

United States Senate

WASHINGTON, DC 20510

August 20, 2020

The Honorable Alex Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Ave SW
Washington, DC 20201

Dear Secretary Azar:

We write to express our concern about the potential risks that tobacco use, including e-cigarette use or vaping, can pose for COVID-19 infection among our nation's teenagers and young people. Recent research indicates that the use of such products is linked to substantially higher risk for COVID-19, the disease caused by SARS-CoV-2, for teens and young adults when compared to youth who do not use tobacco and vaping products. The potential for these risks is especially troubling given students may soon be around each other more frequently in many communities, as schools and colleges reopen for in-person learning. We urge you to take steps to better inform the public about potential risks, while also mitigating those risks through action to reduce use of these products among young people.

According to research from the Stanford University School of Medicine, among young people in the study's survey who were tested for COVID-19, those who used both conventional cigarettes and e-cigarettes in the previous 30 days were almost seven times as likely to be diagnosed with COVID-19, compared to nonusers.¹ Among youth who were surveyed in the study, the use of cigarettes and e-cigarettes was also significantly associated with the reporting of COVID-19-related symptoms. These findings underscore the importance of not only examining the connection between COVID-19 and vaping and smoking, but also the need to take action to ensure that young people do not begin using tobacco products in the first place.

Federal survey data from 2020 indicates that approximately 27.5 percent of high school students reported having used e-cigarettes in the past month, a more than 17-fold increase since 2011, when only 1.5 percent of high school students used e-cigarettes.² Use of e-cigarettes among middle school students has also risen in recent years, with 10.5 percent of middle school students reporting using e-cigarettes in 2019. Last year, 5.8 percent of high school students and 2.3 percent of middle school students smoked conventional cigarettes.³ Youth appetite for e-cigarettes has been largely fueled by the appeal of non-tobacco flavors such as fruit, candy, and menthol or mint.⁴

¹ Shivani Mathur Gaiha, Jing Cheng, and Bonnie Halpern-Felsher, "Association Between Youth Smoking, Electronic Cigarette Use, and Coronavirus Disease 2019," *Journal of Adolescent Health*, August 11, 2020. Available at: [https://www.jahonline.org/article/S1054-139X\(20\)30399-2/fulltext#%20](https://www.jahonline.org/article/S1054-139X(20)30399-2/fulltext#%20)

² Centers for Disease Control and Prevention, "Smoking & Tobacco Use: Youth and Tobacco Use," November 5, 2019. Available at: https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm

³ *Id.*

⁴ Trump Administration Combating Epidemic of Youth E-Cigarette Use with Plan to Clear Market of Unauthorized, Non-Tobacco-Flavored E-Cigarette Products," Sept. 11, 2019, <https://www.hhs.gov/about/news/2019/09/11/trump-administration->

While Congress recently has enacted legislation to restrict the sale of tobacco, including e-cigarettes, to individuals age 21 and older, much more must be done; far too many young people are still able to gain access to these products. Moreover, many e-cigarette products with youthenticing flavors remain on the market without the authorization required by federal law. That is why it is so important for the Food and Drug Administration (FDA) to vigorously enforce the September 9, 2020 federal court-ordered deadline for submission of applications for premarket review of e-cigarettes and certain other tobacco products. The FDA should use the premarket review process to remove products that have or are likely to increase youth use of nicotine and tobacco. We also continue to believe the FDA should revisit its flawed January 2020 guidance and, instead, clear *all* non-tobacco flavored e-cigarettes from the market until the FDA, through premarket review, concludes they are appropriate for the protection of public health.

To help inform the public about the relationship between vaping and tobacco use and COVID-19 infection, and to help prevent potential COVID-19 risks among teens and young adults, we request answers to the following questions:

1. Have the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), the FDA, or any other agencies within the Department conducted scientific research or other studies to examine the risks that tobacco and e-cigarette use pose for COVID-19 infection or complications?
 - a. If so, please share any findings from that research.
 - b. If no research has been conducted, please explain the steps that the Department intends to take to ensure that these risks are properly examined and analyzed.
2. What efforts are the Department and the FDA taking to enforce industry compliance with the September 9, 2020 deadline for premarket applications for e-cigarettes and certain other tobacco products and to remove noncompliant products from the market?
3. Will the Department and the FDA revise the January 2020 guidance on restrictions of certain flavored e-cigarettes to ensure that all non-tobacco flavors are removed from the market until the FDA, through premarket review, concludes they are appropriate for the protection of public health?
4. How is the Department using emerging data and survey results regarding COVID-19 risks among youth users of any tobacco products, including e-cigarettes, to inform federal guidance that is being provided to states relating to reopening schools for in-person instruction?

In light of the risk that COVID-19 poses to youth, educators and families across this country, and the possibility that students may be around each other more frequently as some schools re-open

[combating-epidemic-youth-ecigarette-use-plan-clear-market.html](https://www.fda.gov/oc/2020/09/16/combating-epidemic-youth-ecigarette-use-plan-clear-market.html); *Notes from the Field: Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students — United States, 2011–2018*, *MMWR Morb Mortal Wkly Rep*, November 16, 2018, https://www.cdc.gov/mmwr/volumes/67/wr/mm6745a5.htm?s_cid=mm6745a5_w.

for in-person learning, we request answers to the questions posed in this letter by no later than August 31, 2020. We look forward to your timely response.

Sincerely,



Jeanne Shaheen
United States Senator



Patty Murray
United States Senator



Richard J. Durbin
United States Senator



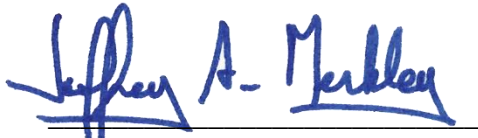
Sherrod Brown
United States Senator

/s/ Jack Reed

Jack Reed
United States Senator



Richard Blumenthal
United States Senator



Jeffrey A. Merkley
United States Senator



Margaret Wood Hassan
United States Senator



Tammy Baldwin
United States Senator

Cc: Dr. Stephen M. Hahn, Commissioner, U.S. Food and Drug Administration
Dr. Robert Redfield, Director, Centers for Disease Control and Prevention
Dr. Francis Collins, Director, National Institutes of Health
Dr. Anthony Fauci, Director, National Institute of Allergy and Infectious Diseases