

United States Senate
Washington, DC 20510-1304

November 19, 2019

The Honorable Donald J. Trump
President of the United States
White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

As President of the United States, you have a responsibility to put the health and safety of our people—especially our nation’s children—above all else. On September 11, 2019, you were poised to do just that, announcing a long-overdue plan from the Oval Office to quickly ban all non-tobacco flavored e-cigarettes, including flavors such as cotton candy, sugar cookie, fruit medley, cool mint, and menthol. Sitting alongside the First Lady, Health and Human Services (HHS) Secretary, and then-Acting Food and Drug Administration (FDA) Commissioner, it had all the trappings of a made-for-television event you seem to relish.

Along with all major public health, education, and parent organizations, I praised this move because e-cigarettes—and their accompanying kid-friendly flavors—are reversing decades of hard-fought progress our nation has made in reducing youth smoking rates. And now, along with all major public health, education, and parent organizations, I have watched in horror over the past two months as you have seemingly caved to Big Tobacco and Big Vape lobbying pressure, breaking your promise to address our nation’s youth vaping epidemic.

Here is what we know about e-cigarettes:

We know that, in the past two years of your presidency, our nation has experienced a 135 percent increase in youth use of e-cigarettes.

We know that five million children are now vaping, including more than one in four high-school students and more than one in ten middle-school students.

We know that nearly 30 percent of children under the age of 18 are now vaping, compared with less than 4 percent of adults.

We know that JUUL has fueled this youth public health “epidemic,” as it has been defined by every major federal health official in your Administration.

We know that e-cigarette flavors—including mint and menthol—are why children first try and become addicted to e-cigarettes.

We know that more than 2,000 Americans have recently been sickened as a result of vaping. We also know that, to date, 42 people have died—including four in my state.

We know that not a single e-cigarette product available for purchase today is on the market with authorization from the FDA.

Finally, we know that your Administration has completely abdicated its duty to protect the public health by repeatedly delaying and refusing to regulate any of these dangerous and addictive products.

Here is what we do not know about e-cigarettes:

We do not know the short- or long-term health impacts of using these products, especially in children (though we do know that use of nicotine in the developing brain has many negative and long-term health consequences).

We do not always know what ingredients—beyond nicotine—are in e-cigarettes and the accompanying flavors, nor do we know the short- or long-term health impact of the use of those ingredients.

We do not if e-cigarettes and flavors actually help adult smokers quit cigarettes (though we do know that e-cigarette use leads to 80 new smokers for every one smoker who reports quitting).

We do not conclusively know why so many people who vape are getting sick and dying.

We do not have answers to these questions because the tobacco and vaping industries—shrouded in secrecy and deception—have refused to conduct the much-needed clinical trials and studies, instead preferring to keep the health consequences a secret. Perhaps even more concerning is that your FDA—the federal agency responsible for regulating tobacco products—has not required them to do so.

More than two months ago, when you announced the impending e-cigarette flavor ban, you stated, “We have a problem in our country ... It's a problem nobody really thought about too much a few years ago, and it's called ‘vaping’—especially vaping as it pertains to innocent children ... And we're going to have to do something about it ... We're looking at very strong rules and regulations.”

You further stated, “Vaping has become a very big business, as I understand it—like a giant business in a very short period of time. But we can't allow people to get sick, and we can't have our youth be so affected.”

During your September Oval Office press conference with the First Lady, you made big promises that you now appear to be breaking. Children and families nationwide are still hoping that you will reverse course and quickly implement an e-cigarette flavor ban that protects our next generation from a lifetime of nicotine addiction, illness, and death.

Sincerely,



Richard J. Durbin
United States Senator