

Senate Health Committee

New York State Assembly

Albany, NY

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Senate Hearing on
Electronic Cigarettes

**Prepared Testimony By:
Rob Dunham**

**Executive Vice President of Public Affairs
R.J. Reynolds Vapor Company**

I am submitting testimony on behalf of R.J. Reynolds Vapor Company to voice our opposition to a ban on the use of vapor products (e-cigarettes) in public places where cigarette smoking is banned.

R.J. Reynolds Vapor Company is a wholly-owned subsidiary of Reynolds American Inc. (RAI). RAI has several operating companies in addition to R.J. Reynolds Vapor Company, including R.J. Reynolds Tobacco Co., the second-largest U.S. tobacco company; American Snuff Company, the second-largest manufacturer of smokeless tobacco products; Santa Fe Natural Tobacco Company, manufacturers of Natural American Spirit tobacco products; and Nicovum, which markets innovative nicotine replacement therapy (NRT) products under the Zonnic brand name.

We believe a ban on vapor products is counterproductive and would act against the interest of public health. Vapor products are very different from cigarettes and should be treated differently from those products.

Vapor products are relatively new to the marketplace, and we maintain that science does not support treating these products as a conventional cigarette.

Lawmakers have a responsibility to develop policies that benefit the public health. For every smoker who switches to a non-combustible product, the individual and society benefit from reduced health costs and impact, therefore it is imperative to regulate the products appropriately, with restrictions on tobacco use proportionate to tobacco product risk.

As background, vapor products are, generally, a cigarette-shaped electronic product, powered by a rechargeable or disposable battery, designed to vaporize a dilute solution of nicotine for adult consumers to inhale. When a consumer puffs on the device, an electronic sensor detects air flow and vaporizes liquid inside to form an aerosol or mist. Upon inhalation, the electronic sensor lights an LED indicator to signal activation of the device. Most, but not all cartridges contain nicotine suspended in propylene glycol, glycerin and water.

Unlike traditional cigarettes, vapor products do not burn tobacco nor do they emit smoke. Instead, an e-cigarette consumer inhales vapor produced by the product and emits part of that vapor upon exhaling. This difference is crucial for the purposes of considering this proposal.

As you know, most of what comprises secondhand smoke from cigarettes results from the smoke emanating from the lit end of the cigarette. As no tobacco is burned with vapor products and, indeed, smoke is not emitted from these products, the amount of aerosol generated and the composition of that aerosol differs dramatically from that of a conventional cigarette.

While there is no such thing as a safe tobacco product, and more data is needed on the long-term effects of vapor products, the fact is these products do not involve burning tobacco, the source of most of the harmful effects of smoking traditional cigarettes.

A growing number of adult smokers are considering vapor products, sometimes giving up smoking traditional cigarettes altogether, and the category continues to grow. According to news stories, about one in five adult cigarette smokers in the U.S. had tried electronic cigarettes in 2011, nearly twice as many as in 2010.

Amy L. Fairchild and James Colgrove, professors from the Mailman School of Public Health at Columbia University, published a defense of vapor products in The New York Times in December under the headline "The Case for Tolerating E-Cigarettes." The story states, "If e-cigarettes can reduce, even slightly, the blight of six million tobacco-related deaths a year, trying to force them out of sight is counterproductive."

In addition, Sally Satel, a resident scholar at the American Enterprise Institute and a psychiatrist specializing in addiction, wrote a column in The Washington Post in February that ran under the headline "How e-cigarettes could save lives."

Satel's column states: "Also, we should allow and welcome public vaping in adult environments such as bars, restaurants and workplaces. Vapers would serve as visual prompts for smokers to ask about vaping and, ideally, ditch traditional cigarettes and take up electronic ones instead."

A study in the Journal of Public Health Policy by Zachary Cahn, a professor in the Department of Political Science at the University of California at Berkeley, and Michael Siegel, a professor in the Department of Community Health Sciences at Boston University's School of Public Health, states that there isn't any evidence that any of the estimated 10,000+ chemicals in tobacco smoke (including 40+ known carcinogens) are present at greater than trace levels in e-cigarette vapor.

Allowing the use of tobacco products that do not burn tobacco where smoking is banned can offer incentives for smokers to consider switching to non-burning, lower-risk tobacco products and thus decrease their risk for harm.

For all the reasons stated above, there is no justification for expanding to vapor products the state's existing regulations on smoking cigarettes. Thus, I respectfully ask for your "no" vote on this proposal.