

Endgames, ENDS and regulatory policy: observations from down-under

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Richard Edwards, ASPIRE 2025 and Dept of Public Health
University of Otago, Wellington

ASPIRE2025

Overview

- Endgames the concept
- Origins and evolution of Smokefree Aotearoa
- Opportunities and Challenges
- What about ENDS and ENDS regulation?
- **Potential impacts on the endgame (direct and indirect)**
- How to proceed?

Possible positive and negative population impacts for vaping in reaching Smokefree Aotearoa

Direct positive impacts

- Enhanced quitting smoking among smokers
- Reduced smoking uptake among youth (displacement)

Null effect

- Smokers quit with ECs instead of through other means

Direct negative impacts

- Reduced smoking cessation
- Health impacts among non-smokers who use ECs
- Gateway effects to smoking

Indirect positive impacts

- Disrupt (positively) the smoked tobacco market
- Synergistic impact of interventions
- Facilitate implementation of smoked tobacco control measures

Indirect negative impacts

- Distraction from advocating for and implementing other effective measures
- Undermining of other effective measures (fostering disunity of smokefree sector)

“The positive impacts of e-cigarettes are likely to be much greater if e-cigarettes are more affordable, more available, and more appealing, **relative to** smoked tobacco products.”



Smoked tobacco products	E-cigarettes
Less affordable	More affordable
Less available	More available
Less appealing	More appealing

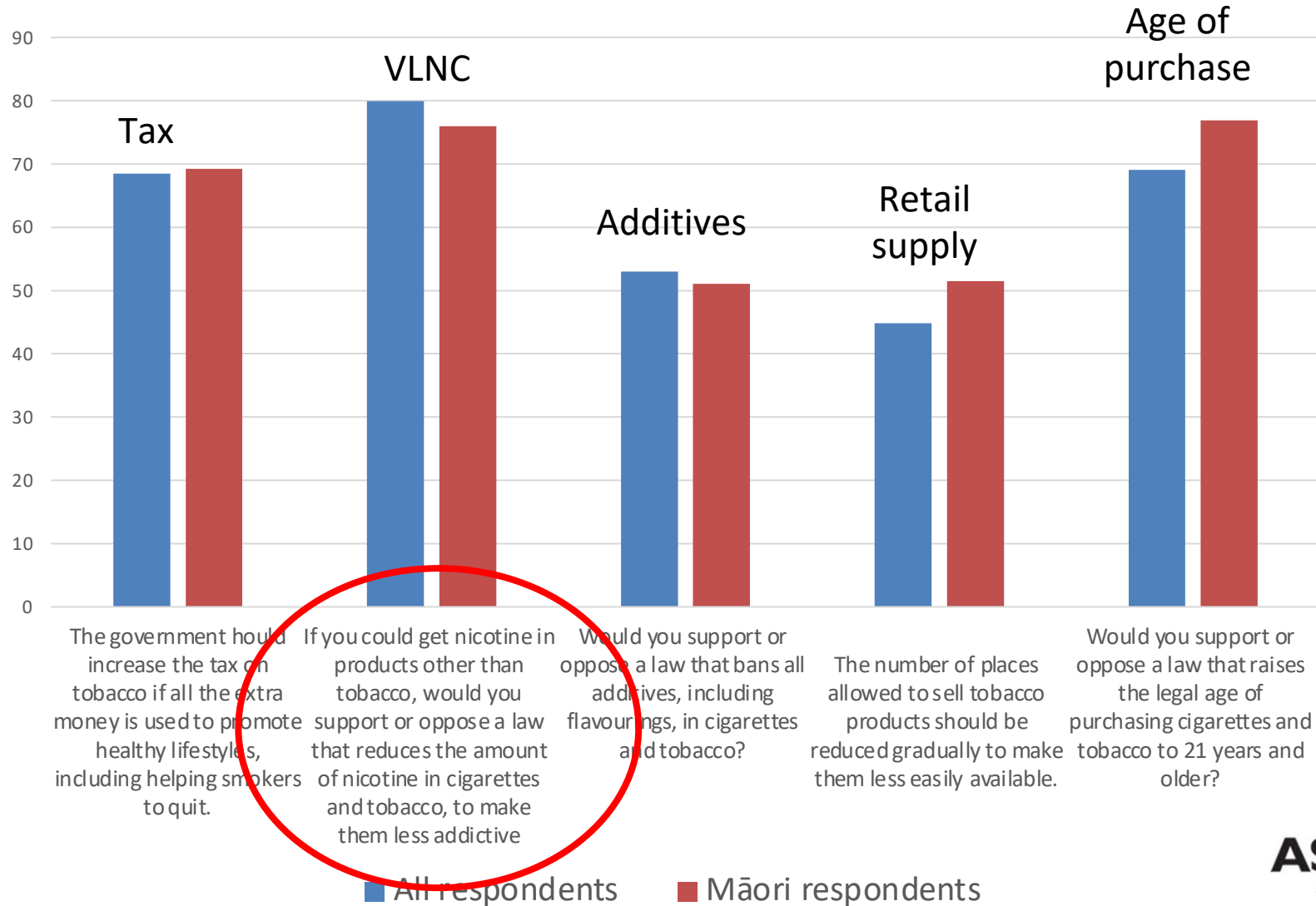
Public Health Expert Blog, October 2017

<https://blogs.otago.ac.nz/pubhealthexpert/2017/10/06/achieving-smokefree-aotearoa-by-2025-a-response-to-critiques>

“Combining a mandated VLNC cigarette policy with other interventions, particularly expanding access to alternative nicotine-delivery products such as e-cigarettes, is likely to **enhance the effectiveness of each of these measures**, and to **make a mandated VLNC policy more acceptable** by ensuring alternative nicotine-delivery products are available for those who can’t, or don’t want to, quit nicotine use.” – ASAP Report



NZ-ITC, Smoker and Recent Quitter Support for key ASAP measures



Every time e-cigarettes are discussed, we should make explicit links with conventional combusted cigarettes, **linking any proposals for less stringent regulations of the former to proposals for more stringent regulation (or even phaseout of sales) of the latter.**

Gartner C, Malone RE: *Tob Control* 2014, **23**(5):369-370.

Distraction: Smokefree-related national policies/interventions introduced by 2017-2020 Labour-led Govt

- Standardised packs + enhanced health warnings (previous Govt)
- Report into tobacco tax policy (tax increases stop after 2020)
- Smokefree cars for children (nearly)
- Major legislation for vaping / ENDS

That's it

Smokefree 2025 is < five years away

Undermining the tobacco control sector

Philip Morris's Project Sunrise: weakening tobacco control by working with it

P A McDaniel, E A Smith, R E Malone

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Tobacco Control 2006;15:215-223. doi: 10.1136/tc.2005.014977

- PMI's 'divide and rule' strategy as laid out in internal documents

*A corporate affairs document explained that tobacco control organisations drew their strength from “their funding, their **credibility in public opinion, and ... their unity**. Our primary strategies focus on impacting each of [these] sources of strength”.*

“....[t]he rapid growth in resources, membership and successes has created a sense of invincibility within the ATI that may blind organizations to carefully orchestrated efforts by the tobacco industry and its allies to **accelerate turf wars and exacerbate philosophical schisms** (smoking and ETS, vs. youth and marketing).”

PMI 10 year strategy

10 year Corporate Affairs Objectives and Strategies

This document outlines key objectives, strategies and actions for the PMI CA organization over the next 10 years, in support of our combustible and reduced risk (RRP) product businesses.

- No 1 objective – ‘normalization’ of PMI – ‘position at the table’ (especially for RRP regulation)
- Oppose ‘extreme regulation’ vs smoked tobacco products e.g.
 - Tax increases above inflation, industry profit taxes, earmarking
 - Plain packs, PoS display bans, packaging format restrictions, GHWs>65%
 - Nicotine limits, ingredients bans, menthol bans, design restrictions (capsule, slims etc)
 - ‘Extreme’ retailer licensing, duty free ban or restrictions, >18 years age limits
 - Outdoor smokefree laws and smokefree cars
- Marginalise the policies and advocates of extreme measures as ‘prohibitionists’
- Amplify voices of ‘harm reduction’ supporters vs ‘prohibitionists’

E-cig debate

The E-Cigarette Debate: What Counts as Evidence?

Two major public health evaluations of e-cigarettes—one from the Na- *Amy Lauren Fairchild, PhD, MPH, Ronald Bayer, PhD, and Ju Sung Lee, MHA*

- Observation – same evidence but very different interpretations by FDA/NASEM and PHE re risks of ECs to users and bystanders, effectiveness as quitting aids, and impact of vaping on youth smoking
- Argue explanation is a values based one:

“Fundamentally, the 2 reports differed on whose risk was to be given priority. For PHE, the central public health concern was how to protect the health of current smokers. For the United States, the pivotal issue was the protection of children and non-smokers - innocent bystanders.”

(? False) Polarisation and its impacts

“The research priorities ... [for e-cigarettes] are increasingly presented within the scientific community and to the general public in an oversimplified context, pitted against one another as though e-cigarettes either exclusively benefit or exclusively harm public health.”

“The **amplification of one-sided, divisive views** likely misrepresents the majority of scientists and moves the field away from norms beneficial to scientific integrity, such as nuanced discourse about e-cigarettes and frequent acknowledgment of the trade-offs that can arise between e-cigarette harm prevention and cigarette harm reduction.”

Carroll et al. Polarization within the field of tobacco and nicotine science and its potential impact on trainees. Nicotine and Tobacco Research 2020.

A

Perceived distribution of viewpoints:



B

Likely distribution of viewpoints:



C

"E-cigarettes threaten public health"

"E-cigarettes benefit public health"

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- A Venn diagram consisting of two overlapping circles. The left circle is light blue and labeled "E-cigarettes threaten public health". The right circle is light red and labeled "E-cigarettes benefit public health". The intersection of the two circles is shaded purple and contains a list of five bullet points.
- General respect for both sides.
 - Nuanced discussions of findings.
 - Open acknowledgement of the legitimate trade-offs that sometimes arise between priority populations.
 - Appreciation for interdisciplinary interdependency in our understanding of e-cigarette impacts.
 - Regular reflection on one's own sources of bias

What does it all mean?

- E-cigarettes/ENDS are potential game changers
- But relying solely on THR approaches = very high risk strategy
- Regulatory approaches for ENDS should:
 - aim to maximise positive direct benefits and minimize harms at population level
 - be appropriate to context (norms, prevalence, tobacco policy ...)
- Promote indirect benefits and minimize harms i.e.
 - seek synergistic policy implementation
 - capitalise on facilitation of smoked tobacco policy implementation from availability of ENDS
- Don't be distracted and forget smoked tobacco policy interventions
- Guard against tobacco industry manipulation
- Foster respectful and nuanced debate