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17TH DISTRICT, CALIFORNIA

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June 14, 2023

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Ave, S.W.
Washington, D.C. 20201

The Honorable Robert Califf, MD
Commissioner
Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993

Dear Secretary Becerra and Commissioner Califf:

We write to express our concerns that the Department of Health and Human Services (HHS) and the Food and Drug Administration (FDA) have not taken enforcement action to address dangerous and cancer-causing chemicals beyond nicotine in e-cigarette products which jeopardizes the health of millions of children.

The FDA is responsible for protecting public health by regulating e-cigarettes under the *Tobacco Control Act* (TCA).¹ In 2016, the FDA issued a final rule deeming all products that meet the definition of a tobacco product to be subject to FDA authority. Under the TCA, no new e-cigarette is permitted onto the market unless its manufacturer first proves to the FDA that the product is “appropriate for the protection of public health.”² The FDA has further authority to protect public health under the Food, Drug, and Cosmetic Act to regulate unsafe vaping products, including those that are not tobacco products.

Studies have proven that many e-cigarette liquids contain hundreds of chemical substances.³ Substances identified in e-cigarette liquids and aerosols include solvent carriers including

¹ [Public Law No: 111-31](#)

² Id.

³ <https://pubmed.ncbi.nlm.nih.gov/27221300/> See also: <https://pubmed.ncbi.nlm.nih.gov/26422308/>

propylene glycol (PG) and glycerol, tobacco-specific nitrosamines (TSNAs), aldehydes, metals, volatile organic compounds (VOCs), phenolic compounds, polycyclic aromatic hydrocarbons (PAHs), flavorings, tobacco alkaloids, and drugs.⁴ Many of these chemicals are known or reasonably anticipated to be carcinogenic such as benzene, styrene, formaldehyde, methylene chloride, and acetaldehyde.⁵

We appreciate the FDA taking enforcement actions against vaping products with unapproved new drugs and unproven health claims. However, consumers cannot make informed decisions to protect their health if they do not have access to the facts about the hazardous ingredients in e-cigarettes.⁶ While the CDC website states that “e-cigarettes can contain other harmful substances besides nicotine,” the FDA and HHS should improve messaging to the public regarding the public health threat associated with non-nicotine ingredients in these vaping products.⁷

We respectfully request that FDA and HHS require manufacturers to take the following steps to notify the public of the potential health threat associated with e-cigarette use. We request that FDA:

- Identify chemicals that the HHS National Toxicology Program considers to be known or anticipated carcinogens.
- Require manufacturers to list the chemicals contained in the e-cigarette products on the product website.
- Require e-cigarette products and marketing materials reference the website with a warning statement about the chemical ingredients and caution against consumption of the e-cigarettes by children, teens, and adults.

Thank you for your attention to this important matter. We look forward to receiving your responses soon and working with you to address the public health harm that e-cigarettes pose to our children.

Sincerely,



Ro Khanna
Member of Congress



Ann McLane Kuster
Member of Congress

⁴ <https://www.ncbi.nlm.nih.gov/books/NBK507184/>

⁵ <https://ntp.niehs.nih.gov/go/roc15>

⁶ <https://www.fda.gov/consumers/health-fraud-scams/fda-takes-action-protect-consumers-vaping-products-unproven-health-claims>

⁷ https://www.cdc.gov/tobacco/basic_information/e-cigarettes/Quick-Facts-on-the-Risks-of-E-cigarettes-for-Kids-Teens-and-Young-Adults.html



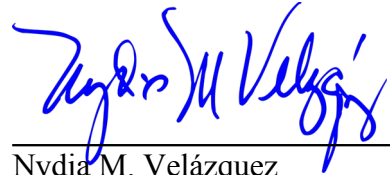
Chris Pappas
Member of Congress



Katie Porter
Member of Congress



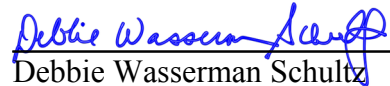
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