

Re: Vermont S-18

I respectfully present my opinions for your consideration.

My name is Charles Giblin, representing the center for the Advancement of Public Safety & Security a Homeland Security and Government policy think tank. *In disclosure, I consult for Altria Client Services on issues related to law enforcement impacts of prohibition, however the opinions expressed herein are exclusively my own and not directed by any person or entity.*

I am the retired Special Agent in charge of the NJ Treasury Department - Office of Criminal Investigation. During my 45 years in law enforcement 36 were spent in the investigation and enforcement of cigarette & tobacco laws including e-cigs or "ends" overseeing the criminal, civil and administration of those laws and programs.

The Federal Bureau of Alcohol, Tobacco & Firearms presented me with a national award in recognition of my work in Tobacco Diversion.

I served as the Regional Governor of the Federation of Tax Administrators Tobacco Section. (Northeast Region) Additionally, I received that organization's lifetime achievement award for my contribution to tobacco regulation and enforcement.

I served on the Board of Directors of the International Association of Chiefs of Police for 3 years.

I've been certified as an expert witness in both Federal and a number of States courts.

In this instance I write to express my opposition to any ban of flavored tobacco and /or ecigs and related products as proposed in S18.

Any flavor ban will result in providing a footing for traditional and non traditional organized crime groups and cartels in your state. This is not an exaggeration. I've worked those cases. I also worked on international illicit tobacco trafficking cases such as operation "Royal Charm". There is no question that significant criminal elements will thrive as well as funding of terrorist actors and organizations!

My opinions about the pro ban testimony of health professionals are influenced by the fact that my mother died of lung cancer and my wife is a retired manager from the NJDOH.

Some Public Health advocates have been materially misrepresenting the results of the Task Force's report in Massachusetts!

Some health advocates also point to the Canada flavor ban.

Canadian First Native reservations have become significant sources for illicit tobacco manufacturing, selling, and smuggling. Among the key sites: the Akwesasne, Kahnawake, and Kanasatake reserves near the U.S.-Canada border all are within a reasonable drive from Vermont. They have and continue to be significant sources of illicit tobacco to the United States.

I call your attention to the Center for Public Integrity article:

HEALTH

Canada's boom in smuggled cigarettes
by William Marsden
March 27, 2009

<https://publicintegrity.org/health/canadas-boom-in-smuggled-cigarettes/>

The situation has not changed in Canada and their provincial police are now involved in enforcement of tobacco laws.

When citing the Massachusetts flavor ban, I am aware of the their challenges. Revenue loss, costs to government agencies for investigations, prosecutions, storage of evidence, destruction of evidence *especially vapor products which is an excessive expense as it must be destroyed in an environmentally acceptable manner.*

These were all unanticipated consequences.

Counterfeit flavored products that will mimicking trademark brands which will undoubtedly bear sophisticated counterfeit Vermont Tax Stamps will fill the new black market. This is another significant learning curve for enforcement personnel, forensic examinations and prosecutors and courts.

The US Department of State issued the below report:

THE GLOBAL ILLICIT TRADE IN TOBACCO:
A THREAT TO NATIONAL SECURITY

<https://2009-2017.state.gov/documents/organization/250513.pdf>

I am also concerned with the Vermont Liquor Control use of FDA (Food & Drug Administration) contract inspections. FDA has limited enforcement resources and using a civil enforcement model is a failed and ineffective process.

All In all the imposition of a single State flavor ban sets the stage for failure on a number of levels.

State and international cross border smuggling activity which requires boots on the ground for effective law enforcement will be necessary. Further, non age of sale licensed business inspections will be necessary. Both will require expansion of the State Liquor Control enforcement personnel, activities and capacity. Thought must be given to forensic examination (to determine if flavored, etc) of tobacco and vapor liquids to effectively prosecute criminal cases will be required.

There are a myriad of additional measures that will be required and must be further explored. It is necessary to consult with a broader set of law enforcement resources. To understand the significant impact this ban will have on your State.

Respectfully,
Charles Giblin
Senior Advisor for Law Enforcement- Center for the Advancement of Public Safety & Security

