to believe that aerosol inhaled by e-cigarette users is only water vapor – nothing could be further from the truth. And while THC has been implicated in many of the cases, let's really look at what the CDC said recently:

"Vitamin E acetate was detected in all 29 patient BAL [bronchial alveolar lavage, which yields information of what is deep in the tiny air sacks in the lungs] samples... Among 23 patients for

whom self-reported THC use information was available, 20 reported using THC-containing products. THC or its metabolites were detected in 23 of 28 patient BAL samples, **including in those of three patients who said they did not use THC products. Nicotine metabolites were detected in 16 of 26 patient BAL specimens.**” [Emphasis added] (CDC. 2019)

Here are some facts concerning E-Cigarettes that we should lose sight of:

1. E-cigarettes are tobacco products that deliver nicotine, an addictive substance that especially in youth can compromise the brains executive functioning (Report of the Surgeon General, 2014).
2. The propylene glycol (PG) and vegetable glycerin (VG) that constitute a large portion of the e-juice and the resulting vapor **are not FDA approved for inhalation.**
3. PG and VG in electronic cigarettes disrupt lung lipid homeostasis and innate immunity independent of nicotine (Madison et al., 2019)
4. The 15,000+ flavors available on the market may be Generally Recognized as Safe (GRAS) for **ingestion**, but they are not GRAS for **inhalation.**
5. There are as many, if not more, metals in the vapor of e-cigarettes than found in cigarette smoke (Williams et al., 2013).
6. Many of the same toxins and carcinogens found in regular cigarettes, like benzene, formaldehyde, and tobacco specific nitrosamines, can be found in e-cigarette vapor (Goniewicz et al., 2013). And yes, these toxins and carcinogens are at lower levels than in a regular cigarette; while these lower levels may be safer, this does not mean that e-cigarettes are **safe!**
7. The vapor from e-cigarettes activates platelet formation just like regular cigarettes; such platelet activity leads to arterial blockages (Hom et al., 2016).
8. E-cigarette aerosol consists of ultrafine particles at levels comparable to or higher than cigarettes. These particles can cause cardiovascular and pulmonary disease. In addition, the particle size in e-cigarettes is often smaller, and thus more dangerous, than those generated by cigarettes (Fuoco FC, Buonanno G, Stabile L, Vigo P. 2014).
9. Kids who start with e-cigarettes are more likely to become regular cigarette users, and unfortunately, in many cases dual users (Piper et al., 2019).
10. Carcinogens have been found in mint and menthol e-cigarettes. The substance, pulegone, which the FDA banned as a food additive in 2018, was found to be 100-1000 times higher in concentrations than what is considered safe for ingestion! (Jabba and Jordt, 2019)
11. Flavors (aldehydes) are respiratory irritants by definition; **Cinnamaldehyde** suppresses bronchial epithelial cell ciliary motility (Clapp et al., 2019)
12. Here is a link to the European Public Health Association: Fact or Fiction on E-cigs: https://eupha.org/repository/advocacy/EUPHA_facts_and_fiction_on_e-cigs.pdf

The AATCLC is calling upon the State of Vermont to join a growing number of cities and counties around the country and become the 2nd State in the Union to prohibit the sales of menthol and all flavored tobacco products, combustibles and vapes. This would be a bold and

unprecedented move toward protecting the public's health. While the Food and Drug Administration and the Trump administration have been making noises about restricting flavors in e-cigarettes and getting rid of menthol cigarettes and flavors in little cigars, we know that resistance from the tobacco industry will and is formidable. We already know that Juul and other members of the tobacco industry are lobbying hard to exempt menthol and mint in any FDA/ National ordinances that may be enacted. This is the same mistake the Congress made in 2009 when it removed 13 flavors from tobacco products, but exempted menthol. And for the past 10 years the FDA has failed to do anything about menthol in combustibles and now all flavorings in vaping products. The New York Times reported a few weeks ago that President Trump is bowing to pressure from the tobacco industry and the vaporist community and tabling any national regulation of flavored e-cigarette juices all together:

<https://www.nytimes.com/2019/11/17/health/trump-vaping-ban.html> Hence, it is imperative that the State of Vermont follow the lead of Massachusetts and join the growing movement to remove flavored tobacco products, especially menthol cigarettes and flavored e-juices, from the market place.

We should note that some groups, spurred on by the tobacco industry, have been spreading falsehoods, stating that restricting the sale of menthol and flavored tobacco products, including flavored e-juices will lead to the “criminalization” of particularly young Black men. Nothing could be further from the truth. All city and county ordinances and the Massachusetts State-wide ordinance, would *prohibit the sale* of flavored products, it would *not prohibit the possession* of these products. Hence, this ordinance will not lead to police having any greater interaction with any youth.

Formed in 2008, the African American Tobacco Control Leadership Council is composed of a cadre of dedicated community activists, academics, public health advocates and researchers. Even though based in California, we are national in our scope and reach. We have partnered with community stakeholders, elected officials, and public health agencies, from Chicago and Minneapolis to Berkeley and San Francisco. Our work has shaped the national discussion and direction of tobacco control policy, practices, and priorities, especially as they affect the lives of Black Americans, African immigrant populations and ultimately all smokers. The AATCLC has been at the forefront in elevating the regulation of mentholated and other flavored tobacco products on the national tobacco control agenda, including testifying at the FDA hearings when the agency was first considering the removal of menthol cigarettes from the marketplace. We should note we were active in the passage of the Massachusetts Ordinance.

We here at the AATCLC recognize that the State of Vermont is and will be under extraordinary pressure from the tobacco industry and the vaporist community to put profits above human life by limiting or curtailing restrictions on flavored tobacco products. Please join the growing movement and become the 2nd State in the Union to stand up to the tobacco industry and their allies and call for: **No Selling of Menthol Cigarettes and All Other Flavored Tobacco Products, including Flavored E-Juices in Vermont!** Say “No” to the continued predatory marketing of flavored tobacco products to our youth, and say “Yes” to the health and welfare of

our kids, who are the most vulnerable. In fact, say “Yes” to the protection for **all** residents of the State of Vermont.

We are all counting on you!

Sincerely,



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