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## Don't Protect Cigarettes by Banning Far Less Harmful Nicotine Vapor Products



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When cigarette smokers switch to Electronic Nicotine Delivery Systems (ENDS) (electronic cigarettes), they are exposed to exponentially fewer toxins (such as tar and carbon monoxide) and, thus, are far less likely to get cancer or circulatory disease.

That's why the Food and Drug Administration should encourage their use by smokers — instead of demonizing them and banning their sales. This view has been known in England for years and was confirmed in the New England Journal of Medicine a few months ago: “E-cigarettes were more effective for smoking cessation than nicotine-replacement therapy, when both products were accompanied by behavioral support.”

Many vapor products, however, do not contain or emit nicotine, but rather contain and emit THC, CBD, flavorings, caffeine, vitamins or melatonin.

But back in 2016 the FDA redefined all of these different types of vapor products as “e-cigarettes” and “tobacco products,” while the Centers for Disease Control and Prevention

has been classifying all teens who reported vaping any substance (including THC) as “e-cigarette users” and “tobacco users.”

During the last several years, THC vaping has skyrocketed among teens (accounting for much or most of the recent increase in teen vaping) and young adults, as increasingly more pot smokers have switched to vaping THC. The National Youth Tobacco Survey found that THC vaping by teens increased by 60 percent from 2016 to 2018 (from 8.6 percent to 13.8 percent), and a survey of U.S. college students found that marijuana vaping more than doubled from 5.2 percent in 2017 to 10.8 percent in 2018.

Had FDA not redefined all no-nicotine vapor products (including THC vapor products) as “tobacco products” in its 2016 Deeming Rule, the CDC would have reported far lower rates of “e-cigarette use” and “tobacco use” by U.S. teens in recent years. FDA’s Deeming Rule was originally set to ban 99.9 percent of nicotine vapor products (on the U.S. market) on August 8, 2018, and a federal judge recently ordered FDA to begin enforcing it by May 12, 2020, which will deprive millions of vapers legal access to the products that helped them quit smoking.

In recent months, vaping related lung illnesses have sickened up to 380 people and killed as many as seven. Consequently, the CDC, FDA and many state health agencies have responded to this outbreak by blaming electronic cigarettes (i.e. vapor products that contain/emit nicotine), have condemned nicotine and urged everyone to stop vaping.

However, illegal THC vapor oil cartridges were used in the vast majority of (and perhaps nearly all) cases of these mysterious lung illnesses, and none of these illnesses have been attributed to vaping nicotine.

While 14 states have legalized and now license the sale of THC vapor oils, just one of the 380 lung illness cases (in Oregon) involved the use of a licensed THC vapor oil product. Due to skyrocketing demand for THC vapor oils (that licensed dispensaries cannot legally or economically supply), a huge black market for THC vapor products has emerged nationwide.

After a month of repeating claims that these lung diseases were due to “electronic cigarettes” and discouraging everyone from vaping, on September 6 the FDA acknowledged these illnesses were due to vaping THC oils. Meanwhile, the CDC and state health agencies continue to claim or insinuate that nicotine vapor products are

causing these illnesses, and continue urging Americans to stop vaping, which is likely to result in an increase in cigarette sales nationwide. This messaging has been amplified in the media by citing the long-term opponents of vaping.

They ignore the fact that, during the past year, the National Youth Tobacco Survey showed that, although past 30 day vaping by high school students rose (from 20.8 percent to 27.5 percent) in the past year, cigarette smoking dropped 28 percent (from 8.1 percent to 5.8 percent) and has dropped 63 percent since 2011 (from 15.7 percent to 5.8 percent) to a new record low.

If/when the FDA bans the sale of virtually all nicotine vapor products, the agency will create an e-cigarette monopoly/cartel controlled by the largest cigarette companies, will create a multi-billion dollar black market for banned nicotine vapor products, and will increase cigarette sales (as some/many nicotine vapers switch back to far more harmful cigarettes). Yet, nothing proposed by the FDA will reduce the incidence and/or severity of THC vaping illnesses.

To best protect public health, the FDA should rescind its regulations to ban the sales of virtually all nicotine vapor products, and should encourage addicted smokers to switch to them. FDA and CDC must also warn Americans to stop vaping illicit THC products, and begin differentiating between nicotine and THC vapor products.

*About the Author*

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