

2 March 2023

Hon Dr Ayesha Verrall
Minister of Health
Parliament Office
Private Bag 18888
Parliament Buildings
Wellington 6160

Dear Minister Verrall,

Re: Support for the Smokefree Environments and Regulated Products Amendment Bill and calling for the urgent reconsideration of vaping regulations

The Thoracic Society of Australia and New Zealand (TSANZ) congratulates the New Zealand government on the recent landmark passing of the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill (the Bill). This world leading Bill sets the stage internationally for creating a largely smokefree society and promoting optimal lung health for future generations of our rangatahi.

The TSANZ - as a membership organisation for leading thoracic health practitioners and scientists across New Zealand and Australia - supports the Smokefree Aotearoa 2025 goal of a less than five-percent smoking population. The TSANZ applauds the New Zealand government on protecting future generations of children from the harms of smoking, and helping existing smokers quit.

The TSANZ notes that recent modelling of the implementation of the Bill with retail reduction, de-nicotinisation of cigarettes, and the creation of the smokefree generation will significantly reduce smoking prevalence in Aotearoa and enable us to reach the target of less than five percent in all population groupsⁱ. To achieve this, however, we need to act urgently; timely implementation is critical.

With the goal of safeguarding our rangatahi's lung health, the TSANZ considers that the Action Plan does not go far enough.

We note the Ministry's stance on using vaping as a smoking cessation tool. We acknowledge there is some weak evidence indicating that vaping can assist smoking cessation over short follow-up periods when used as part of a smoking cessation programme; however, there is little data on its long-term benefit or safety. Significant concerns by the respiratory scientific community are well-documentedⁱⁱ. We also draw the Minister's attention to similar concerns and the lack of proven health benefits raised in the recent extensive Australian National University reviewⁱⁱⁱ.

The right balance of controls has not been struck, and this is particularly concerning for our youth. A 2022 study indicated that 26% of students reported vaping in the week of the survey, and nearly 20% of those students vaped several times a day^{iv}. This indicates that while the hard work done to reduce combustible cigarette smoking rates and to protect our people's lung health is working, vaping is fast becoming the substitution of choice.

As Manatū Houora acknowledges, vaping is not without risk,^{v vi} and as such, should be avoided by non-smokers. Growing evidence, however, suggests that many non-smokers are choosing to vape regularly. Epidemiological studies estimate 15 – 42% of American adults who use electronic nicotine delivery systems (ENDS) have never used another tobacco product, and 36 – 54% of American adults use *both* ENDS and combustible tobacco^{vii}. This concerning trend needs to be stopped, with urgency.

Regarding the existing Action Plan and the proposed smoked tobacco regulatory regime, the TSANZ calls for the following regulatory changes to be made to contain ENDS use to short-term smoking cessation efforts:

- **More stringent flavour restrictions and better regulation of flavour options:** Evidence from the United States indicates that minimising flavour options to ‘mint’, ‘menthol’, and ‘tobacco’, did not disincentivise youth from taking up vaping. Instead, ENDS use in high school students increased from 2.4% in 2019 to 26.5% in 2020^{viii}. An inadequate policy definition of flavours meant that manufacturers simply re-labelled their products. The exemption of flavour restrictions to open-tank and single use products, and sellers’ ability to mix flavours at the point of sale meant that the implemented flavour restrictions did not have the intended effect.

The Ministry’s proposed flavour restrictions simply do not go far enough, and the TSANZ’ fears that youth vaping rates will only continue to climb without immediate reconsideration of the proposed regulations.

- **A 1km radius restriction on the sale of combustible tobacco and ENDS products in proximity to schools, sports facilities and marae:** the TSANZ considers that the proposed restrictions, which do not apply to general retailers such as dairies, are not stringent enough. These retailers are often in very close proximity to schools and other areas frequented by our rangatahi, and anecdotal evidence suggests that these retailers are often the point of sale for young New Zealanders seeking to buy these products. To protect our youth, we call for the ban of sales within a 1km radius of schools, sports facilities, and marae.

The TSANZ will be submitting a response to the Ministry of Health’s *Proposal for the Smoked Tobacco Regulatory Regime* in mid-March to further outline our concerns. We welcome engagement from Ministry officials and yourself on this matter. You can contact the TSANZ at: info@thoracic.org.au.

About the TSANZ

TSANZ is a health promotion charity whose mission is to lead, support and enable all health workers and researchers who aim to prevent, cure, and relieve disability caused by lung disease. The TSANZ is the only Peak Body in both Australia and New Zealand that represents all health professionals working in all fields of respiratory health.

The TSANZ is a leading provider of evidence-based guidelines for the treatment of respiratory disease in Australia and New Zealand and undertakes a large amount of professional education and training. The TSANZ is also responsible for significant research administration and coordinates an accredited respiratory laboratory program.

Concluding Remarks

The TSANZ thank the New Zealand government for its commitment to a Smokefree Aotearoa and better lung health for all New Zealanders. We also congratulate you on the successes achieved thus far.

We look forward to continuing to work together to improve respiratory health for all New Zealanders.

Yours sincerely



Dr. James Fingleton
New Zealand Board President
Thoracic Society of Australia
and New Zealand



Professor John Upham
President
Thoracic Society of Australia
and New Zealand

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- ⁱ Ouakrim D, et al. Tobacco endgame intervention impacts on health gains and Māori: non-Māori health inequity: a simulation study of the Aotearoa/New Zealand Tobacco Action Plan. *Tobacco Control*. 2022; 10.1136.
- ⁱⁱ McDonald, CF, Jones, S, Beckert, L, et al. Electronic cigarettes: A position statement from the Thoracic Society of Australia and New Zealand. *Official Journal of the Asian Pacific Society of Respiriology*. 2020; 1082– 1089. <https://doi.org/10.1111/resp.13904>.
- ⁱⁱⁱ Banks, E., Yazidjoglou, A., Brown, S. Electronic cigarettes and health outcomes: systematic review of global evidence. Report for the Australian Department of Health. National Centre for Epidemiology and Population Health, Australian National University, Canberra: April 2022.
- ^{iv} Asthma and Respiratory Foundation NZ. A 2021 Report into Youth Vaping: The ARFNZ/SPANZ vaping in NZ youth survey. Available from: [A-2021-report-into-youth-vaping.pdf \(asthmafoundation.org.nz\)](#).
- ^v Ministry of Health | Manatū Houora. Risks of Vaping | Vaping facts. Available from: [Risks of Vaping | Vaping Facts](#).
- ^{vi} World Health Organisation. WHO report on the global tobacco epidemic 2021: addressing new and emerging products. Published: 27 July 2021. Available from: [Health Promotion \(who.int\)](#).
- ^{vii} Warren, G.W., Alberg. A.J., Herbst, R. S. Electronic Nicotine Delivery Systems: An Updated Policy Statement from the American Association for Cancer Research and the American Society of Clinical Oncology. *Clinical Cancer Research and Journal of Clinical Oncology*. Published November 14 2022.
- ^{viii} Warren, G.W., Alberg. A.J., Herbst, R. S. Electronic Nicotine Delivery Systems: An Updated Policy Statement from the American Association for Cancer Research and the American Society of Clinical Oncology. *Clinical Cancer Research and Journal of Clinical Oncology*. Published: November 14 2022.