



VAPOR TECHNOLOGY ASSOCIATION

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VTA: BY TREATING VAPOR AS TOBACCO, FDA'S DEEMING REGULATIONS PUT CONSUMERS AT RISK OF INJURY BY EXPLOSIONS, FIRE

COLE-BISHOP WOULD FORCE FDA TO IMPLEMENT BATTERY PRODUCT STANDARDS

WASHINGTON, DC – Today, the Vapor Technology Association (VTA) addressed the FDA's inaction on public safety standards for vapor products as there continue to be reports of e-cigarette batteries catching on fire, putting consumers at risk. VTA National Legislative Director Tony Abboud slammed the FDA's deeming regulations – which treat vapor products as tobacco rather than the new technology that they are – as wholly inadequate to protect adult consumers.

“Over the course of the past year, there have been some highly publicized instances of e-cigarette batteries catching on fire, putting consumers at risk. This is particularly disconcerting to those in the vapor industry who strive to maintain the highest level of product integrity and are focused on driving technological innovations to make our products the safest they can be,” said Abboud.

“While there may be different explanations for these instances, the sobering reality is that the FDA is doing nothing to address this issue. Even worse, because the FDA's Deeming Regulation simplistically treats vapor products like tobacco cigarettes, rather than the new technology that they are, the FDA will continue to put adult consumers at risk of harm or injury by what it claims are ‘defective’ products,” he stated.

As of August 8, 2016, not a single change to any e-liquid, any device, or device component – including batteries, software, electrical circuits, LED lights, or glass – can be made without going through the FDA's multi-year bureaucratic pre-approval *tobacco* application process. In other words, no matter how important an innovation is to product safety, consumer safety or, for that matter, public safety, the FDA will place that safety innovation at the end of the incredibly long line of applications for keeping existing products on the market.



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VTA supports the Cole-Bishop Amendment as a responsible way forward to protect consumers against faulty products. The Amendment, which was included in the recent mark up of the Agriculture Appropriations bill, not only protects children by restricting youth marketing and youth access to vapor products, but also provides strict standards for product safety in order to ensure the well-being of adult consumers. The Cole-Bishop Amendment:

- Forces the FDA to do what it has failed to do by requiring the implementation of new rules on battery product standards within 12 months; and
- Gives the federal government the ability to enforce the law by requiring retailers to register their establishment with the FDA (unless the retailer already is required to register under a state law or federal law).

“The FDA has had ample opportunity to address this issue, but has failed to do so. In stark contrast, members of the Vapor Technology Association have been active across the globe in developing international product standards that protect children and ensure the safety and integrity of vaping products used by adult consumers. The bottom line is the FDA continues to put consumers at risk from injury by battery explosion or fire by locking in technologies that will be antiquated in a short period of time and locking out the innovations that could perfect the operation of vapor products. Cole-Bishop is the responsible way forward,” said Abboud.

To learn more about the Vapor Technology Association (VTA), visit www.vaportechnology.org or click here to follow us on [Facebook](#) and [Twitter](#). To get involved in our effort to save vapor, go to www.savevapor.org.

The Vapor Technology Association represents the manufacturers, wholesalers, small business owners and entrepreneurs who have developed innovative and quality vapor products, providing adult consumers with a safer alternative to traditional combustible products. VTA and its members are leaders in the vapor community, promoting small businesses and job growth, responsible public policies and regulations, and a high standard of safety within the industry.