

**Testimony of Tony Abboud  
Executive Director, Vapor Technology Association**

**Unites States Senate Judiciary Committee  
Hearing on  
Combatting the Youth Vaping Epidemic by Enhancing Enforcement  
Against Illegal E-Cigarettes**

**June 12, 2024**

Thank you, Chairman Durbin, Ranking Member Graham, and Members of the Committee for allowing me to testify today and answer your questions on a topic that is crucial to our nation's health.

I'm honored to testify, and I hope that my opening statement and responses to your questions will help drive an informative and thought-provoking conversation about e-cigarette policy in the U.S. that is rooted in truth, transparency, and importantly, science.

My name is Tony Abboud, and I am the executive director of the Vapor Technology Association. VTA is the leading vapor industry trade association that protects and promotes the U.S. vapor industry. Discussions like the one we are having today are critical in informing our efforts and our engagement with esteemed members of this Committee. I hope I can serve as a useful and important resource for you all.

Let's get into the facts. I want to be very clear: youth vaping in the United States is dramatically resolved.

In total, the youth vaping rate has plummeted 61% since 2019, partly thanks to a federal law raising the age to buy all tobacco products to 21 – a law the Vapor Technology Association championed with the White House and Congress.<sup>1</sup>

According to the Centers for Disease Control and Prevention's National Youth Tobacco Survey, the U.S. youth vaping rate dropped yet again from 2022 to 2023 – now sitting at the lowest level in more than a decade, before e-cigarettes were even regulated by the Food and Drug Administration. Even better, now only 4.4% of youth use e-cigarettes regularly.<sup>2</sup>

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<sup>1</sup> Birdsey, Jan, et al., Tobacco Product Use Among U.S. Middle and High School Students — National Youth Tobacco Survey, 2023, MMWR Weekly / November 3, 2023 / 71(44); 1173-1182.

<sup>2</sup> "E-Cigarette Use down among U.S. High School Students in 2023." *Centers for Disease Control and Prevention*, Centers for Disease Control and Prevention, 3 Nov. 2023, [www.cdc.gov/media/releases/2023/s1102-e-cigarettes-down.html](https://www.cdc.gov/media/releases/2023/s1102-e-cigarettes-down.html).

To ensure that this decline continues, we continue to advocate for serious and specific marketing and access restrictions to ensure that vaping products are not appealing or accessible to youth.

Now you might be thinking, “Why not restrict marketing of vaping products altogether? Aren’t vapes bad for everyone?” Misinformation and Disinformation surrounding e-cigarettes is rampant.

The reality is, science indisputably proves that flavored e-cigarettes are a smoking cessation and harm reduction tool for American smokers looking to quit cigarettes.<sup>3</sup>

A number of studies, including one from a leading tobacco control researcher and several academics at America’s top colleges and universities, prove that adults trying to quit smoking cigarettes are significantly more likely to be successful if they switch to flavored vaping products.<sup>4</sup>

The mere availability of e-cigarettes causes Americans to quit smoking. According to the largest study of the value of e-cigarettes as smoking cessation aid, study subjects given e-cigarettes were more likely to report complete abstinence from combustible cigarettes than study subjects given nothing.<sup>5</sup>

Another study from Abigail Friedman, a researcher and professor at Yale University, shows that the removal of flavored vaping products altogether results in a direct increase in combustible cigarette sales.<sup>6</sup>

Furthermore, recent polling also shows that when given access to the data and science, American consumers are more likely to support policies which protect adult access to flavored e-cigarettes.

The public health benefits of e-cigarettes as a smoking cessation tool cannot be ignored.

Despite both public and scientific support for the availability of e-cigarettes to adults, The Food and Drug Administration has implemented a de-facto ban on flavored vaping products, a ban that it is not legally authorized to implement.

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<sup>3</sup> Rigotti, Nancy A. “Electronic cigarettes for smoking cessation — have we reached a tipping point?” *New England Journal of Medicine*, vol. 390, no. 7, 15 Feb. 2024, pp. 664–665, <https://doi.org/10.1056/nejme2314977>.

<sup>4</sup> Rigotti, Nancy A. “Electronic cigarettes for smoking cessation — have we reached a tipping point?” *New England Journal of Medicine*, vol. 390, no. 7, 15 Feb. 2024, pp. 664–665, <https://doi.org/10.1056/nejme2314977>.

<sup>5</sup> “Largest US Study of E-Cigarettes Shows Their Value as Smoking Cessation Aid.” *MUSC Hollings Cancer Center*, [hollingscancercenter.musc.edu/news/archive/2023/08/18/largest-us-study-of-cigarettes-shows-their-value-as-smoking-cessation-aid#:~:text=t%20otherwise%20quit.%22-.Matthew%20Carpenter,%20Ph.,complete%20abstinence%20from%20combustible%20cigarettes](https://hollingscancercenter.musc.edu/news/archive/2023/08/18/largest-us-study-of-cigarettes-shows-their-value-as-smoking-cessation-aid#:~:text=t%20otherwise%20quit.%22-.Matthew%20Carpenter,%20Ph.,complete%20abstinence%20from%20combustible%20cigarettes).

<sup>6</sup> Friedman, Abigail and Liber, Alex C. and Crippen, Alyssa and Pesko, Michael, E-cigarette Flavor Restrictions’ Effects on Tobacco Product Sales (January 29, 2024). Available at SSRN: <https://ssrn.com/abstract=4586701> or <http://dx.doi.org/10.2139/ssrn.4586701>

Instead of pursuing enforcement action based on failed regulatory policy, the FDA must make harm reduction its north star.

And to continue preventing youth vaping, regulators must adopt a series of marketing reforms and youth access restrictions that will further drive down youth vaping while ensuring that a wide variety of flavored vaping products remain available to adult smokers.

Only then will the FDA be doing the job required of it under the Tobacco Control Act – a law which many of you here in this room signed into law and supported, leading the way for real and meaningful reforms for our industry. And only then will tens of millions of adult American smokers have a fighting chance.

It is my hope – on behalf of the entire U.S. vaping industry – that in providing information based in science and data to these baseless claims levied against the e-cigarette industry, we will help restore scientific integrity to the U.S. regulatory process.

Thank you again for the opportunity to speak before you today, and I look forward to answering your questions.