



**AMERICAN COUNCIL  
ON SCIENCE AND HEALTH**  
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To:  
New York State Senate Health Committee

From:  
The American Council on Science and Health  
Elizabeth M. Whelan, President  
Gilbert L. Ross, M.D., Medical Director

**New York State E-cigarette Legislation**

The American Council on Science and Health (ACSH), a public health education and consumer advocacy nonprofit devoted throughout our 35 year history to the promotion of sound science in public health policy, urges the New York Senate Health Committee to promote the benefits of e-cigarettes as a method of Tobacco Harm Reduction (THR) in helping smokers quit, and reject the proposal to redefine tobacco products under New York tax law to include any product containing nicotine, thereby imposing a 95% tax on the wholesale price of all e-cigarette products containing nicotine. We also urge the health committee to reject S.B. 6562 which would prohibit the use of e-cigarettes wherever "smoking" is banned and S.B. 6939, which would ban the sale of e-cigarette liquids to adults. Furthermore, we are also opposed to S.B. 7027A which discusses labeling and packaging requirements. These restrictions on nicotine-containing products should be commensurate with health risk and because e-cigarettes are far less risky than other tobacco products, the proposed bills should take that into account. Given the low risks of e-cigarette use, there is no reason for the state to do anything to make e-cigarettes less accessible, affordable, or attractive to adult consumers who are choosing to use e-cigarettes as a safer alternative to smoking.

Our own research on this subject<sup>1</sup> published in a peer-reviewed academic journal, as well as many other studies and epidemiological data, support our assertion that the methodologies comprising THR — the substitution of low-risk tobacco and nicotine-delivery products for lethal cigarettes — have significant potential benefits in terms of reducing the tragic toll of cigarette smoking by supplying addicted smokers with the substance they crave — nicotine — but at a much reduced cost in terms of adverse health effects.

Those who support the concept of tobacco harm reduction, including ACSH, urge you to rely on the readily available scientific and empirical evidence to recommend policies promoting THR and e-cigarettes, which is this:

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- The benefits from electronic cigarettes for New York State's public health are supported by a growing mountain of scientific and empirical evidence, which over the past five years consistently indicates that e-cigarettes:
  - are approximately 99% less hazardous than cigarettes
  - are consumed almost exclusively (i.e. > 99%) by smokers and former smokers who quit by switching to e-cigs
  - have helped several million smokers quit and/or sharply reduce cigarette consumption
  - have contributed to the historic declines in sales of cigarettes over the past two years

*The most important piece of supporting evidence for the use of e-cigarettes to help smokers quit is this:*

**"While many smokers, the public, and even many physicians, believe that nicotine is a toxic component of cigarette smoke, in fact the toxic chemicals reside amongst the thousands of other chemicals in the tar and the gas phase. The nicotine is the primary (but not the sole) addictive agent— *smokers smoke for the nicotine, but they die from the smoke.*"**

Furthermore, studies have indicated that levels of the contaminants that e-cigarette users are exposed to are far below any levels that would pose a health risk. And, the exhaled vapor poses no risk to bystanders. If needless restrictions such as those proposed are enacted — presenting obstacles for desperate smokers trying to quit — electronic cigarettes will become black market items or sold by Big Tobacco companies, eager to snap up the currently vibrant small businesses in the e-cigarette stream of commerce. Under the proposed plan, the most popular vapor products on the market would retail for substantially more than a pack of toxic, deadly cigarettes. Restricting areas in which e-cigarettes can be used and banning the sale of e-cigarette liquids to adults would also present unnecessary obstacles to addicted smokers trying to quit.

Furthermore, the ban on e-cigarette liquids would cost the State of New York millions of dollars in lost sales, taxes, income taxes, and other sources of tax revenue effectively shutting down small and medium sized businesses in New York, put more people on unemployment and lead existing and future e-cigarette users to purchase products over the internet or from other states. The threat of e-cigarette liquid has been greatly exaggerated for political purposes. Poison Control Center data



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released by the CDC showed that from September 2010 to February 2014, there were nearly 700% more calls relating to traditional tobacco products versus any kind of e-cigarette product (2,405 for e-cigarettes vs. 16,248 for tobacco products). Hospitalizations were rare and the only death reported from an e-cigarette poisoning was from an adult who committed suicide by intentionally *injecting* e-cigarette liquid into his body.

S.B. 7027 A would also interfere with New York State commerce. Labeling and packaging requirements should be addressed as a national standard to provide uniformity. If various states adopt different rules and requirements regarding packaging and labeling, it will make it more difficult for products to cross state lines, thereby reducing consumer access.

Making e-cigs inaccessible to desperate smokers by these needless measures will send smokers this message: *Keep on smoking*. While no tobacco product is free of health risks, vapor products are a noncombustible alternative to traditional cigarettes. State legislation and tax policy should not create hurdles or discourage cigarette smokers from switching to non-combustible products such as vapor products.

The World Health Organization predicts **one-billion** prematurely dead from cigarettes this century if current trends continue. That must not be allowed to happen. While some agenda-driven opponents of e-cigarettes warn: "We just don't know what might happen with e-cigarettes," we at The American Council on Science and Health respond, "We surely do know what will happen with the real ones: almost a half-million dead American smokers, each year."

Thank you for your consideration.

Elizabeth M. Whelan, Sc.D., M.P.H., President, ACSH  
Gilbert L. Ross, M.D., Medical Director, ACSH

**References:**

1. <http://acsh.org/2012/02/helping-smokers-quit-the-science-behind-tobacco-harm-reduction/>
2. Goniewicz:  
<http://tobaccocontrol.bmj.com/content/early/2013/03/05/tobaccocontrol-2012-050859.abstract>



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3. Burstyn:

<http://publichealth.drexel.edu/~media/Files/publichealth/ms08.pdf>

**Links to ACSH's own publications on tobacco harm reduction and most recently, nicotine.**

<http://acsh.org/2012/02/helping-smokers-quit-the-science-behind-tobacco-harm-reduction/>

<http://acsh.org/2014/01/effects-nicotine-human-health/>

**Supporting Studies:**

The emerging phenomenon of electronic cigarettes.

Caponnetto P, Campagna D, Papale G, Russo C, Polosa R.  
<http://www.ncbi.nlm.nih.gov/pubmed/22283580>

Tobacco, nicotine and harm reduction.

Le Houezec J, McNeill A, Britton J.  
<http://www.ncbi.nlm.nih.gov/pubmed/21375611>

Contrasting snus and NRT as methods to quit smoking. an observational study

Janne Scheffels<sup>1</sup>, Karl E Lund, and Ann McNeill  
<http://www.harmreductionjournal.com/content/9/1/10>

**Recent op-ed's by ACSH's Dr. Gilbert Ross**

FORBES:

<http://www.forbes.com/sites/realspin/2013/12/17/michael-bloombergs-attack-on-e-cigarettes-will-drive-ex-smokers-back-to-the-real-thing/>

The Parliament: <http://www.theparliament.com/latest-news/article/newsarticle/pm-blog-gilbert-ross-ecigarettes/#.UswzY2RDuYj>

Eureporter:

<http://www.eureporter.co/world/2013/12/04/opinion-eu-bureaucrats-plan-to-protect-cigarette-and-drug-markets-while-killing-smokers/>



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American:

<http://www.american.com/archive/2013/november/smoking-kills-and-so-might-e-cigarette-regulation>

NPR: <http://acsh.org/2013/10/dr-gilbert-ross-on-npr-cleveland/>

FORBES: <http://www.forbes.com/sites/realspin/2013/10/11/why-is-the-fda-shielding-smokers-from-the-good-news-about-e-cigarettes/>

Journal Now:

[http://www.journalnow.com/business/business\\_news/local/article\\_e71e1490-0c0a-11e3-913e-001a4bcf6878.html](http://www.journalnow.com/business/business_news/local/article_e71e1490-0c0a-11e3-913e-001a4bcf6878.html)

Washington Examiner: <http://washingtonexaminer.com/calling-the-fdas-bluff-and-saving-smokers/article/2504143>

Spectator: <http://spectator.org/articles/34413/deadly-crusade-against-e-cigarettes>

FORBES: <http://www.forbes.com/sites/realspin/2013/01/10/the-eus-new-tobacco-directive-protecting-cigarette-markets-killing-smokers/>

“Can e-cigarettes help you give up smoking?” (Interviews of Mike Siegel and ACSH's Gil Ross b staff writer Lori Newman), *Lifescrypt Healthy Living for Women*, 2/3/2013

URL: [http://www.lifescrypt.com/health/centers/smoking\\_cessation/articles/can-ecigarettes-help-you-give-up-smoking.aspx?p=1](http://www.lifescrypt.com/health/centers/smoking_cessation/articles/can-ecigarettes-help-you-give-up-smoking.aspx?p=1)