January 27, 2021

The Honorable Mark Pawsey, MP  
Chair, All-Party Parliamentary Group for Vaping  
House of Commons  
London, SW1A 0AA

Dear Mr. Pawsey,

Citizens Against Government Waste (CAGW) appreciates the opportunity to comment on the United Kingdom’s All-Party Parliamentary Group for Vaping regarding this year’s Conference of the Parties (COP9) to the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC). As you know, the WHO FCTC was scheduled to meet last November but due to COVID-19 has been rescheduled for November 2021 in The Hague, Netherlands.

CAGW is concerned about any far-reaching proposals that attendees may consider limiting the use of any type of electronic nicotine delivery systems (ENDS), e-cigarettes, or similar devices. We ask that the conferees consider how the United States and other countries have addressed these harm reduction products and the unintended consequences of COP9 proposals.

CAGW is a 501(c)(3) private, nonpartisan, nonprofit organization representing more than 1 million members and supporters in the United States. CAGW’s mission is to eliminate waste, fraud, abuse, and mismanagement in government. Founded in 1984 by the late businessman J. Peter Grace and late Pulitzer Prize-winning columnist Jack Anderson, CAGW is the legacy of President Ronald Reagan’s Private Sector Survey on Cost Control, also known as the Grace Commission.

As an organization, we have often promoted the important work and analysis done in the United Kingdom on the value of ENDS, e-cigarettes, and similar products, like heated tobacco products (HTP), and the important part they have played in moving people away from smoking combustible cigarettes. These harm reduction tools not only help people wean themselves off cigarettes, they also can help to decrease their nicotine addiction. We strongly urge that you continue to defend your country’s leadership role in utilizing these harm reduction products to reduce the use of disease and death-causing combustible cigarettes.

CAGW remains concerned that the WHO has already concluded that no tobacco harm reduction products should be used to reduce the use of harmful combustible cigarettes. For example, the WHO argued in a May 2020 Fact Sheet that heated tobacco products “are like all other tobacco products, inherently toxic and contain carcinogens.” Examples given of these products were IQOS, Ploom, Glo, and PAX vaporizers. Yet, studies show otherwise.

In April 2019, the U.S. Food and Drug Administration (FDA) authorized the marketing of a new tobacco product, Phillip Morris’s IQOS. The FDA concluded, “Following a rigorous science-based review through the premarket tobacco product application (PMTA) pathway, the agency
determined that authorizing these products for the U.S. market is appropriate for the protection of the public health because, among several key considerations, the products produce fewer or lower levels of some toxins than combustible cigarettes.” In July 2020, the FDA authorized the marketing of the IQOS as a modified risk tobacco product (MRTP) for certain claims, such as it “significantly reduces the production of harmful and potentially harmful chemicals.” Despite the FDA’s MRTP marketing order for IQOS and clear evidence that the data submitted could help nicotine addicted adults transition away from combustible cigarettes and reduce exposure to harmful chemicals, the WHO downplayed the data and criticized the results, stating that, “reducing exposure to harmful chemicals in [HTPs] does not render them harmless, nor does it translate to reduced risk to human health.”

Although the FDA has finally started to accept PMTAs for vaping products and accessories, there has been a strong undercurrent of opposition to vaping within the agency just as there is within the WHO. This obstruction started with the 2016 deeming rule that forced vaping manufacturers to go through the complicated and expensive PMTA process for new tobacco products, even though they were in the U.S. market prior to passage of the 2009 law that gave the FDA authority to regulate tobacco.

Strong opposition to vaping products and its variety of flavors led to a youth vaping “crisis” campaign in 2018 and reached a fever pitch during the 2019 EVALI crisis that began in April 2019 and peaked months later in September. The FDA and the Trump administration banned fruit and mint vaping flavors in e-cigarettes and vaping products except for those found in adult vaping stores with tank-based systems. Several states followed suit with temporary bans on flavored vaping products.

In October 2019, the Centers for Disease Control and Prevention (CDC) discovered that Vitamin E acetate was found in tetrahydrocannabinol (THC) e-cigarettes and were strongly linked to causing the EVALI outbreak. These harmful products were acquired from friends, family or in-person or online dealers. In other words, the products were obtained from the black market. But by then, the damage to legitimate vaping products was done.

In November 2019, Massachusetts became the first state to permanently ban the sale of all flavored tobacco products and placed a 75 percent excise tax on e-cigarettes. However, a convenience store trade group study found that Massachusetts consumers traveled to neighboring states to purchase their flavored cigarettes and vaping supplies. Massachusetts lost a total of $73 million in taxes while neighboring states gained market share and increased revenue as the flavored tobacco market simply shifted to other states.

Most of the actions taken by the federal government and the states were driven by the concern over a youth vaping “crisis.” But, a January 2020 New York University School of Global Public Health study analyzed the CDC’s 2018 National Youth Tobacco Survey and found that more than 80 percent of youth do not use any tobacco product and more than 86 percent do not vape. For those that do vape, most are not regular users. Those that vape regularly were former smokers.
Youth use of any tobacco product is concerning, but CAGW has always believed that the best approach is strong parental oversight and education using clear, easy to understand facts, not hysteria.

In closing, CAGW hopes that the PMTAs, which are currently being reviewed by the FDA, will provide valuable data on whether ENDS are important tobacco harm reduction tools, a conclusion that has already been reached in the United Kingdom. Even if the results are not available by the November meeting, CAGW encourages you to continue to conduct unbiased reviews of whether vaping is less harmful than using combustible cigarettes.

Banning any product will always push consumers to find them somewhere else, including foreign countries, the internet, and the black market. For example, China grows far more tobacco than any other country with 3,150,197 metric tons per year (its closest competitor is Brazil at 850,000 metric tons per year) and no doubt would be a willing supplier of any tobacco product.

The U.S. experience has shown that an overreaction to a supposed crisis, including product bans, lead to more problems and cause more harm. When accurate facts are presented, like those in the IQOS PMTA and MRTP applications and studies similar to those undertaken by Public Health England that show the benefits of tobacco harm reduction, CAGW believes most signatories to the FCTC will conclude that they should not be opposed to these products.

Sincerely,

[Signature]

Thomas Schatz