The New York State Association of County Health Officials (NYSACHO) supports the above-referenced legislation to include “electronic cigarettes" and “vaping” within provisions regulating smoking in certain public areas.

E-cigarettes are battery-operated products designed to supply nicotine, flavor and other chemicals through a vapor inhaled by the user. The majority of e-cigarettes are manufactured to resemble cigarettes, cigars and pipes, often with an LED light at the tip that mimics the glow of a traditional cigarette.

The cost of tobacco use for New York State is estimated to be 8.2 billion dollars annually, including 3.3 billion dollars in annual Medicaid costs, according to the New York State Department of Health. A recent study by the CDC states that the number of Americans who had ever used e-cigarettes quadrupled between 2009 and 2015. Electronic cigarettes have experienced a rapid growth in popularity but little is known about how they are used and what detrimental effects they may have to the public’s health.

Researchers are starting to identify negative health outcomes associated with vaping, particularly in teens who use electronic cigarettes. There is evidence linking e-cigarette use to the development of “smoker’s cough” or chronic bronchitis in teens who vape. There is also some evidence that vaping can negatively affect wound healing. The evidence around chronic bronchitis is particularly concerning because e-cigarette use by teens increased 900% between 2011 and 2015. E-cigarette manufacturers use appealing flavors to market to teens, and the addictive nature of the nicotine often leads adolescent e-cigarette users to eventually switch to traditional cigarettes.

The use of e-cigarettes makes it difficult for local health departments to enforce existing smoke-free air laws. NYSACHO is concerned that e-cigarettes may pose unknown health problems, due to the long-term inhalation of toxins. A 2009 FDA study of e-cigarettes found that some contain toxins and carcinogens, including diethylene glycol, a chemical found in anti-freeze. The presence of these toxins makes exposure to vapor a potentially harmful risk for both smokers and non-smokers. In the absence of appropriate clinical studies that identify and quantify health risks, NYSACHO believes that policy makers have a responsibility to continue to protect non-smokers from exposure, in all areas where they are protected from exposure to second-hand smoke from tobacco-products. Research also shows that e-cigarettes serve as a gateway for youth leading to the use of tobacco products.

E-cigarettes also pose a risk in the form of third-hand smoke exposure. Third-hand smoke exposure is a relatively new term used to describe the residual contamination from tobacco smoke that linger in rooms several hours after smoking stops and remains on clothing, furnishings, carpeting and other surfaces. In February 2014, the Roswell Park team conducted a study, “Assessment of Third-hand Exposure to Nicotine From Electronic Cigarettes” in which they evaluated levels of nicotine released from e-cigarettes and deposited on surfaces. Researchers analyzed three brands of e-cigarettes filled with varying nicotine concentrations. The e-cigarettes were smoked, or
“vaped,” with a syringe in an exposure chamber. Nicotine levels on five surfaces of the smoking chamber were measured. The surfaces included glass, floors, walls, windows, wood and metal. Three out of four experiments showed significant yet varying increases in nicotine found on the five surfaces. The floor and glass windows had the greatest increases in nicotine residue.

E-cigarettes and traditional cigarettes are similar enough that distinguishing between them can be visually challenging. Use of e-cigarettes in places where the use of other tobacco products is prohibited has been observed, and is promoted by the industry. New York has been a national leader in changing social norms around tobacco use, a key policy change leading to steady decreases in both tobacco use and exposure to second-hand smoke, and related illness and death. Industry marketing of e-cigarettes uses the same techniques that were used to promote tobacco use, practices that are no longer allowed. NYSACHO believes that, by encouraging vaping in public places, the industry seeks to re-establish smoking as an acceptable and appealing behavior, undercutting years of successful public health efforts to reduce tobacco use.

For the above stated reasons, NYSACHO supports this legislation and urges that it be enacted into law.

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