

December 2, 2019

President Donald Trump
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

On behalf of our nation's local governmental public health departments who work on the front lines of tobacco prevention practice and policy, we want to thank you for recognizing the severity of the youth e-cigarette epidemic. We appreciate that bold action will be needed to reverse the epidemic and fully support the Administration's plan to clear the market of all flavored e-cigarettes, including mint and menthol flavors, from all retailers, as you have suggested on numerous occasions since September 11, 2019. On behalf of our members, we urge you and the Administration to swiftly adopt these and other measures to address the youth vaping crisis and to support local communities in addressing tobacco use across the board.

The National Association of County and City Health Officials (NACCHO) and the Big Cities Health Coalition (BCHC) represent the nation's nearly 3,000 local health departments and 30 of the country's largest, most urban departments, respectively. These local public health departments work every day in their communities to prevent disease, promote wellness, and protect health. They are on the front lines of addressing tobacco use—including vaping and e-cigarettes—each day. Many local jurisdictions have already implemented flavor regulation that goes well beyond what the federal government has done; it is time that these important public health regulations support Americans across the country in living healthier lives.

We were pleased to see the White House invite key stakeholders to discuss the challenge of youth vaping on November 22, 2019; however, we believe it was a significant oversight not to include anyone from the local – or state – governmental public health system. Our local health officials (along with state health officials) are key partners in any discussions related to tobacco prevention and control, to share an on-the-ground report of the impact of vaping to communities across the country, as well as provide examples of innovative policies and practices that are working in communities. Our organizations and members enjoy critically important relationships with leaders at the U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention, and, frankly, were surprised not be included in this discussion.

Local health departments are key partners with the healthcare system, the education system, and non-governmental organizations to protect the health and well-being of their community and are instrumental in ensuring public awareness about the dangers of tobacco use, including e-cigarettes, particularly among youth. For example, NACCHO's recently released report, [*Tobacco Control Efforts in Rural America: Perspectives from Local Health Departments*](#), found that nearly all respondents (90%) reported engaging in tobacco and cessation activities and initiatives in the community, including education, referrals to Quitlines, social marketing campaigns, and cessation support groups. This same study highlighted the challenge of e-cigarette use in rural America, with 93% of respondents noting that e-cigarettes were a threat in their communities. These numbers reinforce what we are hearing from health departments of all sizes across the country: youth e-cigarette use is a big problem growing larger by the day.

However, local health departments do more than just alert the public to the dangers of smoking or youth e-cigarette use. As the local community health strategists, health departments are tackling this issue through both programmatic and policy channels. They work with schools and parents to employ best practices to curb youth use of these products and to help those who are addicted to quit. They are also key advisors who help shape and inform local tobacco-related policies, including local laws about where these products can be used, the legal purchasing age, and the local availability of flavored tobacco products. As of October 1, 2019, a total of 139 municipalities across the country have enacted laws restricting flavored tobacco sales in some manner. Of those municipalities, 34 currently prohibit the sales of all flavored tobacco products, including menthol, without exception. And, in light of the current youth vaping epidemic, many other localities have additional flavor restrictions in the pipeline. While these are impressive numbers, we will only be successful in addressing the youth vaping epidemic through a coordinated, national approach, that protects all Americans from the dangers of nicotine addiction.

Any tobacco product use, including e-cigarettes and other nicotine products, is unsafe, especially for youth. However, youth trends in tobacco use are growing in a detrimental direction. Flavors are a primary reason why youth are using e-cigarettes, cigars, and other tobacco products. Flavors alter the taste and reduce the harshness of tobacco products, making them more appealing to young people and easier for them to use. It is critically important that any and all flavor restrictions apply to not just e-cigarettes, but also traditional tobacco products, like cigarettes. According to the CDC, 3.14 million (64%) current middle and high school tobacco users reported current flavored tobacco product use in 2018, with e-cigarettes cited as the most used flavored tobacco product in 2018.ⁱ Despite the appeal of flavors among youth, manufacturers have introduced thousands of flavored tobacco products to the market in recent years, including e-cigarettes with flavors such as gummy bear, cotton candy and peanut butter cup and cigars with flavors such as watermelon, lemonade and cherry dynamite.

The availability and easy access to flavored e-cigarette products are another major concern. According to a 2018 estimate, 74% of youth are purchasing e-cigarette and related products from brick and mortar vape shops.ⁱⁱ This is likely due to an insufficient record of checking purchasers' age. A 2019 study in JAMA Pediatrics found that in California, e-cigarette sales to minors violations are significantly higher in tobacco and vape shops than any other type of retailer, with nearly 45% selling to underage decoys.ⁱⁱⁱ With a high percentage of youth purchasing e-cigarettes from physical shops, no exceptions to the proposed ban should be made.

As the youth e-cigarette epidemic continues to grow and over 5 million children are currently using e-cigarettes, the time for action is now. We urge the Administration to swiftly implement its plan to clear the market of all flavored e-cigarettes, without any carve out for particular retailers. While some local governments have moved to restrict e-cigarettes in their communities, the majority of the country is still vulnerable to its harmful effects. No child, whether raised in San Francisco, New York City, or the Mississippi Delta, should remain prey to this epidemic.

Thank you for your attention to this issue. We, and our members, stand ready to work with you to ensure that we do all we can to keep America's youth healthy and safe. For more information, please contact Adriane Casalotti, NACCHO's Chief of Government and Public Affairs, at acasalotti@naccho.org, or Chrissie Juliano, Executive Director of BCHC at juliano@bigcitieshealth.org.

Sincerely,



Lori Tremmel Freeman, MBA
Chief Executive Officer
NACCHO



Chrissie Juliano, MPP
Executive Director
Big Cities Health Coalition

cc: Alex Azar, Secretary, Department of Health and Human Services
Robert Redfield, MD, Director, Centers for Disease Control and Prevention
Brett Giroir, MD, Acting Commissioner, Food and Drug Administration

ⁱ Centers for Disease Control and Prevention. Smoking & Tobacco Use. Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, 2019 Retrieved November 26, 2019 from <https://www.cdc.gov/tobacco/>.

ⁱⁱ Truth Initiative, "Where are kids getting JUUL?" Retrieved December 2, 2019 from <https://truthinitiative.org/news/where-are-kids-getting-juul>.

ⁱⁱⁱ Roeseler, A, et al., "Assessment of Underage Sales Violations in Tobacco Stores and Vape Shops," JAMA Pediatrics. Retrieved December 2, 2019 from <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2735684>.