

**American Cancer Society Cancer Action Network  
American Heart Association/ American Stroke Association  
American Lung Association in New York  
Americans For Nonsmokers' Rights  
Campaign for Tobacco-Free Kids  
County Health Officials of New York (NYSACHO)  
League of Women Voters of New York State  
Medical Society of the State of New York  
New York Chapter American College of Physicians Services Inc.  
New York Health Plan Association  
New York State Academy of Family Physicians  
New York State Academy of Pediatrics, District II  
New York State Public Health Association  
Roswell Park Cancer Institute**

June 12, 2015

Honorable John J. Flanagan  
Majority Leader, New York State Senate  
Room 330, State Capitol Building  
Albany, NY 12247

**Re: Request to Pass S.2202-B to Include Electronic Cigarettes in NYS' Clean Indoor Air Law**

Dear Majority Leader Flanagan:

As statewide organizations dedicated to improving public health and ensuring high quality healthcare for New York's citizens, we write to express our strong support for legislation, S.2202-B, to include electronic cigarettes in the State's Clean Indoor Air law. **We respectfully ask that the Senate pass this important public health measure next week prior to the session's adjournment.**

In 2003, New York updated its Clean Indoor Air Act by prohibiting the use of tobacco products in *all* workplaces. The purpose was to protect workers from the dangers of secondhand smoke and to provide clean indoor air for the overwhelming majority of New Yorkers who do not smoke. Due to this law and other important steps that New York has taken, we have seen major reductions in smoking rates.

However in recent years, we have seen the proliferation of electronic cigarettes which threaten to reverse the progress New York has made preventing children from starting this deadly habit and helping smokers to quit. Through sexy and unregulated marketing and widespread use in public areas, electronic cigarettes are re-normalizing "smoking" to kids while exposing workers and patrons to secondhand emissions. Use of e-cigarettes in indoor public places also makes it very difficult to enforce the existing clean indoor air law.

***Electronic Cigarettes Pose a Human Health Risk***

Buffalo's own Roswell Park Cancer Institute is at the forefront of e-cigarette research and has found that e-cigarettes expose users to carcinogens (cancer causing agents). Also their research has found that e-cigarettes are not emission free and do not just emit "water vapor" into the air. E-cigarette emissions include nicotine, acrolein (which is commonly used as a weed killer), formaldehyde and other chemicals. As cited in a paper on e-cigarettes prepared for the World Health Organization, people passively exposed to e-cigarette aerosol absorb nicotine (measured as cotinine) and another study demonstrated that levels were comparable to people who were passively exposed to tobacco smoke. When heated and vaporized, the chemical propylene glycol can form propylene oxide, an IARC class 2B carcinogen, and the chemical glycerol forms acrolein which can cause upper respiratory tract irritation.

While opponents of the bill may argue that New York State should take a "wait and see" attitude to determine if/ how harmful electronic cigarettes are, we must err on the side of caution by taking action now

to prevent exposure of workers, children and all New Yorkers to e-cigarettes in public places.

### ***Spike in Use of Electronic Cigarettes by Youth***

We are very troubled that e-cigarettes may be starting kids on the path of a lifetime nicotine addiction. New data from the CDC shows that youth usage has tripled in the last year alone. Furthermore a recent paper in JAMA Pediatrics showed that kids who use e-cigarettes are more likely to smoke regular cigarettes and are less likely to quit. We cannot allow tobacco companies to create a new generation of smokers through electronic cigarettes.

### ***Over 61% of the State's Population is Protected through Local Ordinances***

New Yorkers across the state have been expressing concerns about e-cigarette use occurring on public transportation, in bars and restaurants, at sporting events, concerts and in hospitals and public libraries. Localities across New York have responded to these concerns. The City of New York, Suffolk County, Westchester County, Erie County, Albany County (pending approval by County Executive), Tompkins County and Cattaraugus County have laws prohibiting e-cigarette use in all workplaces and proposals are pending in a number of other counties. With the enacted local laws, over 61% of the State's population is protected from exposure to e-cigarette emissions. **We need a uniform statewide law, as provided by S.2202-B, since all New Yorkers deserve to breathe clean air.**

### ***Electronic Cigarettes are Not Cessation Devices***

While some people may feel that e-cigarettes have assisted them with quitting traditional cigarettes, efficacy as cessation devices is not supported by the scientific evidence. In fact, recent research is finding that most smokers that try e-cigarettes actually become dual-users. Here is what a few e-cigarette manufacturers say on their website:

**NJOY:** NJOY products are not smoking cessation products and have not been tested as such. Nicotine is addictive and habit forming, and it is very toxic by inhalation.

**Altria:** This product is not a cessation product and has not been tested as such. Nicotine is addictive and habit forming, and it is very toxic by inhalation, in contact with the skin, or if swallowed. Our company is not in the business of making products for cessation.

**METRO:** Metro has never been tested or proven to be a smoking cessation device and is not sold or marketed as such. Nicotine is very toxic by inhalation... vapors may cause drowsiness or dizziness. Warning for California Residents: This product contains nicotine, a chemical known to cause birth defects or reproductive harm.

We believe there is sufficient evidence to support the need for the Senate to take action to protect workers from e-cigarette emissions, prevent the re-normalization of smoking to kids and provide clean indoor air for the overwhelming majority of New Yorkers who choose not to smoke. **We ask that the Senate pass S.2202-B next week prior to the session's adjournment.** Thank you, in advance for your consideration of this critically important request. Please contact Bill Sherman at the American Cancer Society Cancer Action Network at 518/764-3527 with any questions or for additional information.

Sincerely,

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