

This submission is in support of the proposed amendments to the *Airports Act 1996* to provide that the regulation of smoking at airports does not apply to the use of e-cigarettes (vaping); *Therapeutic Goods Act 1989* to exclude e-cigarettes from regulation by the Therapeutic Goods Administration; and *Tobacco Advertising Prohibition Act 1992* to provide that the ban on the advertising of smoking does not apply to the advertising of vaping.

The Australian Government has an opportunity to make a real difference to the health of its citizens by allowing the marketing, sale, and consumption of vaping products and nicotine containing e-liquid. The New Zealand Government has recently announced that the current law forbidding the sale of nicotine containing e-liquid will be changed and the Government expects that this will assist New Zealand to reach its Smokefree 2025 target.

Vaping has been embraced by Public Health England and the Royal College of Physicians as an effective way for people to stop smoking. Both of these groups have estimated that vaping is at least 95% safer than smoking and both groups recognise that the vapour industry is not some ploy by the tobacco industry to addict young people to nicotine.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457102/Ecigarettes_and_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf

<https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction-0>

Vaping does help smokers quit smoking. Scientists from the University of Patras-Greece, Onassis Cardiac Surgery Centre-Greece, and the French National Institute for Health and Medical Research analysed the data from the 2014 Eurobarometer on smoking and the use of electronic cigarettes. They found that among the current 27460 e-cigarette users surveyed that 35.1% had quit smoking and 32.2% had reduced their cigarette consumption. (<http://www.ncbi.nlm.nih.gov/pubmed/27338716>) They also found that use by non-smokers was minimal. The Eurobarometer is a survey performed by the European Commission which enrolled a large number of Europeans representative of the European Union so it can be generalised to the population, which means that 6.1 million Europeans had quit smoking by using electronic cigarettes.

Some people have asserted that children and young people will take up vaping in large numbers and then progress to smoking cigarettes. There is no evidence of large numbers of children and young people becoming regular users (the few who do are largely smokers) and there is no evidence that a so called 'gateway effect' occurs whereby non-smokers start vaping and progress to smoking. The numbers of non-smokers who start vaping has been found to be similarly low (please refer to the reports from Public Health England and The Royal College of Physicians linked above). Furthermore, ex-smokers can relapse so vaping can serve as a smoking prevention measure.

There is no evidence that vaping normalises smoking. Drinking water looks similar to drinking vodka, but no one argues that drinking water normalises the drinking of vodka. In countries where vaping is accepted smoking rates have continued to fall. In the United Kingdom, where vaping is encouraged, smoking rates are currently at an historic low, with a rate of decline that far outstrips Australia.

The Airports Act

Vaping is not Smoking

There is no automatic need to include vaping in any smoke free legislation. The decision to allow or disallow vaping in any public place should be left to individual companies and organisations however, they should be encouraged to allow vaping unless there are very good reasons not to, as per the recommendations from Public Health England.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/534586/PHE-advice-on-use-of-e-cigarettes-in-public-places-and-workplaces

Some people have asserted that there is not enough evidence about what is in the vapour and that it may harm others. This has been extensively studied and no evidence has been found of any harmful chemicals in the vapour and ambient air at a level that would harm bystanders. Two such studies are linked below for your perusal. <http://www.ncbi.nlm.nih.gov/pubmed/23033998>
<http://bmcpublichealth.biomedcentral.com/articles/10.1186/1471-2458-14-18>

There is a large body of other research which has found nothing hazardous in the vapour. Where studies have found anything of interest it is usually due to experimental error, failure to recognise that the dose makes the poison, or a misunderstanding that particle size is not the most important consideration but rather what the particles consist of.

If vaping aerosols are as hazardous as some assert there should be direct effects on the wellbeing of vapers, no such effects have been found. To the contrary, stable, long term improvements in asthma and COPD symptoms have been found in smokers who switch to electronic cigarettes which demonstrates a significant level of harm reversal. <http://www.discoverymedicine.com/Riccardo-Polosa/2016/02/persisting-long-term-benefits-of-smoking-abstinence-and-reduction-in-asthmatic-smokers-who-have-switched-to-electronic-cigarettes/>

https://www.researchgate.net/publication/311911580_Evidence_for_harm_reduction_in_COPD_smokers_who_switch_to_electronic_cigarettes

Furthermore, there have been some studies undertaken which have considered the biomarkers found in vapers. One study found levels of biomarkers in long term vapers which were much lower than the levels found in smokers and were similar to the levels found in NRT users

<http://annals.org/aim/article/2599869/nicotine-carcinogen-toxin-exposure-long-term-e-cigarette-nicotine-replacement> One longitudinal study analysed the biomarkers of smokers who switched to vaping and found significant drops, similar to that which occurs in smokers who stop smoking cold turkey. <http://ntr.oxfordjournals.org/content/early/2016/08/16/ntr.ntw160>

The Therapeutic Goods Act

It is almost inconceivable that the Australian Government allows deadly cigarettes to be sold and does not allow nicotine containing e-liquid for a much, much safer alternative to smoking to be legally sold. It is widely accepted that people smoke for the nicotine but die from the tar. Nicotine is an essential ingredient in electronic cigarette liquid for people who want to stop smoking. (<http://www.la-press.com/evaluating-nicotine-levels-selection-and-patterns-of-electronic-cigare-article-a3858-abstract>). Nicotine, at the level used in personal vaporisers, is of no more concern as a poison than many

household cleaning products and cosmetics. Oral Ingestion of enough nicotine to be of concern leads to vomiting and therefore, it is expelled from the body. There are also questions around the currently accepted toxicity levels (see link below).

<http://link.springer.com/article/10.1007%2Fs00204-013-1127-0/fulltext.html>

“It seems very safe even in non-smokers. In our studies we find it actually reduces blood pressure chronically. And there were no addiction or withdrawal problems, and nobody started smoking cigarettes. The risk of addiction to nicotine alone is virtually nil.” – Dr Paul Newhouse, Director, Vanderbilt University Center for Cognitive Medicine.

The Tobacco Advertising Prohibition Act

Vaping products should not be included in this legislation. They are not tobacco products (they contain no tobacco). Responsible, factual, advertising to adults would enable smokers to be aware of the products and where to purchase them.

The transition from smoking to vaping can be somewhat of a learning curve. Lighting a cigarette and inhaling the smoke is straight forward. It is useful for smokers to be able to be shown the products and how they work so they can use them effectively and safely. It would be inappropriate and disproportionate to require vaping products to be hidden from view, or require health warnings, or standardised packaging. Point of sale display is necessary. Disallowing internet sales would disadvantage rural smokers and people with disabilities. Furthermore, treating vaping products as tobacco would send a message to smokers and the general public that these products are as dangerous as cigarettes.

To conclude, vaping is much safer than smoking and has no effects on bystanders. Vaping helps adults stop smoking and does not lead to any great amount of youth uptake. The harm from cigarette smoking is caused by the combustion process which does not occur when e-liquid is heated in a vaping device. Australia has an opportunity to positively affect the health and wellbeing of its citizens by allowing these valuable tools to be used to kick start a decline in smoking rates (which have remained fairly stable for the past three years). The Australian Government should embrace vapour technology as an opportunity rather than perceiving it as a threat and come back into line with most of the rest of the western world.

The World Health Organisation estimates that a billion lives will be lost to smoking this century. We implore the Australian Government to ensure that Australian smokers are not over represented in the death rates caused by smoking by amending the *Airports Act 1996*, the *Therapeutic Goods Act 1989*, and the *Tobacco Advertising Prohibition Act 1992*. Retaining Australia’s current situation would have the perverse effect of protecting the tobacco industry.