



# Durbin Meets With Public Health Groups To Discuss FDA Inaction On E-Cigarette Regulation

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WASHINGTON – U.S. Senate Majority Whip Dick Durbin (D-IL) today met virtually with six public health organizations regarding the failure of the Food and Drug Administration (FDA) to fulfill its obligation to regulate e-cigarettes under the *Tobacco Control Act*. In 2019, the U.S. District Court for the District of Maryland mandated that FDA finalize its review of e-cigarettes on the market by September 9, 2021. As FDA has delayed for more than nine months past that deadline on finalizing its reviews, FDA has made the senseless decision to give a free pass for addictive e-cigarettes with kid-friendly flavors to remain on the market and hook children on nicotine.

During his meeting with these health groups, Durbin discussed his recent statement for Dr. Robert Califf to immediately clear the market of unauthorized, kid-friendly e-cigarettes or step aside.

“We know that kids are getting hooked on these flavored e-cigarettes that are specifically targeted to children, like JUUL. Yet FDA has decided to cower to Big Tobacco and ignore the addiction of children as the agency wrings its hands over e-cigarette applications,” said Durbin. “I’m grateful for the leadership of these health organizations, and together, we will do our best to ensure there is responsible, active leadership at FDA that will take the issue of nicotine addiction seriously.”

Durbin has sent several letters to FDA about its failure to protect public health, including one last month with ten Senators to Commissioner Califf urging FDA to immediately remove all unreviewed e-cigarettes from store shelves until the agency completes its review of these vaping products.

Currently, addictive, kid-friendly e-cigarettes like JUUL are on the market illegally but are being granted a free pass to be sold due to FDA’s decision to grant enforcement discretion. FDA recently submitted an update on the agency’s long-overdue review of e-cigarette applications. In it, FDA admitted it will not finish reviewing e-cigarettes until July 2023—nearly two years past the court’s deadline.

In March, Durbin led a bipartisan [letter](#) with 14 of his colleagues calling on FDA to finish its review of e-cigarettes immediately; reject applications for e-cigarettes, especially kid-friendly flavors, that do not prove they will benefit the public health; and clear the market of all unapproved e-cigarettes. The letters build upon an important bipartisan provision that Durbin and many of the letter’s co-signers led in the fiscal year 2022 Omnibus appropriations bill to clarify FDA’s authority over e-cigarettes’ synthetic nicotine.

The National Youth Tobacco Survey—conducted by FDA and the Centers for Disease Control and Prevention (CDC)—found that more than two million youth used e-cigarettes in 2021. The National Institute on Drug Abuse’s Monitoring the Future survey found that 19.6 percent of high school seniors used e-cigarettes last year. Approximately 85 percent of youth e-cigarette users report using flavored products.