



**Testimony**

of

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**Commissioner**

**New York City Department of Health and Mental Hygiene**

before the

**New York City Council Committee on Health**

on

**Intro 1345 and Intro 1362**

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Committee Room  
New York City**

Good afternoon, Chair Levine and members of the Health Committee. I am Dr. Oxiris Barbot, Commissioner of the New York City Department of Health and Mental Hygiene. Thank you for the opportunity to testify on these important issues and have this be my inaugural appearance before this committee as Commissioner.

As the City's doctor, my highest priority is to improve the health of all New Yorkers and reduce health inequities. It is therefore fitting that today we are here to discuss the dangers of both menthol and flavored e-cigarettes – two issues of significant health risk and disparity. As a doctor, the most important advice for a long, healthy life that I can give New Yorkers is to never start smoking, and to get help quitting if they already smoke. This advice applies to all tobacco products. And as a pediatrician, I also know how especially important it is to prevent New York City's youth from becoming addicted to nicotine, which is now of grave concern because of the increasing popularity of e-cigarettes.

First, I will address e-cigarettes. Between 2001 and 2017, New York City's youth cigarette smoking rate dropped by 72 percent, from 18 percent to 5 percent. This is a testament to the serious work we have undertaken to tackle tobacco over the last two decades, making New York City a national leader in tobacco control. Together we have worked to enact bold policies specifically targeted to prevent youth initiation of tobacco and e-cigarette use, including restricting the sales of flavored tobacco products and banning the sale of e-cigarettes, cigarettes and other tobacco products to those younger than 21 years of age at local retailers. We have also updated the Smoke Free Air Act to prohibit e-cigarette use everywhere smoking is prohibited, and we have reduced the availability of these products by banning their sale at pharmacies. The recent package of laws, passed in 2017 and fully implemented in 2018, help move us towards our goal of reducing the number of smokers in New York City by 160,000 by 2020. I want to thank Speaker Johnson, Chair Levine, Councilmember Cabrera and others in the Council for their leadership in this effort.

While these laws are significant in our fight against adult and youth tobacco use, they are not enough. Despite this progress, youth e-cigarette and other tobacco product use, including cigarillo, little cigars and smokeless tobacco products, has been increasing substantially. Although e-cigarettes have been on the market for less than ten years, in 2017, over 17 percent of New York City public high school students reported vaping at least once in the past month. E-cigarette use is now more than three times as common among youth as smoking cigarettes. The rise in popularity of these products threatens decades of progress we have made in fighting youth tobacco and nicotine use.

Let me repeat: In 2001, 19 percent of public high school youth used one or more traditional nicotine products; in 2017, that number increased to 21 percent, driven primarily by e-cigarette use.

Although e-cigarettes do not contain tobacco, an estimated 99 percent of e-cigarettes contain nicotine, which can be particularly addictive for youth. The amount of nicotine in e-cigarettes varies greatly between products and is often not labelled clearly or in an easily understandable way. For example, youth may not be aware that one pod of a popular e-cigarette, JUUL, contains as much nicotine as a whole pack of cigarettes. Nicotine is one of the most addictive substances available in a consumer product. E-cigarettes also release potentially harmful chemicals that have not been fully studied to determine their health effects over time, and youth who use e-cigarettes are more likely to try cigarettes in the future. Despite claims that e-cigarettes are an effective way to quit smoking, this is not backed by sufficient scientific evidence.

Further, the e-cigarette industry is rapidly expanding. E-cigarette sales nearly doubled between 2017 and 2018, reaching over 2 billion dollars amid more than a 75 percent increase in market size. And Big Tobacco has a heavy hand in this market – we know that some tobacco companies have large investments in – or outright own – e-cigarette manufacturers. Perhaps most critically, many e-cigarette companies deploy nefarious marketing strategies long-used by Big Tobacco, including positioning these products as glamorous and targeting youth with thousands of flavors. Flavors have been identified as one of the top reasons why youth use e-cigarettes, and with options like Cotton Candy, GummiBerry and Sno-Cone the youth appeal is not surprising. Flavors are of such importance to the tobacco industry that they have introduced “concept flavors” – like Purple instead of Grape – in order to hinder flavor restriction enforcement in local jurisdictions. The proliferation of these types of flavors for both tobacco and e-cigarette products is widely believed to be an intentional effort by the tobacco industry to try to flout the laws already in place. Strong retail enforcement of these laws is needed given the deceitful steps the tobacco industry has taken in response to past efforts.

These potential harms and dangerous marketing strategies, coupled with the Surgeon General’s declaration that e-cigarettes have reached epidemic levels of use among our younger generations, are cause for alarm and immediate action. New York City now, more than ever, must act to protect our youth from these products.

Now I’d like to turn to the second issue at hand today – menthol. Among New York City youth who smoke, nearly two-thirds reported having started with menthol or another flavored tobacco product.

Menthol, like other flavors, helps conceal the harshness of tobacco and produces a more appealing product that is easier for new users, like youth, to tolerate.

But this is not just about protecting New York City's youth. There is a bigger picture here to paint, one fraught with discrimination, as well as racial and health inequity. For decades, Big Tobacco has targeted communities of color with menthol cigarette marketing campaigns. Unfortunately, I can tell you these campaigns have worked. In New York City, menthol cigarettes are used by 85 percent of Black adults who smoke and 64 percent of Latino adults who smoke. This is unfair and unjust, and is a true health equity issue – one perpetuated by Big Tobacco and ignored for decades by federal, state and local governments nationwide.

If we don't act now, we will lose ground in our fight to protect future generations and communities of color from Big Tobacco's deadly grip. The potential health impact here is very real – we know that tobacco use is a leading cause of death. And we must reach the day when smoking related and preventable diseases such as heart disease and stroke are not the key drivers of premature mortality in New York City. We estimate that over 100,000 New Yorkers may attempt to quit smoking immediately after a ban on menthol takes effect – that's over 100,000 people potentially protected from these deadly products and the dangers of smoking.

This Administration will not tolerate these discriminatory, predatory actions by the industry, and we are here to join you in taking a stand and taking action. I thank the Council for recognizing the dangers of flavored e-cigarettes and menthol products, and Chair Levine and Councilmember Cabrera for sponsoring these needed pieces of legislation. The Administration fully supports banning all flavored, including mentholated, e-cigarettes, as well as banning the sale of menthol cigarettes and other tobacco products. Doing so is a critical step in protecting our City's youth and communities of color. I look forward to working with you to pass these bills.

Thank you for the opportunity to testify. I am happy to answer questions.