



Following New Vaping Restrictions In The U.K., Australia, Durbin Calls On FDA To Act To Protect Children In The United States

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WASHINGTON – U.S. Senate Majority Whip Dick Durbin (D-IL) released the following statement after the United Kingdom (U.K.), Australia, France, and other

countries have advanced [plans](#) to ban kid-friendly e-cigarettes, including flavored and disposable vapes; and called on the Food and Drug Administration (FDA) to immediately act to protect public health in the United States:

“Faced with an alarming rise in youth vaping, leaders in the UK, France, and Australia are finally acting to protect children. Meanwhile in America, FDA’s failed leadership refuses to regulate and use its public health tools. The consequence is Big Tobacco peddling unauthorized and flavored e-cigarettes to children, addicting millions of new customers, and exposing school kids to a cloud of harmful vapor. It’s embarrassing that the U.S. lags far behind other countries while FDA delays and delays enforcement to protect American kids.

“We know flavors are Big Tobacco’s ploy to hook kids, which is why, in the name of public health, the menthol cigarette and flavored cigar rules must be finalized.”

Earlier this month, Durbin urged FDA to use its authority to protect children from the dangers of vaping as the agency continues to miss and delay critical deadlines [in a letter](#) to FDA Commissioner Dr. Robert Califf. Durbin has repeatedly criticized FDA for its long-overdue review of pre-market tobacco product applications (PMTAs) from e-cigarette manufacturers, which had a federal court deadline of September 9, 2021. FDA has missed that court-ordered deadline by 28 months as unauthorized e-cigarettes flood the market and addict America’s children.

In the letter, Durbin cited other ways FDA had missed crucial deadlines, including failing to meet a statutory deadline for the regulation of synthetic nicotine products—an authority that FDA itself asked for. Durbin and Senator Susan Collins (R-ME) successfully secured a bipartisan provision in the Fiscal Year 2022 Omnibus Appropriations bill that clarified FDA’s ability to regulate products containing synthetic nicotine as tobacco products. This legislative fix was necessary to close legal loopholes that manufacturers of kid-friendly, flavored e-cigarettes sought to sidestep FDA regulation, which had the potential to erase recent progress made toward curbing the nationwide youth vaping epidemic. The new law required FDA to clear the market of all unauthorized synthetic nicotine products by July 13, 2022—18 months ago.

Durbin has been a vocal leader in the fight against Big Tobacco, particularly since he lost his father to lung cancer when the Senator was 14. Durbin went after Big Tobacco when he served in the House of Representatives and led the charge to ban smoking on airplanes, which eventually led to restaurants, office buildings, trains, and much more. Durbin has also led efforts to grant FDA jurisdiction over tobacco, raise tobacco taxes to prevent youth initiation, and enhance support for tobacco cessation tools.