Electronic Nicotine Delivery Systems
Part I: Regulation to Prevent Youth Initiation and Use

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Stacy L. Ehrlich, Partner, Kleinfeld, Kaplan & Becker, LLP and Member, FDLI Board of Directors
E-cigarettes: Youth initiation and Use

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Director, American Heart Association Tobacco Regulation Center
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Current E-Cigarette Use in Youth

National Youth Tobacco Survey 2011-2018
Prevalence among individuals who have never smoked combustible cigarettes

State-Specific, age-standardized prevalence of sole e-cigarette use

Association of E-cigarette use with subsequent initiation of tobacco cigarettes in US youths

Prior e-cigarette users had 4.09 times the odds of ever combustible cigarette use compared with youth with no prior tobacco use.

Odds of current cigarette use were higher among prior e-cigarette users – OR 2.75 and prior other product use OR 3.43 compared with youths with no prior tobacco use.

At the population level, about 180,000 new never smokers and 45,000 current smokers in the US may have started smoking combustible cigarettes after initiating e-cigarette use.

Normalization of Smoking
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Tevi D. Troy, Vice President of Public Policy, JUUL Labs
Youth vaping epidemic
Three points to consider

FDLI meeting 3rd May 2019
Washington DC

Clive Bates
Counterfactual
1. An epidemic of what?
15 million high school age adolescents (100%)
5.2 million high school users of tobacco or e-cigarettes (27.1%)
4 million high school students use e-cigarettes (20.8%)

With thanks to Brad Rodu
1.2 million e-cig users also smoke cigarettes or cigars (8.3%)
Most high school e-cig users (~72%) are infrequent users

Infrequent <20 days per month
Nearly half (48%) are vaping only 1-5 days

With thanks to Brad Rodu

“Party users” 1-5 days per month
Prior to 2018 regular vapers were rarely tobacco-naïve

It remained rare in 2015 for tobacco-naïve youth to have reported using e-cigarettes on 10 or more days in the past month (less than 0.1%).

Collins LK et al 2017, Villanti AC et al 2015
Of the frequent vapers, most (58%) are also cigarette or cigar smokers.

With thanks to Brad Rodu.
Of the frequent vapers, most (58%) are also cigarette or cigar smokers.
Drill deeper?

- Ex-smokers?
- Would-be smokers?
- Daily or compulsive use?
- Other tobacco use?
- Other substances?
2. Tobacco control as if harm matters
In public health, we focus on harm

While e-cigarettes are not without health risks, they are likely to be far less harmful than combustible tobacco cigarettes.

NASEM

[...] the available data suggest that they are unlikely to exceed 5% of those associated with smoked tobacco products and may well be substantially lower than this figure.

Royal College of Physicians
There is now more teen vaping than smoking

Past 30-day Prevalence

Any combustible

E-cigarettes

1.5x
But harm-weighting prevalence radically reverses the basis for concern

Illustrative: assumes e-cig use is 5% as harmful as smoking
Having lost sight of our goal, we must redouble our efforts!

Saul Gorn
3. Intervention and unintended consequences
Royal College of Physicians – unintended consequences

...if [a risk-averse, precautionary] approach also makes e-cigarettes:
- less easily accessible
- less palatable or acceptable
- more expensive
- less consumer friendly
- pharmacologically less effective
- inhibits innovation [...] 

...then it causes harm by perpetuating smoking.
Unintended consequences really matter because of relative harm / benefit

Harm or benefit

1 less vaper

1 more smoker
“Ban flavours”
People who have switched strongly prefer non-traditional flavours

Current use of flavours by 15,807 switchers

Source: adapted from Figure 4 in Russell C et al (2018) Changing patterns of first e-cigarette flavor used and current flavors used by 20,836 adult frequent e-cigarette users in the USA, 2019
Non-tobacco/menthol flavors are becoming more important to adult vapers

Source: adapted from Figure 1 in Russell C et al (2018) Changing patterns of first e-cigarette flavor used and current flavors used by 20,836 adult frequent e-cigarette users in the USA, 2019
What youth measures do you propose?

1. Above all, keep a sense of proportion and focus on harm

2. Implement measures that work

3. Do not implement measures that cause more harm than good
Thank you...

The counterfactual
What's the right thing to do? Analytical advocacy - getting beyond the rhetoric of campaigners

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