

**Testimony of Action on Smoking and Health
Liz Furgurson, Chief Operating Officer
DC Judiciary and Public Safety Committee Hearing
B23-0453 – the “Flavored Electronic Smoking Device Prohibition Amendment Act of 2019”
January 2, 2020**

CM Allen, and Members of the Judiciary and Public Safety Committee:

Thank you for the opportunity to provide testimony.

My name is Liz Furgurson, I represent Action on Smoking and Health, a 501c3 based in the District and I also serve as Vice-Chair of the DC Tobacco Free Coalition. I’m 17-year District resident residing in the Park View neighborhood of Ward 1.

I’d like to thank members of the Council for taking an important step in favor of health for the residents of the District and I’d like to support the previous testimonies of each of my public health colleagues.

It is well documented that we are faced with another public health epidemic with the alarming rise in the use of e-cigarettes in the District and around the United States, especially by those under the age of 18. It is also clear that flavors and marketing tactics of the tobacco industry have continued to entice a younger demographic into use of these products and an appropriate regulatory response is needed.

While I commend the Council for taking this important first step in restricting or phasing out flavored e-cigarettes, I urge you to consider the health and need for protections for ALL District residents from ALL flavored tobacco products including not only e-cigarettes, but also mentholated cigarettes and flavored cigars.

- We cannot ignore the 800 deaths per year of District residents caused by combustible tobacco products.ⁱ
- We cannot ignore that tobacco use rates and tobacco-related cancer mortality in the District is significantly higher among African Americansⁱⁱ.
- We cannot ignore that nearly 9 in 10 African-American smokers aged 12 and older use menthol cigarettesⁱⁱⁱ.

According to the US Food and Drug Administration, there is overwhelming evidence that menthol in combustible cigarettes is perpetuating the tobacco epidemic – it encourages initiation and addiction, is used disproportionately by youth and minority groups, especially African Americans, and makes it more difficult to quit smoking.^{iv}

As such, the FDA has yet to issue a product standard eliminating menthol though it has stated that these products exacerbate the troubling disparities in health related to race and socioeconomic status.^{vvi}

The FDA's Tobacco Product Scientific Advisory Committee (TPSAC) concluded that African Americans are disproportionately burdened by the health harms of menthol cigarettes.^{vii} Smoking-related illnesses are the number one cause of death in the African-American community, surpassing all other causes of death, including AIDS, homicide, diabetes, and accidents.^{viii}

The District has a responsibility to protect its ALL of its citizens and continue to serve as a leader in public health.

Action on Smoking and Health affirms its support of the NAACP's 2016 Resolution to Support State and Local Restrictions on the Sale of Flavored Tobacco Products^{ix} and stands with the DC Tobacco Free and Flavors Hook Kids Coalitions, to urge the Council to amend Bill 23-0453 to include ALL flavored tobacco products.

ⁱ Lortet-Tieulent, J, et al., "State-Level Cancer Mortality Attributable to Cigarette Smoking in the United States," JAMA Internal Medicine, published online October 24, 2016.

ⁱⁱ Rebecca Anhang Price et al., "Monitoring Cancer Outcomes Across the Continuum: Data Synthesis and Analysis for the District of Columbia," (2012).

ⁱⁱⁱ <https://truthinitiative.org/research-resources/traditional-tobacco-products/menthol-facts-stats-and-regulations>

^{iv} <https://truthinitiative.org/press/press-release/banning-menthol-cigarettes-should-be-top-priority-fda>

^v PRELIMINARY SCIENTIFIC EVALUATION OF THE POSSIBLE PUBLIC HEALTH EFFECTS OF MENTHOL VERSUS NONMENTHOL CIGARETTES <https://www.fda.gov/media/86497/download>

^{vi} <https://www.fda.gov/news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-proposed-new-steps-protect-youth-preventing-access>

^{vii} TPSAC, FDA, Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, July 21, 2011

<http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf> .

^{viii} American Cancer Society, "Cancer Facts & Figures for African Americans, 2013–2014," 2013, <http://www.cancer.org/acs/groups/content/@epidemiologysurveillance/documents/document/acspc-036921.pdf>.

American Heart Association, "African Americans and Cardiovascular Diseases: Statistical Fact Sheet, 2

^{ix} RESOLUTIONS RATIFIED BY THE NATIONAL BOARD OF DIRECTORS UNDER ARTICLE IX, SECTION 1 OF THE CONSTITUTION OF THE NAACP <http://www.naacp.org/wp-content/uploads/2016/03/Resolutions.2016.pdf> - p 41