



NEW JERSEY SENATE

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October 1, 2019

Norman E. Sharpless, M.D.
Acting Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Sharpless:

I write to you as a concerned public servant, as a parent of two young adults, and as a member of the United States public – the health of which the Food and Drug Administration is charged with protecting. I wish to comment on the disturbing utilization trends of e-cigarettes in this country, and particularly their rise in popularity among youth.

The statistics are beyond troubling. As you are well aware, e-cigarette use among middle and high school students increased 900 percent between 2011 and 2015; use increased 78 percent among high school students in the past year alone; and 20 percent of high school students and 5 percent of middle school students reported using e-cigarettes in 2018. These numbers are unacceptable. The nonexistence of regulatory oversight of the products until 2016, nearly ten years after the products were introduced to the market and seven years after the FDA gained authority to regulate them, makes the situation that much more inexcusable, and frankly, unbelievable.

While the recent string of vaping-associated illnesses and deaths is alarming and merits immediate and decisive action, the potentially more dangerous effect on our society, which will no doubt unfold over the coming years and decades, is a new generation of youth becoming addicted to nicotine. As the FDA has noted, the rise in e-cigarette use has led to an increase in overall tobacco use among youth, reversing previous declines. We are moving backwards. And, as we have learned from our experiences with cigarettes, lifetime tobacco behaviors are heavily influenced by the actions we take as minors, with nearly 90 percent of adult smokers beginning smoking before age 18.

As you articulated at the September 25, 2019 U.S. House Energy and Commerce Subcommittee hearing, the time to act to halt this epidemic of youth e-cigarette use has long passed. Now we must do everything in our power to reverse the trends and gain lost ground.



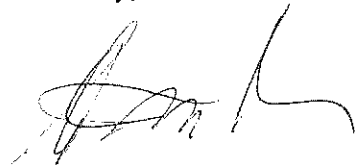
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Page 2

To that end, I implore the FDA to consider the following policy recommendations:

- Execute the Administration's commitment to ban flavored e-cigarettes; as the FDA has cited, according to a 2013-2014 survey, 81 percent of youth e-cigarette users cited the availability of appealing flavors as the primary reason for use;
- Support amending federal law to require states to have a minimum age of 21 years for the sale and purchase of all tobacco products, including e-cigarettes; eighteen states, including New Jersey, have enacted "Tobacco 21" laws, helping to reduce tobacco use among youth;
- Commit to an aggressive timeline for the review and approval of premarket tobacco product applications submitted by electronic nicotine delivery system manufacturers by May 2020;
- Invest more resources in policing all levels of the e-cigarette supply chain to prevent the sale and use of adulterated, unlisted, or misbranded products, and products handled by unregistered establishments; and
- Require all Vape Products to contain a warning label that states that vaping is not proven to be a safe alternative to smoking cigarettes.

I look forward to partnering with you and others on remedying this unfortunate and arguably preventable situation, and pledge to do everything in my power to protect the health and safety of young people in New Jersey.

Sincerely,



Stephen M. Sweeney
New Jersey Senate President
