



## Washington State Legislature

September 16<sup>th</sup>, 2019

RE: Authority in statute to bar harmful vaping ingredients

Dear Secretary John Wiesman and Director Rick Garza,

We share your concern about worsening vaping illness, and we're writing to urge the Department of Health and the Liquor Cannabis Control Board to use your agencies' statutory authority to bar harmful ingredients.

We've seen the vaping-illness epidemic sweep across the country; with six confirmed deaths and over 380 cases of lung illness [reported to the CDC](#). We're alarmed that we've had our first reported case in Washington State. We've seen a startling increase of vaping among children and young adults. Traditional cigarette use among high school students has dropped while vaping has increased from 2% in 2011 to 21% in 2018 (CDC).

In Washington State, in 2016, we passed first-in-the-nation legislation to allow the DOH and LCCB to bar toxic substances and ingredients that may cause illness. The law grants you the authority to suspend licenses to retailers:

"Upon a determination by the secretary of health or a local health jurisdiction that a vapor product may be injurious to human health or poses a significant risk to public health: (a) The board, in consultation with the department of health and local county health jurisdictions may...suspend the license of the retailer or...remove the product from sales." ([RCW 70.345.160](#))

Recent evidence indicates that vaping products "may be injurious to human health or pose a significant risk to public health." There are at least these two chemicals that may be contributing to illnesses and deaths: vitamin E Acetate and Diacetyl. In [2015, Allen and colleagues](#) found that 39 of the 51 vapor flavors tested contained Diacetyl, which is associated with a lung disease called bronchiolitis obliterans.

Furthermore, although the label may not list these chemicals, there are often precursors in vaping liquid that create Diacetyl when heated or degraded over time. At least until proven otherwise, vapor products containing these two chemicals should be removed from the market in our State.

Please use your authority to bar these harmful chemicals from hurting youth in Washington. Let us know how we can help your departments in these efforts.

Sincerely,

Representative Gerry Pollet

Senator Patty Kuderer