

Comments of **Deidre Sully, MPH**
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Before the

New York City Department of Health and Mental Hygiene

Virtual Webinar

Regarding

Amending Chapter 28 of Title 24 of the Rules of the City of New York to clarify requirements related to Local Law 228 of 2019 (“LL228”), which prohibits the sale of flavored e-cigarettes and flavored e-liquids, while clarifying the definition of characterizing flavor

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My name is Deidre Sully, I am the Senior Director of Health Policy and Community Affairs at Public Health Solutions (PHS). Public Health Solutions supports vulnerable New York City families and the communities that surround them in achieving optimal health and building pathways to reach their full potential. We focus on a wide range of public health issues that overwhelmingly affect the ability of underserved New Yorkers to live their healthiest lives. Our work is centered on food and nutrition, health insurance, maternal and child health, reproductive and sexual health, HIV/AIDS, and tobacco control. For over twenty years, PHS's NYC Smoke-Free program has been a proud supporter of tobacco control and prevention efforts, including the newest threat to tobacco control – electronic nicotine delivery systems (ENDS) and the flavors that help to popularize these deadly products among youth.

Eliminating availability and access to products that cause nicotine addiction is crucial to making a positive impact on vaping among youth. Between 2014 and 2018, the use of e-cigarettes increased 160% among high school students across New York State.¹ In New York City, despite a long-term decline in youth smoking (5% currently smoke cigarettes), e-cigarette use among young people has been rising (17% of high school students report using). Evidence has shown that flavors play a major role in the popularity of youth smoking and vaping. Over 80% of youth who have used tobacco started with a flavored product. There are approximately over 15,000 enticing e-cigarette flavors that include menthol, mint, wintergreen, candy apple, cherry, and many others. We know that fruity flavors, followed by mint and menthol flavors are popular among youth who vape, however there has recently been a dramatic shift to increased use of menthol flavored e-cigarettes.² Moreover, the menthol flavor in tobacco helps to facilitate addiction, which is why clarity on characterizing flavors is so crucial.

It is not uncommon for youth to share their anecdotal experiences with vaping and how they or their peers gain access to such products. Many times, they share that they gain access directly through neighborhood retailers. Creating a mechanism to update the Flavors list is key to ensuring the public (retailers and wholesalers alike) are provided the mechanism to gain clarity on what characterizes and e-e-liquid as a flavor.

In closing, studies have shown that youth who use e-cigarettes are more likely to try conventional smoking. Tobacco use is the most preventable cause of death in the U.S., yet the continued sale of flavored products like mint and menthol have prevented a positive impact youth tobacco and e-cigarette use. Despite great progress, tobacco use still causes hundreds of thousands of preventable deaths in the United States – thousands of New Yorkers are among those lives lost. To ensure that we decrease the amount lost as a result of nicotine addiction, we must appropriately address the issue of flavored e-cigarettes and flavored e-liquids.

¹ E-cigarette use rate among NYS high school students increased from 10.5% to 27.4%. Bureau of Tobacco Control StatShot Vol 12, No. 1/Jan 2019. NYS Dept. of Health

² [ENDING THE SALE OF FLAVORED TOBACCO PRODUCTS - Campaign for Tobacco-Free Kids \(tobaccofreekids.org\)](https://www.tobaccofreekids.org/campaigns/ending-the-sale-of-flavored-tobacco-products)