



American
Heart
Association.

February 7, 2023

Milwaukee Common Council
City Hall
200 E. Wells Street, Room 205
Milwaukee, WI 53202

RE: Moratorium on the issuance of certificates of occupancy for establishments selling electronic cigarettes or electronic cigarette paraphernalia

Dear Common Council Members:

We write to applaud your effort to pause the opening of new e-cigarette retailers in the City of Milwaukee as you consider what might be done to address the epidemic of youth tobacco use and the health needs of our community.

According to the American Lung Association's [State of Tobacco Control 2023 report](#), the high school tobacco use rate in Wisconsin is 22.2%, and that number is largely driven by the use of e-cigarettes. This is intentional. The tobacco industry continues to use the tactics they've used for decades to market to young people but with significantly fewer restrictions. While cigarette manufacturers are prohibited from advertising on television, from sponsoring events and other marketing activities, those rules do not extend to the marketing of other tobacco products, including e-cigarettes and cigars. According to CDC, in 2021, over 70% of high school and middle school students reported being exposed to e-cigarette marketing.ⁱ

The marketing of these products goes hand-in-hand with the number of retailers in our communities. A study of tobacco product retailers in 30 cities in 2021 found that there are 31 times more tobacco retailers than McDonalds and 16 times more retailers than Starbucks. In addition, in most cities, tobacco product retailers were concentrated in the lowest-income neighborhoods.ⁱⁱ The presence of tobacco retailers can undermine a community's ability to establish tobacco-free social norms by increasing accessibility to tobacco products, including e-cigarettes, and increasing exposure to tobacco industry point of sale advertising, marketing and promotions. Proximity to tobacco retailers is associated with higher smoking rates and can reduce the success of those trying to quit. Over 90% of all tobacco companies' marketing budget is spent at the point of sale, because the presence of point of sale advertising increases the risk of young people taking up smoking, encourages impulse purchases of tobacco products, triggers cravings, and undermines quit attempts. Conclusions across studies reveal that lower levels of tobacco retailer density and decreased proximity are associated with lower tobacco use.

While the pandemic limited some of the compliance check data available, we have attached the data from the [FDA's Milwaukee retailer checks from 2022](#), which shows that 70% of retailers who were

surveyed are continuing to sell to kids, and of the 18 purchases, all but two of the products the young people purchased were e-cigarettes.

In January 2018, [the National Academies of Science, Engineering and Medicine released a consensus report](#) that reviewed over 800 different studies. That report made clear: using e-cigarettes causes health risks, increases the chance that children and youth will start to use combustible tobacco products, and exposes others to dangerous secondhand e-cigarette emissions.

We must also look at the harm of e-cigarettes and the impact they have on lung health and public health. The research shows that e-cigarettes may contain dangerous chemicals including diacetyl (which can cause a dangerous lung disease often referred to as “popcorn lung”), acrolein (which causes irreversible lung disease) and formaldehyde, a carcinogen or substance known to cause cancer.

Tobacco remains the leading cause of preventable death and disease in America, killing 480,000 people each year. In addition, 16 million Americans live with a tobacco-related disease.ⁱⁱⁱ By placing a moratorium on licensing new e-cigarette retailers, you are creating space to think intentionally about how to best address this problem for City of Milwaukee residents. We commend you on your commitment to the health of your constituents and our community.

Sincerely,

Molly Collins

Advocacy Director for Wisconsin
American Lung Association

Sara Sahli

WI Government Relations Director
American Cancer Society Cancer Action Network

Nicole Hudzinski

WI Government Relations Director
American Heart Association

Jodi L. Radke

Regional Director
Campaign for Tobacco-Free Kids

cc: Milwaukee Mayor Cavalier Johnson

ⁱ Wang TW, Gentzke AS, Creamer MR, et al. Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019. *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. DOI: <http://dx.doi.org/10.15585/mmwr.ss6812a1>

ⁱⁱ ASPIre Center. “Tobacco Retailers.” Available at: [Tobacco Retailers - ASPIRE Center](#). Accessed 11/11/2021.

ⁱⁱⁱ U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA, 2014.