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CONTACT: Dr. Sharon Harris

516- 676-2008 safeglencove@yahoo.com

SAFE Glen Cove Coalition: Illicit E-Cigarettes Flood Stores as F.D.A. Struggles to Combat Imports

According to a recent article in the New York Times, some vapes are appearing with increasing nicotine levels that approach those in a carton of cigarettes. U.S. regulators did not authorize them, but have failed to keep them off shelves.

In the beginning, Juul, once considered the cool vape, was blamed for hooking teenagers on e-cigarettes, and it is set to pay billions of dollars in legal settlements. Then came Puff Bar, which was extremely popular in high schools until federal officials began impounding those vapes. Elf Bar stepped in, and its products have been seized at the border. A parade of facsimiles is moving in right behind them: Virtue Bar, Juicy Bar, Lost Mary, Lost Vape and many more. The latest flood of illicit e-cigarettes is arriving from China in Barbiecore colors and fruit, ice cream and slushy flavors, and accounts for a major share of the estimated \$5.5 billion e-cigarette market in the United States.

The F.D.A. has been given a tremendously difficult task. Agency officials said they had used every tool within their authority to crack down on e-cigarette outlaws. Yet recent fines issued by the agency topped out at about \$19,000 per violation and largely targeted a few products sold at each store. The agency's orders telling six manufacturers to stop selling certain products were directed at U.S. stores, some of which were in small cities. Despite the fact that the F.D.A. has fired off hundreds of warning letters, Flavored vape sales have surged 60 percent over the past three years, to 18 million vaping products a month in June from 11 million a month in early 2020, according to the CDC.

The Campaign for Tobacco-Free Kids fights vehemently to keep e0flavored cigarettes off the market. When the F.D.A. received expanded authority to regulate e-cigarettes in 2016, the objective was to draw a new line in public health: Smokers would have an alternative to traditional cigarettes, and tobacco use among minors would remain at historic lows. Seven years on, nearly 40 % of e-cigarette users are 25 or younger, according to the CDC. And of the 2,000 or so vaping and e-cigarette products on the market, the agency has only given the green light to about two dozen of them, and it still must deal with a backlog of applications, according to research on the industry.

There are few places where the problem feels more pressing than in high school bathrooms, where students crowd the stalls between classes to get a nicotine fix. Teenage vaping rates have fallen roughly by half since their height during the Juul craze of 2019, to about 14% of high school students last year from nearly 28% at their peak, federal surveys show. Those rates were based on survey responses in which students said whether they had vaped within the past 30 days. A

growing body of research shows that while vapes may not be as toxic as cigarettes, they are far from healthy, particularly for adolescents who become addicted to nicotine while their brains are still developing. The American Heart Association has raised concerns about possible cardiovascular effects from e-cigarettes and called for more research. One recent study reported heart attack risks in e-cigarette users than in those who did not vape or smoke anything. (Cigarette smokers had the highest risk.)

In recent years, the market has been flooded with high-volume vapes advertising 5,000 to 6,000 puffs — with about as much addictive nicotine as is in a carton of cigarettes. The devices come in flavors that could appeal to younger adolescents such as birthday shake, gummy bear and watermelon ice, and they have higher concentrations of nicotine than were found before. The prices have also dropped, said Barbara Schillo, chief research officer for the Truth Initiative, who documented this in their recent study.

In essence, these disposable devices are getting bigger, stronger and cheaper. And are aimed at young people. Calls for change have only grown louder. In August, 30 state attorneys general wrote a letter urging the F.D.A. to do more to deter youth vaping and to ban all but tobacco flavored e-cigarettes.

F.D.A. officials meet regularly with Justice Department prosecutors. The agency has also worked with border authorities to seize imports of Elf Bar and Esco Bar products, he added. In addition, the agency has received funding to begin an effort to closely track the rapidly morphing vape marketplace. In late September, the F.D.A. announced 22 fines of \$19,192 each against gas stations that received warning letters but did not stop selling Elf Bar products.

The F.D.A. has required e-cigarette makers to file applications to sell their products and to submit proof that the products would be likely to compel cigarette smokers to switch — but not to attract new users. The agency has denied millions of applications and let some top-selling products remain on market pending decisions. Two years have passed since a court-imposed deadline required the F.D.A. to respond to all applications. F.D.A. representatives maintain it would finalize decisions, including on some Vuse and Juul vapes, by the year's end. This lengthy approval process has opened the door to the influx of unauthorized vapes that come by air, land and sea from factories in China (where flavored vapes are outlawed). The confusing mix of product statuses has prompted the Energy Marketers of America, an organization representing retailers, including convenience stores linked to gas stations, to file a petition with the F.D.A. seeking clarity about which e-cigarettes the stores can legally sell. Stores are “well positioned to aid in the fight against illegal and dangerous products by keeping them off their shelves,” according to the petition.

SAFE, Inc. is the only alcohol and substance abuse prevention, intervention, and education agency in the City of Glen Cove. The Coalition is concerned about all combustible and electronic products with marijuana and tobacco and youth consumption. The Agency is employing environmental strategies to educate and update the community regarding the negative

consequences in collaboration with Carol Meschkow, Manager- Tobacco Action Coalition of Long Island. To learn more about the SAFE Glen Cove Coalition please follow www.facebook.com/safeglencovecoalition or to learn more about electronic products visit the Vaping Facts and Myths Page of SAFE's website to learn more about how vaping is detrimental to your health www.safeglencove.org.