

February 6, 2015

Representative Mitch Greenlick
Chair, House Committee on Health Care
900 Court St. NE, H-493
Salem, OR 97301

Re: Support for HB2546

Dear Rep.Greenlick,

On behalf of our members in Oregon, Americans for Nonsmokers' Rights wants to express our support for HB2546, which will be heard in the House Committee on Health Care on Monday. This bill would regulate e-cigarettes and other electronic smoking devices, including prohibiting the use of the products in smokefree environments, where people may be exposed to the secondhand aerosol they emit.

E-cigarette companies and proponents claim that the aerosol emitted by these products is completely harmless and only contains "water vapor." However, research on the constituents shows that e-cigarettes produce dense visible aerosol of liquid sub-micron droplets consisting of glycols, nicotine, & some carcinogens (e.g., formaldehyde, metals like cadmium, lead, & nickel, and nitrosamines). So while some may believe the product is "safer," use of and exposure to e-cigarettes certainly isn't harmless or risk-free (see attached fact sheet).

Oregon would be in good company in prohibiting the use of electronic smoking devices in all places that are required to be smokefree, both indoors and outdoors. Currently, three states (New Jersey, North Dakota, and Utah) and more than 270 municipalities prohibit the use of these products in all smokefree environments. Additional states are considering bills this legislative session to not allow e-cigarette use in smokefree spaces, including California, Hawaii, and New York.

E-cigarette proponents argue that these products are safer, healthier, and help people quit tobacco smoking. It may be true that e-cigarettes, in general, are less polluting than tobacco cigarettes, but they still emit pollutants and toxins into the air. In fact, not only do non-users show levels of cotinine, a biomarker for nicotine, in their system, there is now evidence of third-hand exposure to the aerosol. Given the current science base, we should take the precautionary approach and ensure individuals are not exposed to the secondhand aerosol in smokefree environments.

While research shows that the levels of toxins in e-cigarette aerosol are lower than in tobacco smoke, the levels are *higher* than what are found in FDA-approved nicotine inhalers, and there is evidence that at least 10 chemicals identified in the aerosol are on the California Prop 65 list of dangerous carcinogens and reproductive toxins, including Acetaldehyde, Benzene, Cadmium, Formaldehyde, Isoprene, Lead, Nickel, Nicotine, N-Nitrosonor nicotine, and Toluene.

People may still choose to use e-cigarettes, but they should not be allowed to use them in smokefree spaces where they may potentially harm others. The public should not be guinea pigs as we continue to learn more about the health and safety concerns surrounding these products.

E-cigarettes are currently unregulated, which leaves a great deal of unknowns not only about potential health risks to the user and non-user exposed to the secondhand aerosol. While the FDA can and

should regulate the production of electronic smoking devices, they do not have the authority to address where the products may be used. States and cities can and are enacting laws that regulate when and where these devices can be used, as well as laws that regulate sales to minors and where the product can be sold.

E-cigarette manufacturers and proponents are using unrestrained marketing tactics, especially aimed at youth and young adults via online media, to normalize product use and to promote electronic smoking devices as a “safe” alternative to smoking and as an easy way to quit smoking. There is also a concerted effort by these companies and proponents to prevent regulation of the product, and now that the three major U.S. tobacco companies—Altria, RJ Reynolds, and Lorillard—own or have developed e-cigarette brands, we are seeing even more aggressive and deceptive marketing and lobbying. For instance, Los Angeles radio stations aired ads by Blu E-cigarettes, owned by Lorillard Tobacco Company, and Vuse E-cigarettes, an RJ Reynolds product, asking people to attend the March 2014 City Council hearing to oppose the proposed ordinance.

Thankfully, the Los Angeles City Council resisted the industry pressure and voted unanimously to include electronic smoking devices in the city’s smokefree air law. Opponents of including e-cigarettes in smokefree laws are fighting tirelessly to oppose these commonsense public health laws, and social media is at the forefront of their strategy. For example, a paper, “Tweeting for and Against Public Health Policy: Response to the Chicago Department of Public Health’s Electronic Cigarette Twitter Campaign,” documents the organized campaign—based outside of Chicago (and outside Illinois)—designed to generate opposition to Chicago’s successful 2014 ordinance.

Oregon has the opportunity to protect public health from exposure to secondhand aerosol. We have enough science to make an intelligent decision that secondhand aerosol is not harmless, and that it is a new source of air pollution that contains ultrafine particles, toxicants, and carcinogens.

Given these facts, Americans for Nonsmokers’ Rights supports HB2546 to include e-cigarettes and other electronic smoking devices in Oregon’s smokefree air laws, without exception.

Thank you for your leadership and desire to make Oregon the best place to live, work, and visit. Please feel free to contact me at 510-841-3045 if you have any questions, comments, or feedback.

Sincerely,



Cynthia Hallett, MPH
Executive Director

Cc: House Committee on Health Care and Rep. Kathleen Taylor

Attachments: Electronic Smoking Devices and Secondhand Aerosol fact sheet
Electronic Smoking Devices and Smokefree Laws
List of Cities and States with e-cigarette laws

Americans for Nonsmokers’ Rights is a national, member-based, not-for-profit organization based in Berkeley, CA that is dedicated to helping nonsmokers breathe smokefree air since 1976.