

E-CIGARETTES – A Harm Reduction Tool to Save Millions of Lives

Thank you, thank you very much for that introduction and thanks for the invitation. It's been a spectacular program this morning, I thought, extremely well done by all parties and very thought-provoking.

Let me tell you where I come from on the current set of issues.

When I was in college I had a choice between majors. The choice was an unusual choice – it was between a math major and a political science major. I think I chose correctly on the political science, but I've always been a numbers person. Numbers have always been something important to me and that I use. Secondly, you should know that I believe very strongly in the public interest. What is good for the ordinary Iowan, the ordinary American, that's what drives me. And third, I'm a great believer in facts and science over ideology. For me, we get to where we should be in terms of public policy through facts and science rather than ideology. And finally, I'm a great proponent of intellectual honesty.

So with that mix, let me tell you where I end up and how I get there on a series of issues that we discussed this morning. What got me started was the tobacco litigation 20-some years ago, I was taken very quickly. Mike Moore had started to bring a lawsuit and was trying to solicit others to join him in that effort. And so I did some research, I tried to get some knowledge. The estimate then that 400,000 Americans were dying from tobacco-related disease just blew me away and totally got my attention and energized me. And it is the same now, when I learned that if all American adult smokers switched to e-cigarettes now, that we would save 12 to 15 million lives. That's what drives me in the current set of issues and focuses my attention and my analysis.

Let me tell you how I get there. I believe that e-cigarettes are dramatically less harmful than combustibles. And I start with the English study that I believe is well done. I think the challenges to it have not succeeded, and that the English have it right, much like they did in the 60's. They were two years ahead of us in terms of the dangers of smoking. Surgeon General Terry's report followed two years after England. So, England got it right two years earlier. And I think history is repeating itself. And here's some of the reasons I think that.

E-cigarettes and combustibles are totally different products. They are, to some extent, seen as similar products and there are some obvious similarities, but they're totally different products. The combustible is made of really two basic elements – it's nicotine, and is the combustion producing the toxins that kill so many people. On the other hand, e-cigarettes are nicotine, aerosols and flavors. Three materials that have been around for a long time that we've had a lot of experience with. We've got a lot of experience with nicotine through the patch and the gum for 20 years. And we don't see a lot of

harm coming from the nicotine that's in those materials over a 20-year period. At least, we don't seem to be aware of it. You reflect, too, on the Russell theorem, that nicotine addicts and tar kills. It's certainly consistent with what he said in a very cryptic but thoughtful way, and that we all agreed on for a long period of time. So, when we look at what I consider the facts and the science, e-cigarettes are dramatically less harmful. And I sort of tend, at least for me, to validate that to some extent. I'm a person that tries always to keep an open mind in my public career. In my public career, there's been some occasions where I have kept an open mind and, during the course of the issue ongoing, I've changed my mind based on that. And frankly, those are some of the proudest moments of my career, that I was able to do that. So I tried to do that on e-cigarettes and I would hear reports about enormous potential harm and danger created by cigarettes. And I would go to people, scientists and people that I knew, and ask about them. And they wouldn't be true, they wouldn't work, they just didn't pan out. One example, that got a fair amount of life, was that e-cigarettes had formaldehyde that would cause cancer. Well, the situation is that if the testing machine for e-cigarettes was turned up to an incredibly fast and large degree, to the point where nobody would ever use these cigarettes in that same context, then you can generate enough formaldehyde to be dangerous. But if you test it at the level that people use e-cigarettes, there's no danger whatsoever. It's a little bit analogous to going to your toaster and putting a piece of bread in the toaster, and toasting it over and over again and get it charred where nobody would eat it. And you could test it and you would probably find some carcinogens. Popcorn lung probably is in the same category.

So my thinking was reinforced as I looked at these various claims of harm. And frankly, I think those allegations of harm are so weak because they're trying to prove something that isn't true, that e-cigarettes have enormous harm, much like cigarettes. When they try to prove something that isn't true, well, if you look at it very carefully, they do fail. So, what I've concluded, is to deny that e-cigarettes are dramatically less harmful in the tobacco context is really quite equivalent to denying climate change in the environmental context. Just stop and think about it. If we can save 12 to 15 million lives, if we could have cigarette products causing no lung cancer, that I think is a possibility. And that's what drives me. Obviously, I'm not an advocate for the e-cigarette industry, I'm not part of the industry, I have very little contact with the industry. My position is driven by what's good for America and this enormous opportunity to save lives.

Now there is a very legitimate concern about e-cigarettes, and that's kids – particularly e-cigarettes being a gateway to the combustibles that will kill in a way that we've all seen and been very concerned about. Let's look at all the facts and numbers. Again, for better or for worse, I try to be a numbers person. There's enormously large and troubling experimental use of e-cigarettes by kids. Overall, once in the last 30-day use, has been in a range of 13 to 16 percent. A significant number obviously. But, its overwhelmingly experimental. And, the reason I say that is that the kid-use of e-cigarettes on a daily basis is 1 percent. The kid-use of e-cigarettes on a 20-to-29 day basis out of 30 is 1 percent. So, for regular use or semi-regular use you have 2 percent,

for experimental use you have 14 percent. So that's the first thing to really recognize. And you really shouldn't talk about one figure without talking about the other, because to say that there's 16 percent of kids who use e-cigarettes really is misleading because so much of that is experimental, without mentioning that. And to say that only 2 percent use it regularly or semi-regularly without recognizing the experimental use is deceptive as well.

The Truth Initiative, in one of its surveys, found out that of kids that use e-cigarettes, more than half of them don't buy e-cigarettes. They only use them when they're shared by their friends. There have been some surveys and some information that first I didn't really believe much of it but I think it should be explored, that is the number of the percentage of kids that use e-cigarettes without nicotine. We need to find out more there. And on the plus side – and it's been alluded to some extent this morning – on the plus side of e-cigarettes and kids, there's at least one survey – and we need to get more information on this – but 1 percent of kids are using e-cigarettes to get off combustibles. That's pretty amazing in the sense that only 3.3 percent of kids are daily users of combustibles and you have 1 percent trying to get off them by using e-cigarettes.

And finally, Ken Warner did a recent study using the Monitoring the Future data and came up with what I think is very informative on the whole gateway issue and that is that for kids that haven't tried or used combustibles, the possibility of that group of kids to get to a daily or semi-daily user of e-cigarettes – not combustibles but e-cigarettes – the chance is one in 140 kids.

My conclusion, based on what we recently know today, and I'm assuming we're going to know more as time goes on, my conclusion is that for kids, e-cigarettes are a gateway to nowhere. And I obviously think that that's important in this whole environment of balancing health risks.

The principle that was talked about this morning of regulating based on comparative risk, is one that I fully embrace. Obviously, if your focus is on saving lives, and your dream is to save lives, you want to have regulation based on risk. Ken Warner has done a great piece on that dealing with taxation, but the principle applies throughout, so that if e-cigarettes and combustibles are dramatically, significantly different in harm, they should be regulated in a very different way if you want to achieve the reduction in lives that we're talking about. And that can take on some various different aspects and dynamics. I think Robin Koval has talked about the idea that the one thing that we have to do is more and stronger regulations of the combustibles, including the graphic warning labels and other things that we need to do more there. But we need to make sure that we don't overregulate e-cigarettes when they have the capacity to save 12 to 15 million lives. We heard from Mitch Zeller today and Mitch was, as always I thought, brilliant. His idea of rethinking nicotine is a recurrent theme of his and he's right. And it's also a theme of the Truth Initiative. And one of Mitch's dreams, of course, one of his goals, ultimately, is to reduce the amount of nicotine in combustibles to a level that they're not addictive. I certainly support that. But we can never get to that point until

there's a viable and well-recognized alternative to combustibles. That obviously has to be e-cigarettes or something like it. It has to be seen as an alternative, accepted as an alternative, and rather widely used as an alternative. Because if we move towards the reduction of nicotine in combustibles without that alternative being there, we would see a revolt among smokers, causing Congress to intervene. After all, we must remember that we are a democracy. So to get to where Mitch wants to get, and I want to get, we have to see a situation where e-cigarettes or something very similar to them, is well-used and well-recognized as an alternative to the combustible.

And of course, that would be, if we do get to that point, that would be the ultimate in dramatically different regulation of combustibles and e-cigarettes, based on the harm. What troubles me and bothers me a lot is that the American public does not realize that e-cigarettes are dramatically less harmful. The misconceptions are amazing and extremely troublesome. If you give Americans five choices: e-cigarettes are a lot less harmful, little less harmful, same, little more harmful, a lot more harmful, only 15 to 20 percent of Americans get it right, that it's a lot less harmful. And that's roughly the same among adults or among kids. Although there is some interesting data that show the kids are starting to get it more right than adults. When I talk to some of my friends in tobacco control they say, well if only we could communicate to adults that e-cigarettes are a lot less harmful but not to kids, then we would accomplish some of our goals. But I don't think so, first of all that's not possible and, let's be honest with ourselves, misleading kids to get them to do what we want has never been a successful proposition.

We have the situation where millions of lives could be saved but people don't know that e-cigarettes are significantly, dramatically less harmful. What do we do about that? Well the best thing to start with would be for us to be like England, where not only public health, English Public Health, but also ASH, the Tobacco Control Community, and the physicians, the World College of Physicians have all, in a united way, taken the position that e-cigarettes are dramatically less harmful. They say at least 95 percent less harmful. And that adult smokers that cannot quit, or are unwilling to quit, should switch to e-cigarettes. We need that in America. We need the federal government to take that position, we need the tobacco control community to take that position, and we need physicians to take that position. We're all part of this debate. When we take positions that are accurate and true and scientifically correct, that's a good thing. When people take positions that are not true and mistake the harm of e-cigarettes, that is very harmful to public health because people are going to die. People are going to die because they are misinformed.

One of the things I'm playing with as an idea is to try to develop a way to calculate the number of lives that we are losing because we haven't taken the position that London has taken, either on a monthly or weekly basis. That could motivate us more. And also frankly so there is some accountability. I don't know whether we can develop that count but we are trying to do that.

As was mentioned this morning, there is some good news. There's a lot of good news in tobacco control. This all fits into that concept that we have an opportunity. Among adults the smoking rate is most recently 15 percent, its lowest since we kept those numbers. And not only did it continue to drop as gradually smoking has dropped, it dropped in a more significant way than in recent years. So we've made some progress, we've done a lot of good things and now we have this opportunity to make a real breakthrough in smoking of combustibles and saving lives. And if anything, the numbers are even better among kids. Among kids it's 7 percent have smoked one cigarette, one combustible in the last thirty days. Daily use is 3.3 percent. These are numbers that, as with adults, are the lowest ever recorded, are greater drops than usual. And I think Robin and the Truth® campaign were a factor in that. But in any event, it's moving in our direction and we have an opportunity to make the next big move and obviously, I think we should do that.

Now, I'm not an expert on the tobacco law that was passed seven years ago or on the deeming rule and I heard here what was said this morning and give great consideration to both sides, but it seems to me that my friend Mitch Zeller needs to come to the rescue in how he implements the rule. And speaking of Mitch Zeller, I am a huge Mitch Zeller fan. I think he has done a great job, under extremely difficult circumstances. Pressures from all different sides, intense pressures, pressures from people who are true believers of one position or another, pressures of the bureaucracy and being part of the bureaucracy and being part of the political system. I think Mitch has done just a terrific job. And I think Mitch's view on rethinking nicotine and his views on the potential of e-cigarettes to save lives is exactly the right position. But he needs to come to the rescue here and use his authority to the fullest extent to not overregulate e-cigarettes and the implementation of the rule. There are master files, there's bridging, there's other concepts, there's other discretion that he has. And he can even be a little creative, we are creative once in a while in our office on certain issues to make sure that e-cigarettes continue to be available and marketed in our country in a way that's reasonable, that those that want to switch from combustibles to e-cigarettes and save their lives have an opportunity to do that. I'm certainly looking to Mitch and putting way too much responsibility on his shoulders but there is not a lot of choice at this point, if we are going to realize my dream that we save millions of lives through e-cigarettes, through adults switching to e-cigarettes.

For me, you know I'm a guy that grew up in Dubuque, Iowa, and made it to the state capital as attorney general. You get to be attorney general in Iowa, or any state, by coming from where I came with a lot of hard work, but a lot of luck, too, and I had some luck along the way. I feel very grateful being attorney general of Iowa for nine times now. It doesn't seem that long but you are right, it is nine times. And for me, I am in office to do what's best for the ordinary person in Iowa. That's what drives me, that's what gives me satisfaction, that is what I do to the best of my ability. I call them as I see them and Iowans, I think, recognize and approve of that. That's what I'm doing here, I'm doing the best I can to call them like I see them and the best I can to save lives,

potentially save millions of lives. That's my story and you will find that I'll stick with it, unless somebody can convince me otherwise. And I'm open to that. If I've got this wrong, please let me know but not with rhetoric, ideology, junk science or bogus studies. If you've got something that shows me I'm wrong, let me know. Otherwise, my cause is my original cause in the tobacco lawsuit--to save as many lives as possible. Thank you very much.