

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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August 11, 2020

The Honorable Dr. Stephen M. Hahn
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

Dear Commissioner Hahn:

On April 1, 2020, as part of the Subcommittee's ongoing investigation into the youth vaping epidemic, I presented the Food and Drug Administration (FDA) with the results of early studies indicating that coronavirus presents greater risks to e-cigarette users, and I called on the FDA to clear the market of all e-cigarettes, temporarily, for the duration of the coronavirus crisis.¹ The FDA declined to act, citing the need for more evidence that vaping is a risk factor for contracting coronavirus.² That failure to act cost us four months of harm to Americans that we cannot get back.

Today, we have the evidence that the FDA was waiting for, and it can no longer deny the danger e-cigarettes pose during the coronavirus crisis. The science is now in: e-cigarette users are much likelier to be diagnosed with COVID-19 and to experience symptoms. This is true in vapers as young as 13, which is particularly concerning, given that young people are increasingly driving the spread of COVID-19, threatening the health and safety of Americans of all ages.³ While we are not writing today to address the safety of e-cigarettes for adult smokers following the deadly spread of COVID-19, it is evident that the youth vaping epidemic has combined forces with the Coronavirus pandemic, creating a much deadlier foe that demands FDA action.

¹ Letter from Chairman Raja Krishnamoorthi, Subcommittee on Economic and Consumer Policy, Committee on Oversight and Reform, to Dr. Stephen Hahn, Commissioner, Food and Drug Administration (Apr. 1, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-04-01.RK%20to%20Hahn-FDA%20re%20Vaping%20and%20Coronavirus.pdf>).

² Subcommittee on Economic and Consumer Policy, Committee on Oversight and Reform, *Press Release: FDA Rejects Subcommittee's Call to Temporarily Remove E-Cigarettes From the Market Despite Potential Risks to Coronavirus Patients* (Apr. 17, 2020) (online at <https://oversight.house.gov/news/press-releases/fda-rejects-subcommittee-s-call-to-temporarily-remove-e-cigarettes-despite>).

³ *Young People Are Increasingly Driving COVID-19's Spread*, The Hill (July 18, 2020) (online at <https://thehill.com/homenews/state-watch/507905-young-people-are-increasingly-driving-covid-19s-spread>).

Dr. Bonnie Halpern-Felsher of Stanford University released a seminal study in the *Journal of Adolescent Health* today showing in a national sample that adolescent vapers aged 13 to 24 are five times more likely than non-vapers to be diagnosed with COVID-19. Those individuals who have vaped and smoked combustible cigarettes in the last 30 days (dual users) are nearly seven times more likely than non-users to be diagnosed with COVID-19, and almost five times more likely to experience symptoms.⁴

E-cigarette users are also posing an outsized burden on our coronavirus testing resources. The Stanford University-led study found that past 30-day dual users are nine times more likely to have been tested for COVID-19 than non-users. And those using e-cigarettes alone in the past 30 days are 2.6 times more likely to be tested.⁵ If we reduce the number of vapers in America, we will reduce the unnecessary stress we are putting on our testing system. People should not have to wait weeks for COVID-19 test results—removing the risk posed by vaping will help.

In view of this national study proving our worst fears, I respectfully reiterate my call on FDA to clear the market of all e-cigarettes for the duration of the coronavirus crisis. It is the only responsible path forward.

The Subcommittee requests that you confirm, in writing, by August 18, 2020 whether or not the FDA will temporarily clear the market of all e-cigarettes, and assuming it will, provide a written description of the FDA's plan to do so.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Subcommittee staff at (202) 225-5051.

Sincerely,



Raja Krishnamoorthi
Chairman
Subcommittee on Economic and Consumer Policy

cc: The Honorable Michael Cloud, Ranking Member

⁴ Gaiha, SM., Cheng, J., and Halpern-Felsher, B., *Association Between Youth Smoking, Electronic Cigarette Use and Coronavirus Disease 2019*, *Journal of Adolescent Health* (Aug. 11, 2020) (www.sciencedirect.com/science/article/abs/pii/S1054139X20303992).

⁵ *Id.*