



**The Consumer Advocates for Smoke-Free Alternatives Association**

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March 30, 2010

The Honorable Thomas K. Duane  
Chair, Senate Health Committee  
430 State Capitol Building  
Albany, NY 12247

Re: S7234 - Currently pending before Senate Health Committee

Dear Senator Duane:

The Consumer Advocates for Smoke-Free Alternatives Association (CASAA) is shocked to learn that recently introduced legislation (A9529 & S7234) has been quickly advancing through the NY Legislature that would harm or kill many of our members by either forcing us to go back to smoking cigarettes, or requiring us to travel to other states and/or to purchase nicotine vaporizers (AKA electronic cigarettes or e-cigarettes) from a newly created black market throughout New York. We implore you to oppose and/or quickly amend this inhumane legislation that protects combustible cigarettes and threatens the health of ex-smokers and smokers alike.

CASAA is a nationwide non-profit organization created last year by hundreds of e-cigarette consumers who recently quit smoking or sharply reduced cigarette consumption by switching to these life saving products. Our association (comprised solely of concerned volunteers) works to educate the public about these products, and to protect the rights of our members and of smokers who want to switch to significantly less hazardous smokefree tobacco/nicotine alternatives.

In the past two years, several hundred thousand smokers in the US have switched to nicotine vaporizers, and virtually all have experienced significant improvements in breathing, taste, smell and overall health. Unlike traditional cigarettes, nicotine vaporizers don't burn tobacco and don't emit any smoke. Instead, these novel products emit a tiny amount of nicotine and propylene glycol vapor, which has been used for decades in air purifiers, asthma inhalers and other medications, and (in far greater amounts) theatrical fog, and is considered safe by the FDA and EPA.

Increasingly more public health experts and anti smoking advocates agree that nicotine vaporizers are far less hazardous alternatives to cigarette smoking and pose no known harm to users or nonusers, including the American Association of Public Health

Physicians (AAPHP), the American Council on Science and Health, and Smokefree Pennsylvania. CASAA strongly supports the AAPHP's two recently filed petitions to the FDA to classify and regulate e-cigarettes as tobacco products, and to truthfully inform smokers that these products are far less hazardous alternatives to cigarettes.

<http://www.regulations.gov/search/Regs/home.html#docketDetail?R=FDA-2010-P-0095>  
<http://www.regulations.gov/search/Regs/home.html#docketDetail?R=FDA-2010-P-0093>

A key reason CASAA was created was in response to false accusations about e-cigarettes (and calls for their ban) by some abstinence-only tobacco prohibitionists who are heavily funded by drug companies that market nicotine gums/lozenges/patches and other smoking cessation drugs, which most CASAA members already tried using in unsuccessful quit smoking attempts. But nicotine vaporizers are marketed as alternatives to traditional cigarettes, not as smoking cessation aids. In January, Federal Judge Richard Leon agreed in a sharply worded ruling, stating the FDA can only regulate e-cigarettes as tobacco products, in *SE v FDA*, a case in which CASAA members along with other consumers submitted an Amicus Curiae brief.

Since nicotine vaporizers pose potentially devastating market competition to traditional combustible cigarettes (as virtually all e-cigarette consumers used to buy and smoke traditional cigarettes), the chief beneficiary of A9529 & S7234 would be cigarettes, while the legislation threatens the health of smokers, ex-smokers and those who will continue to be exposed to secondhand smoke. Ironically, we aren't aware that any tobacco company is lobbying to ban e-cigarettes, just drug industry funded groups.

A9529 & S7234 also would impose additional (and totally unnecessary) costs on state and local taxpayers for enforcement and adjudication, and would further burden already overwhelmed police departments and courts in New York.

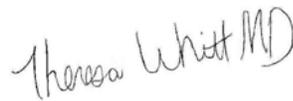
While CASAA adamantly opposes banning the sale of e-cigarettes to adult smokers, we would support the provision in A9529 & S7234 that would ban their sale to minors. Although there is no evidence that any minor uses e-cigarettes or that any e-cigarette supplier markets to minors, CASAA urges you to support amending A9529 & S7234 to ban e-cigarette sales to "minors" (but not adults), as occurs with all other tobacco products.

Thank you for your attention and consideration.

Very truly yours,



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Enc: Electronic Cigarette Fact Sheet