



The Consumer Advocates for Smoke-free Alternatives Association

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March 24, 2020

SENT VIA FAX - (717) 772-8284

Governor Tom Wolf  
Office of the Governor  
508 Main Capitol Building  
Harrisburgh, PA 17120

Re: Exemption for Vapor Retailers During Ordered Closure of “Non-Life-Sustaining Businesses”

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Governor Wolf,

Thank you for your leadership in taking swift action to protect the citizens of Pennsylvania against the preventable community spread of SARS-CoV2. Hopefully your quick response will keep the disease and early death from this virus to a minimum and protect our healthcare system from being overrun with critical patients.

I am writing today on behalf of The Consumer Advocates for Smoke-free Alternatives Association (CASAA) and our 17,500+ members in Pennsylvania urging you to specifically exempt independent vapor retail establishments from such closures. While the order provides an extensive list of businesses that are being required to close, there appears to be some question with regard to where specialty tobacco shops and vape shops belong on the list and whether or not they are allowed to remain open.

We are aware that businesses are able to request a waiver for keeping their locations open by filling out a request, here:

<https://expressforms.pa.gov/apps/pa/DCED/Waiver-process-keeping-physical-locations-open>.

**It is vital that specialty vapor retailers are approved to remain open as long as they can demonstrate that they have an acceptable strategy for social distancing and sanitation protocols.**

**Specialty vapor shops serve people who smoke and people who have completely switched to vaping.** Even without the threat of COVID-19, due to a history of smoking this is a

particularly vulnerable population when it comes to respiratory infections, heart disease, COPD, and other diseases attributed to smoking. If vapor shops are closed, thousands of Pennsylvanians may lose access to products that are helping them live smoke-free which lowers their risk of developing serious underlying conditions. **Many of these people are at high risk of returning to smoking.**

**People who switch from smoking to vaping or other smoke-free nicotine products experience improvements in health similar to people who quit “cold turkey” or use approved nicotine replacement therapies.**<sup>1</sup> Critical to the need for people who smoke to continue having access to smoke-free alternatives is the speed at which their bodies begin to heal once they completely switch to a smoke-free alternative. According to the CDC, within two weeks to three months of quitting smoking, a person’s risk of heart attack begins to decline and lung function starts to return. A similar pattern of recovery is being observed in people who switch to vaping and other smoke-free nicotine and tobacco products.<sup>2</sup>

**According to your order, gas stations and grocery stores, which are understandably deemed essential businesses, are being allowed to remain open. In addition to food and fuel, these retailers will also continue selling combustible tobacco products with a very limited selection of smoke-free alternatives.** As a consequence of recent FDA guidance<sup>3</sup> prohibiting the sale of pod- and cartridge-based e-cigarettes (vapor products) in flavors other than tobacco and menthol, these retailers are unable to adequately serve thousands of Pennsylvanians who rely on a variety of specialty, open-system vapor products in order to remain smoke free. Due to the aforementioned lack of products visible to consumers at gas stations and grocery stores and the abundance of misinformation about the risks of vaping Pennsylvania’s 1,000,000+ residents who smoke will not be reminded of the availability of low-risk alternatives to smoking or have access to the expert guidance needed in order to switch to a smoke-free alternative to combustible tobacco.

While it is still too early to say that smoking or vaping will make the COVID19 respiratory infection more severe, it may be logical to treat *smoking* generally as an underlying condition that can result in a need for hospitalization. The damage from smoking is observed in every major bodily organ—especially the lungs. As a precaution, I am urging you to exempt specialty vapor shops from the shutdown order and encourage people who smoke to “quit or switch” by using *any* smoke-free tobacco or nicotine products, including nicotine replacement therapy.

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<sup>1</sup> Polosa, R., Cibella, F., Caponnetto, P. et al. Health impact of E-cigarettes: a prospective 3.5-year study of regular daily users who have never smoked. *Sci Rep* 7, 13825 (2017). <https://doi.org/10.1038/s41598-017-14043-2>

<sup>2</sup> Jacob George. 2019. Cardiovascular Effects of Switching From Tobacco Cigarettes to Electronic Cigarettes. *JACC* [accessed 2020 Mar 23]; 74. <http://www.onlinejacc.org/content/74/25/3112>

<sup>3</sup> FDA. 2020 Jan 2. Enforcement Priorities for Electronic Nicotine Delivery Systems (ENDS) and Other Deemed Products on the Market Without Premarket Authorization, Guidance for Industry. U.S. Department of Health and Human Services Food and Drug Administration Center for Tobacco Products; [accessed 2020 Mar 22]. <https://www.fda.gov/media/133880/download>

According to recent data, the availability of low-risk alternatives to combustible tobacco is **reducing smoking prevalence at an accelerated rate**.<sup>4</sup> While most of the accelerated decline in smoking prevalence can be attributed to vapor products, promoting other smoke-free alternatives may add to reductions in smoking and do so quickly.

While it may be tempting to say that everyone who smokes should quit now, we know that this strategy--"quit or die"--is simply not enough. Moreover, it lacks compassion and under the current circumstances, it is particularly cruel. We also know that the available, approved treatments for smoking cessation have low success rates. We note that many people who have successfully transitioned to smoke-free alternatives like vaping had previously tried and failed to quit smoking--multiple times with multiple OTC products and prescriptions--before discovering vaping. Therefore it makes sense to promote and preserve access to low-risk alternatives in a way that encourages many more people to attempt to give up smoking.

CASAA, our members in Pennsylvania, and I urge you to approve exemption waivers for specialty vapor shops and preserve consumers access to low-risk, smoke-free alternatives to combustible tobacco. Now, more than ever, there is a critical need to rapidly reduce smoking prevalence and a harm reduction approach is vital to achieving this goal. I appreciate your time and consideration in this matter and thank you for considering our comments. If you have any questions, please contact me at [aclark@casaa.org](mailto:aclark@casaa.org) or (201) 310-0941.

Sincerely,



Alex Clark  
CEO, CASAA

CC:

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<sup>4</sup> Shapiro, R., Aneja, S., "The Impact of Electronic Cigarettes on Cigarette Smoking By Americans and Its Health and Economic Implications." July 2019. Accessed from <https://www.progressivepolicy.org/issues/the-impact-of-electronic-cigarettes-on-cigarette-smoking-by-americans-and-its-health-and-economic-implications/>, March, 21, 2020.