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House of Representatives

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Opening Statement Chairman Raja Krishnamoorthi Subcommittee on Economic and Consumer Policy Hearing “An Epidemic Continues: Youth Vaping in America” June 23, 2021

For the last year and a half, the deadly Coronavirus pandemic has gripped all aspects of American life. As we see progress against the virus, we emerge with new insights about other threats to public health. It's time to reevaluate the public health threats that are entirely within our ability to control.

There was a youth vaping epidemic in this country before the Coronavirus. Before this Subcommittee was created. And before Acting Commissioner Woodcock took the helm at FDA.

And the youth vaping [epidemic](#) continues today. 20% of high schoolers vape and 5% of middle schoolers vape. Those are the same levels that compelled the Surgeon General to first declare a youth vaping epidemic in 2018.

For as long as this Subcommittee has existed, we have been [investigating](#) the epidemic. This is our fourth hearing on the matter. And I sincerely hope it's our last because the problems are solvable.

Our first was in 2019—we put JUUL on trial and exposed the disturbing scope of the company's behavior...its marketing to children, its attempted use of Native Americans as experimental guinea pigs, and its responsibility for fueling the youth vaping epidemic. We presented evidence from our investigation to FDA. And FDA agreed that JUUL was breaking the law. It sent JUUL a warning letter, declaring certain marketing practices illegal.

Now, JUUL's fate is now in FDA's hands. It, and all e-cigarettes, need FDA's approval for their products to stay on the market through what's called the PMTA process. And FDA's decisions are due by September.

JUUL's marketing to children was unacceptable. The Attorney General of North Carolina is taking JUUL to trial over that now. But beyond marketing, JUUL hooked kids for three reasons. First, kids were attracted to the flavors JUUL e-cigarettes came in. Second, kids got hooked because JUUL came in nicotine levels higher than anything else on the market. And third, it was easy to conceal from adults.

Companies copied JUUL's model. When you look at the list of products that are the subject of PMTA applications, there are many in kid-friendly flavors.

There are many that match JUUL's high nicotine formulation. And many that match JUUL's concealability.

Commissioner, no matter what your decision is on JUUL's PMTA, you know that the problem does not end there. To end the youth vaping epidemic, you'll have to deny the applications for all products with the same characteristics that made JUUL so popular with a generation of children.

Because we've watched, in real-time that whenever a popular flavor is removed from the market, other flavored high-nicotine products take its place.

Commissioner Woodcock, I believe that you want to do the right thing. That you want to keep nicotine out of the hands of children. I see that in your actions. When you decided to ban menthol cigarettes, you took a decisive action to strengthen public health and racial equity. When this Subcommittee exposed the prevalence of toxic heavy metals in baby foods, you made the issue a priority, and created the Closer to Zero initiative. This Subcommittee, and parents everywhere, are appreciative.

Now, FDA has the opportunity to step up and finish the fight against the youth vaping epidemic. Don't let any flavored product from any e-cigarette company stay on the market. Not mango, and not menthol. If you leave a single flavor on the market, kids will use it. And that will not be because of the destruction that occurred before you took the helm. It will be because of an affirmative decision you make. Don't make that decision.

Don't let any high-nicotine products on the market. Other countries cap nicotine at 1/3 of what's in a JUUL. Those countries do not have youth use problems like we do.

Do these things, and in the next three months, we can stamp out an epidemic. We've been waiting for a champion of public health at FDA.

Have the courage to say "No" to Big Tobacco. The health of a nation depends on it.

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