



The African American Tobacco Control Leadership Council

Friday, November 2, 2018

Mayor Trish Herrera Spenser
Vice Mayor Malia Vella
Councilmember Marilyn Ezzy Ashcraft
Councilmember Frank Matarrese
Councilmember Jim Oddie
Alameda City Hall
2263 Santa Clara Avenue
Alameda, CA 94501

Re: Restricting the Sale of Menthol and all Flavored Tobacco Products and Flavored E-Juices

The African American Tobacco Control Leadership Council (AATCLC) strongly encourages the Alameda City Council to restrict the sale of menthol and all flavored tobacco products, including flavored e-juices. Restricting the sale of these products, could be an important step forward for public health of Alameda. We already know that 80% of youth's 12-17 start smoking using flavored cigarettes (Ambrose et al., 2015). If the City Council truly wants a healthier Alameda, and we believe that you do, then it is imperative that menthol and flavors be restricted and recognized as a social justice issue, an issue that disproportionately impacts poorer communities, marginalized group, and communities of color.

This is no minor matter. Menthol and flavored tobacco products are driving tobacco death and disease rates nation-wide; while the use of non-flavored tobacco cigarettes has been decreasing, the use of menthol cigarettes is on the rise, among youth and adults, and among Latinos, Blacks and Whites (Villanti, 2016). Let's be clear, the majority of women smokers, smoke menthol cigarettes; the same is true for youth of all backgrounds; folks from the LGBTQ community disproportionately smoke these products; 47% of Latino smokers prefer menthol cigarettes; 62% of Puerto Ricans prefer menthol; nearly 80% of Native Hawaiians; a majority of Filipinos and a majority people with behavioral health issues, all disproportionately use these "minty" products (CDC, 2010; Fallin, 2015; Forbes, 2013; Delnevo, 2011; Hawaii State Dept. of Health, 2009; Euromonitor, 2008; Hickman, 2015). Moreover, 85% African Americans adults and 94% of Black youth smokers are using menthol products (Giovino, 2013). These striking statistics arise from the predatory marketing of these products in the Black Community, where there are more advertisements, more lucrative promotions and *cheaper prices* for menthol cigarettes compared to other communities (Henriksen et al., 2011; Seidenberg et al., 2010).

And as if to add insult to injury, the Council should be aware that menthol, which masks the harsh taste of tobacco, allows for deeper inhalation of toxins and greater amounts of nicotine and this is what makes menthol cigarettes harder to quit compared to other cigarettes (Ton et al., 2015; Levy et al., 2011). At bottom, the “cool refreshing taste of menthol” heralded by the tobacco industry, is just a guise; ultimately, menthol allows the poisons in cigarettes and cigarillos to go down easier.

We all have been reading in the papers about the “JUUL Explosion,” where a little thumb drive looking device is being used by more youth than regular cigarettes (CDC, 2018). And one of the main drivers of youth taking up e-cigarettes generally is the fact that they are available in over 15,000 kid friendly flavors! (<https://www.flavorshookkids.org/> 2018). The vaporist community would like you to believe that aerosol inhaled by e-cigarette users is only water vapor, nothing could be further from the truth. The facts are these:

1. E-cigarettes are tobacco products that delivering nicotine, an addictive substance that especially in youth can compromise the brains executive functioning (Report of the Surgeon General, 2014)
2. The Propylene Glycol and Vegetable Glycerin that constitute a large portion of the e-juice and the resulting vapor **are not FDA approved for inhalation**
3. There are as many metals and in some cases more metals are found in the e-cigarette vapor compared to cigarette smoke (Williams et al., 2013)
4. Many of the same toxins and carcinogens found in regular cigarettes, like benzene, formaldehyde, and tobacco specific nitrosamines can be found in e-cigarette vapor (Goniewicz et al., 2013). And yes they are at lower levels than in a regular cigarette, but while this may be safer, this does not mean that this products are safe!
5. The 15,000 + flavors available on the market may be Generally Recognized as Safe (GRAS) for **ingestion** but, they are not GRAS for **inhalation**.
6. E-Cigarette vapor activate platelet formation just like regular cigarettes, the process that leads to arterial blockages (Hom et al., 2016)
7. E-cigarette aerosol consists of ultrafine particles at levels comparable to or higher than cigarettes. These particles can cause cardiovascular and pulmonary disease. In addition, the particle size in e-cigarettes are often smaller than those generated by cigarettes, which are likely more dangerous (Fuoco FC, Buonanno G, Stabile L, Vigo P. 2014)
8. Kids who start with e-cigarettes are more likely to become regular cigarette users and in many cases, dual users (Byrne S et al., 2018)
9. Here is a link to the European Public Health Association: Fact or Fiction on E-cigs: https://eupha.org/repository/advocacy/EUPHA_facts_and_fiction_on_e-cigs.pdf

The AATCLC is calling upon the Alameda City Council to join a growing number of cities and counties around the country that are restricting the sale of menthol and all flavored tobacco products, including e-juices. Just this past June, San Francisco passed city-wide restrictions on the sale of menthol and all flavored tobacco products, including flavored e-juices, the toughest law in the Country. This was rapidly followed by the City of Richmond in July, passing its own

city-wide restrictions. And then in August, Beverly Hills followed suit with their own city-wide restrictions. Last year it was Minneapolis, St. Paul and Oakland that restricted the sale of these products to adult only venues. Indeed, this week the Marin County Board of Supervisors unanimously voted on the first reading to adopt County-wide restrictions. We are hopeful that the City of Alameda will join this growing movement to remove flavors from these deadly and addictive products.

Formed in 2008, the African American Tobacco Control Leadership Council is composed of a cadre of dedicated community activists, academics, public health advocates and researchers. Even though based in California, we are national in scope and reach. We have partnered with community stakeholders, elected officials, and public health agencies, from Chicago and Minneapolis to Berkeley and San Francisco. This work has helped to shape the national discussion and direction of tobacco control policy, practices, and priorities, especially as they affect the lives of Black Americans, African immigrant populations and ultimately all smokers. The AATCLC has been at the forefront in elevating the regulation of mentholated and other flavored tobacco products on the national tobacco control agenda, including testifying at the FDA hearings to remove menthol products from the market place.

We here at the AATCLC recognize that the Council is probably under extraordinary pressure from the tobacco industry and the vaporist community to put profits above human life. The Council should stand up to the industry, like other cities around the country have and say No to the continued predatory marketing of flavored tobacco products to our youth, and say Yes, to the health and welfare of the kids, the most vulnerable, nay, all citizens of the City of Alameda.

We are all counting on you!

Sincerely,



Phillip Gardiner, Dr.P.H. Co-Chair AATCLC www.savingblacklives.org



Carol McGruder, Co-Chair AATCLC



Valerie Yerger, N.D., Co-Chair AATCLC



October 30, 2018

Alameda City Council
City Hall
2263 Santa Clara Avenue
Alameda, CA 94501

Re: Proposed ban on flavored tobacco

Dear Mayor and City Councilmembers,

I write on behalf of the American Petroleum and Convenience Store Association (APCA), a grassroots organization of independent gasoline and convenience store owners located throughout the state of California including Alameda.

Our members are small businesses, mostly family-owned and operated, who, according to the California Department of Public Health, have a 94% compliance rate of keeping tobacco away from minors. We share the city's goal of keeping tobacco of all types out of the hands of minors and support a local licensing program as long as the fees and penalties are reasonable.

We appreciate the City's outreach to the small business community that will be impacted by the proposed tobacco retail license ordinance. However, our members remain concerned that the ordinance as currently drafted, will cause many of our members to lose revenue and will force others to sell businesses.

We ask that the Council consider the following:

1. Delete or modify the flavored tobacco sales ban. With a compliance rate of 94% it is clear that licensed retailers are not selling tobacco of any kind to minors. In fact, the California Department of Public Health noted that kids have a 95% success rate in obtaining flavored tobacco products online. Enacting a flavored tobacco ban at licensed, inspected retail locations will drive 100% of these sales to online venues where there is no oversight. At a minimum, the City should allow for the continued sale of traditional tobacco flavors of menthol, mint and wintergreen similar to El Cerrito, San Leandro, Berkeley, Hayward and Oakland.
2. Revise the penalty provisions. The proposed penalties for non-compliance are punitive. We recommend penalty provisions similar to those recently enacted in the City of San Leandro that were negotiated between the City and business owners.

3. Grandfather existing tobacco retailers within 300 feet of K-12 schools in perpetuity. Alameda is an island that there are limited commercially zoned areas where any business may operate.
4. Delay consideration of this ordinance until the FDA announces additional regulation of flavored tobacco products.

In the next couple of weeks, the FDA is expected to announce further regulation of flavored tobacco products. According to news reports, the FDA may ban the sale of flavored tobacco products that may be contributing to the rise in youth use. Last week, Altria announced that it would voluntarily remove some of its flavored e-cigarette products from the market to help curb youth access.

With all of the regulatory activity and voluntary removal of flavored tobacco products from the market, we ask that the City refrain from moving forward with its proposed flavor ban until the FDA announces what flavored tobacco products it intends to ban from the marketplace, and what entities (vape shops, convenience stores) will be allowed to sell flavored tobacco products.

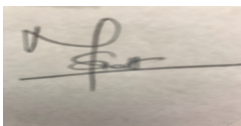
If this ordinance is enacted as drafted, Alameda tobacco retailers will operate at a severe disadvantage as surrounding jurisdictions still allow for the sale of flavored tobacco products. Flavored tobacco products will also still be available online – where most kids obtain Juul and other e-cigarette products.

Action by the FDA will apply equally across all jurisdictions and would create a level playing field for local businesses.

Tobacco is a key category for retailers because it drives foot traffic and incidental sales within stores. The inability to sell flavored tobacco has a significant financial impact on a store. In other municipalities that have enacted similar bans, retailers have reported 15 -30% revenue losses. One retailer in El Sobrante (Contra Costa County) told us that he lost over \$40,000 in total store sales the first month the flavor ban was in effect.

APCA urges you to table the introduction of the ordinance until the FDA announces flavored tobacco sales restrictions.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Manraj Natt', written over a horizontal line.

Manraj Natt
Chairman



January 25, 2018

Bayside Medical Group

The Honorable Trish Herrera Spencer, Mayor, Vice Mayor Malia Velia
Councilmember Marilyn Ezzy Ashcraft, Frank Matarrese and Jim Oddie
Alameda City Hall
2263 Santa Clara Avenue
Alameda, CA 94501

Re: Potential Ban on Sale of Menthol Cigarettes and Other Flavored Tobacco in Alameda

Dear Mayor Spencer and Members of the City Council:

We are writing as pediatricians that practice in Alameda, in hopes of protecting the youth that we serve on the island. We have taken the liberty to quote from the American Academy of Pediatrics Policy Statement on Electronic Nicotine Delivery Systems (ENDS)

1. ENDS are the most commonly-used tobacco products among youth. In 2016, 11% of high schoolers and 4% of middle schoolers reported using e-cigarettes in the last 30 days. Youth who use ENDS products are more likely to use cigarettes or other tobacco products.
2. ENDS solution has chemicals (ie, anti-freeze, diethylene glycol, and carcinogens like nitrosamines). E-liquid from ENDS devices and refill packs can contaminate skin, leading to nicotine poisoning. Symptoms of nicotine poisoning include vomiting, sweating, dizziness, increased heart rate, lethargy, seizures, and difficulty breathing.
3. In 2016, US Surgeon General Vivek Murthy, MD MBA released a report, "E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General." The report concluded that youth should not use e-cigarettes due to the health effects on users and on others exposed to secondhand e-cigarette aerosol.

Please help us protect our future generation by making it difficult for our kids to obtain flavored tobacco that tobacco companies are SHAMELESSLY targeting them with. The tobacco companies are attracting the youth, knowing that once they become addicted to their products, they will have life long smokers. Prior to the introduction of ENDS, the smoking rates in our youth was decreasing in California, but now there is going to be a steady uptake in smoking rates if we allow the sale of Menthol Cigarettes and Other Flavored Tobacco in Alameda.

Thank you for your action to ban the sale of menthol cigarettes and other Flavored Tobacco in Alameda,

Four handwritten signatures in black ink, arranged horizontally. From left to right, they appear to be Tina Hong, Margaret Miller, Sumit Sen, and Monika Stevens.

Tina Hong, MD, Margaret Miller, MD, MPH, Sumit Sen, MD, Monika Stevens, MD
Stanford Childrens Health Bayside, 1359 Park Avenue, Alameda, CA 94501

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**American
Heart
Association.**

Bay Area Division

426 17th St, Ste. 300, Oakland, CA 94612
Phone (510) 903-4050 Fax (510) 903-4049

www.heart.org

October 17, 2018

Mayor and City Council Members
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

Dear Mayor and City Council:

The American Heart Association supports the proposal to establish a comprehensive Tobacco Retailer License (TRL) prohibiting the sale of flavored tobacco products in the City of Alameda. Stopping the sale of flavored tobacco will reduce access to the products that are the tobacco industry's key strategy for targeting and addicting new smokers, particularly youth.

Cigarette smoking is the leading cause of preventable disease and death in the United States, claiming on average 480,000 lives each year. Smoking increases the risk for heart disease and stroke and the risk for blood clots. The best way to prevent tobacco-related illness and death is to prevent people from starting to smoke in the first place.

The tobacco industry is actively and aggressively working to addict new young people with flavored tobacco products. They know that flavors like grape, mint (menthol), cotton candy, bubble gum and gummy bears mask the harsh taste of tobacco and are highly appealing to youth.

Nearly one-in-four Alameda 11th graders report having used a vape or e-cigarette and mounting evidence shows that young people who start with these products are likely to become the addicted cigarette smokers of tomorrow.

Ending the sale of flavored tobacco products will help protect our youth from tobacco addiction and is crucial to preventing tobacco-related death and disease. The American Heart Association respectfully asks for your support of this vital health policy.

Sincerely,

A handwritten signature in cursive script that reads "Michelle A. Albert".

Michelle A. Albert, MD MPH
Co-President, Board of Directors
Bay Area Division, American Heart Association