



American Cancer Society
Cancer Action Network
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**Testimony of American Cancer Society Cancer Action Network
to the Dane County Board of Supervisors
October 1, 2015**

Good Evening County Executive Joe Parisi, Chair Sharon Corrigan, and members of the Dane County Board of Supervisors, and thank you for the opportunity to weigh in tonight. My name is Emily White and I represent the American Cancer Society Cancer Action Network (ACS CAN), the nonprofit, nonpartisan, advocacy affiliate of the American Cancer Society.

I am pleased to offer our support of most of the current version of the ordinance 2015 OA-004, amending Chapter 34 of the Dane County Code of Ordinances, to include electronic delivery devices within the prohibition of smoking in certain places. However, we would urge you to strike the exemption for electronic delivery device stores.

Electronic cigarettes, or e-cigarettes, including supposed non-nicotine e-cigarettes, should be prohibited in all workplaces, restaurants, and bars to protect against secondhand exposure to nicotine and other potentially harmful chemicals, to ensure the enforcement of existing smoke-free laws are not compromised, and that the public health benefits of smoke-free laws are not undermined.

While the health effects of e-cigarettes are currently under study, there are still serious questions about the safety of inhaling the substances in e-cigarette aerosol. Studies have shown that the use of e-cigarettes can cause short-term lung changes and irritations, while the long-term health effects are unknown.¹ Data published in the *New England Journal of Medicine* found that the amount of formaldehyde, a known carcinogen, inhaled in a day in certain e-cigarette devices can be significantly higher than that inhaled when smoking a pack of cigarettes.² Both exposure to and health effects of secondhand aerosol from e-cigarettes require further research, but preliminary studies indicate nonusers can be exposed to the same potentially harmful chemicals as users, including nicotine, ultrafine particles and volatile organic compounds.³ This exposure could be especially problematic for vulnerable populations such as children, pregnant women, and people with heart disease depending on the level of exposure.

¹ Callahan-Lyon, P. Electronic cigarettes: human health effects. *Tobacco Control* 2014; 23: ii36-II40.

² Jensen RP, Luo W, Pankow JF, Strongin RM, Peyton DH. (2015). Hidden formaldehyde in e-cigarette aerosols. Letter to the Editor *New England Journal of Medicine*, 374, 392-394. doi:10.1056/NEJMc1413069.

³ Saffari, A et al. particulate metals and organic compounds from electronic and tobacco-containing cigarettes: comparison of emission rates and secondhand smoke exposure. *Environmental Science Processes & Impacts* 2014; DOI: 10.1039/c4em00415a. Flouris, AD et al. Acute impact of active and passive electronic cigarette smoking on serum cotinine and lung function. *Inhalation Toxicology* 2013; 25(2): 91-101.

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Over the last several years, there has been a dramatic growth in the marketing and sale of e-cigarettes and in the claims being made by e-cigarette manufacturers, as well as a proliferation in the various types of e-cigarettes being sold. No federal agency currently regulates how e-cigarettes are made or how and to whom they are marketed and sold. Allowing the use of electronic cigarettes or e-cigarettes in public spaces undermines smoke-free laws, creates confusion for business owners and the public, and complicates enforcement efforts.

Because electronic cigarette use simulates the behavior of smoking, use of these products complicates enforcement of the existing smoke-free air law and weakens its effectiveness. De-normalizing smoking, in addition to reducing exposure to secondhand smoke, is a key rationale for secondhand smoke laws in public places.⁴ Product advertisements show e-cigarettes being used in areas where smoking is prohibited—touted for their ability to be “smoked anywhere”. The use of e-cigarettes in this manner undermines the city’s successful efforts to create a smoke-free environment, modeling healthy behavior, especially for children. Use of an e-cigarette in public places normalizes the action of smoking.

Additionally, the use of these products, which often resemble traditional cigarettes, and produce a visible cloud when exhaled, are causing confusion for the public and enforcement officials alike. Business operators, striving to follow existing law shouldn’t have to become experts at differentiating between cigarettes and e-cigarettes. If it looks like someone is smoking in a public space where it is prohibited, it should be treated as such. This confusion around enforcement has already led some businesses to voluntarily declare that use of electronic cigarettes is prohibited in their establishments. Furthermore, 3 states and more than 100 localities have enacted provisions to their smoke free laws, similar to this proposal, to deal with this growing problem⁵.

The use of e-cigarettes is increasing, including among youth. A Centers for Disease Control and Prevention (CDC) report (*National Youth Tobacco Survey, reported in April 17, 2015 Morbidity and Mortality Weekly Report*) shows that in the United States from 2013 to 2014—just one year—the percentage of youth (middle and high school students) using e-cigarettes more than tripled from 4.5% to 13.4%. The 2014 Youth Tobacco Survey (YTS) (*UW-Milwaukee Center for Urban Initiatives and Research*) found that 8% of Wisconsin high school youth have used an e-cigarette in the past 30 days.

ACS CAN supports the ordinance 2015 OA-004, amending Chapter 34 of the Dane County Code of Ordinances, to include electronic delivery devices within the prohibition of smoking in certain places. However, we would urge you to strike the exemption for retail electronic delivery device stores. Effective regulation of these products is essential to protect public health and prevent e-cigarettes from creating a new generation of tobacco users. The Dane County Board of Supervisors can ensure that history does not repeat itself by passing this ordinance.

⁴ U.S. Department of Health and Human Services (HHS), Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General, HHS, U.S. Centers for Disease Control and Prevention (CDC), National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

⁵ Americans for Non-Smokers Rights. <http://www.no-smoke.org/>

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