

Dear Chairmen and Members of the Committees for Health and Human Services and Public Health,

I am writing to you in my capacity as a consultant for the Electronic Cigarette Industry Group (“ECIG”). ECIG is a non-profit organization representing consumers, manufacturers, importers and distributors of electronic cigarettes. ECIG advocates for reasonable regulation of electronic cigarettes and supports laws that prevent minors from accessing them. I offer these comments in connection with the January 22, 2014 meeting for Senate Interim Studies 13-26 and 13-52 and House of Representatives Interim Study IS-13-083, all of which pertain to tobacco harm reduction and the appropriate regulation of electronic cigarettes and other alternatives to traditional tobacco products.

Before joining ECIG as a consultant, I was President and CEO of the American Lung Association. My efforts with the American Lung Association included securing passage of the landmark federal legislation that placed the tobacco industry under the regulation of the Food and Drug Administration. With the FDA now poised to regulate electronic cigarettes, it is important for state and federal regulators to acknowledge the important distinctions between e-cigarettes and traditional tobacco products.

A few recent proposals – such as Governor Fallin’s executive order banning electronic cigarettes on public property and a failed 2013 bill that would have subjected electronic cigarettes to tobacco product requirements –illogically impose the same restrictions on e-cigarettes that govern combusted cigarettes. Such proposals are misguided in that they are not grounded in any evidence linking electronic cigarettes to the dangers posed by traditional cigarettes. Even worse, such proposals are likely contrary to public health by discouraging smokers from an alternative.

Perhaps like other emerging technologies, electronic cigarettes have become the subject of confusion and, in some instances, purposeful misinformation. For example, some people appear to believe that electronic cigarettes emit the same toxic byproducts as conventional cigarettes. Consequently, they have called for the same restrictions on electronic cigarettes. But electronic cigarettes are not the same – they do not involve combusted tobacco, which is widely recognized as the real danger from smoking, and they do not emit the same harmful second-hand smoke. Because electronic cigarettes are different, they require different regulations.

The emerging evidence provides a good understanding of electronic cigarettes and their byproducts. The primary ingredient is propylene glycol, which is a commonly-used preservative in many foods we eat. Recent research has shown that that any harm from electronic cigarettes is likely to be negligible, particularly when compared to traditional cigarettes. Stated differently, the question regarding electronic cigarettes is not whether there is evidence they may be harmful, but rather whether electronic cigarettes present similar risks to conventional cigarettes. There is no evidence that electronic cigarettes pose such risks.

I believe that regulating electronic cigarettes the same as traditional cigarettes would convey the false impression to smokers that electronic cigarettes are as dangerous as traditional cigarettes. If that happens, it would discourage what could be a beneficial alternative to

traditional cigarettes, an outcome that is not in the public interest. Electronic cigarettes have the potential to make combusted cigarettes obsolete, and regulators should shape policy to encourage, rather than discourage, these products as part of an overall tobacco harm reduction policy.

The Food and Drug Administration has drafted regulations governing electronic cigarettes, and it appears that these regulations will treat electronic cigarettes differently than traditional tobacco products. The Oklahoma legislature would be wise to wait for the FDA's findings, and then consider appropriate regulations. Until then, laws that equate electronic cigarettes with tobacco products are premature, and likely will damage a promising new alternative.

Sincerely,

Charles Connor
Past President
American Lung Association