

From: Nancy Loucas

Subject: World Health Organization Executive Meeting 18-26 January 2021: Report of the Tenth Meeting of the WHO Study Group on Tobacco Product Regulation, virtual meeting, 28 September - 2 October 2020

Date: Wednesday, 20 January 2021 8:42:40 am

To: Members of the World Health Organization Executive Board

From: Coalition of Asia Pacific Tobacco Harm Reduction Advocates (CAPHRA)

Re: World Health Organization Executive Meeting 18-26 January 2021
Provisional Agenda item 22 EB148/47 regarding the Report of the Tenth Meeting of the WHO Study Group on Tobacco Product Regulation, virtual meeting, 28 September - 2 October 2020

Date: 20 January 2021

First, we appreciate and thank you for your consideration of our comments below with regards to the above referenced meeting and report.

CAPHRA is a grassroots coalition of unpaid volunteer consumer tobacco harm reduction advocates in the Asia Pacific Region. You may find more information about us at www.caphraorg.net. This letter is being written on behalf of the member organisations who represent the millions of safer nicotine consumers and their families in our region. We write this email in regard to the WHO Study Group on Tobacco Product Regulation ("Study Group") and its recommendations contained in the above- referenced report ("Study Group's Report") as we feel we must address our concern at the lack of transparency of this process and the far reaching effects of implementing these recommendations without full disclosure to the consumer stakeholders and the public.

Specifically, we highlight the fact that the Study Group Report notes that they reviewed nine background papers and two horizon scanning papers, but none of those papers is disclosed. Similarly, the Study Group Report states their recommendations were assisted by discussions with "invited subject-matter experts," but the names of those experts are not disclosed. Moreover, we are uncertain as to even the composition of the Study Group itself given that the relevant World Health Organization ("WHO") website has not been updated since September 2017. It is also very concerning that the findings of the Study Group report are being made public without the full disclosure of the nine background and two horizon scanning papers used as references to come up with the recommendations presented in the report.

If the above papers are intended to "inform policy at a global level", their content and the creators of that content should be publicly accessible and open to scrutiny. Likewise, given that there are hundreds, if not thousands, of potentially relevant papers, transparency

requires, at a minimum, not only disclosure of the papers, but also disclosure of the process used to select those papers.

We are concerned that the Study Group has failed to consider the potential benefit that tobacco harm reduction strategies have and can continue to provide in a world where the most dangerous forms of tobacco (combustible and toxic forms of oral products) are still legal and readily accessible. Regulations must be proportionate to the relative health risk they pose to the user, and such determinations must be based on current, robust scientific evidence. While it is acknowledged that the majority of evidence on HTPs has been produced by their developers and manufacturers and thus should rightfully be carefully scrutinized, the products themselves are highly technical, and there is currently insufficient experience in the academic field to produce evidence that emulates the standard and quality of their data to date.

It should also be acknowledged that similar dichotomies exist in other areas such as the pharmaceutical field. The data IS the science, regardless of its source. Any attribution of toxicity, possible health risks or perceived threats by emerging safer alternatives should and must be considered relative to the deadly harm caused by tobacco cigarettes and toxic forms of oral tobacco based on the science, not moral outrage.

We are extremely concerned at the recommendation to ban refillable and flexible “open systems” products, which allow individuals to use a wide variety of e-liquid strengths and flavors (and which in many cases also allow the user to further customize the experience by, for example, adjusting air flow and varying temperature) tend to be used almost exclusively by adults. The open-system products allow consumers to try different levels of nicotine, different flavors and different devices in order to find a combination that allows them to dramatically reduce or completely replace their smoking habit.

The recommendation to prohibit these adult-oriented products in favour of sealed “closed” systems marketed mainly by the tobacco industry is inexplicable, and we are aware of no serious science which would support such a perverse result. Not only would such a move destroy the global multibillion dollar independent industry, it would be a gift to the tobacco industry, solidifying their hold on the global nicotine market.

Outright bans do not consider the evidence of reduced harm of both ENDS and HTPs and only serve the black market, and put the public at risk of harm from unregulated products and criminals. The recommendations in this report may further hinder effective access to lower-risk products as a result of the Study Group’s Report in a region of the world with the most harm from combustible and unsafe oral tobacco use. Ours is also a region with the highest amount of governmental involvement in tobacco production, manufacturing and distribution, which no doubt plays into the high levels of harm from tobacco use.

In summary, whilst reducing combustible and unsafe tobacco consumption (and the disease and premature death caused by their use) are of critical importance, there must be a recognition of the continuum of risk associated with various nicotine- containing products. It does not serve the interests of public health to treat the lower risk products in the same fashion as the most dangerous products.

We thank you for taking the time to consider our concerns, and we also offer our assistance in any way that may be helpful to the study group to provide the consumer stakeholders voice to the discussion.

Nancy Loucas

Executive Coordinator

Coalition of Asia Pacific Tobacco Harm Reduction Advocates www.caphraorg.net

WhatsApp: +64 27 2348463

