



June 20, 2014

The Honorable Richard Durbin
 United States Senate
 Washington, DC 20510

Dear Senator Durbin:

We support your amendment to the FY 2015 Transportation, Housing and Urban Development Appropriations bill to require the Department of Transportation (DOT) to complete a 2011 rulemaking regarding the use of electronic cigarettes on aircraft within 90 days of enactment of the appropriations bill.

In announcing the proposed rule to prohibit the use of e-cigarettes on aircraft on September 14, 2011, the DOT noted that the Department was acting “to eliminate any confusion over whether the Department’s ban includes electronic cigarettes.”¹ This would protect the health of air travelers and cabin staff. The comment period for the proposed rule closed on November 14, 2011.

We believe your amendment is necessary because the only official record that the existing DOT ban on smoking cigarettes or other combustible tobacco products on airplanes covers e-cigarettes is an answer to a Question for the Record posed by former Senator Lautenberg to Susan Kurland, Assistant Secretary for Aviation and International Affairs, U.S. Department of Transportation, as a follow up to a June 17, 2010 hearing before the Senate Committee on

Commerce, Science and Transportation.ⁱⁱ This policy statement specifically notes the issue will be addressed in a rulemaking process.

Even after DOT issued the proposed rule to prohibit use of e-cigarettes on aircraft, e-cigarette manufacturers continued to advertise their products featuring images of consumers purporting to use the products in airplanes. Given that DOT issued the proposed rule for the explicit purpose of eliminating any confusion, and that it has had more than sufficient time since the public comment period closed to issue a final rule, your amendment will ensure a final rule is issued.

Sincerely,

American Academy of Family Physicians
American Academy of Otolaryngology—Head and Neck Surgery
American Academy of Pediatrics
American Association for Respiratory Care
American Cancer Society Cancer Action Network
American College of Cardiology
American Heart Association
American Lung Association
American Public Health Association
American Thoracic Society
Association of Maternal and Child Health Programs
Campaign for Tobacco-Free Kids
Cancer Prevention and Treatment Fund
Lung Cancer Alliance
National Association of City and County Health Officials
National Latino Alliance for Health Equity
Oncology Nursing Society
Partnership for Prevention
Society for Cardiovascular Angiography and Interventions

ⁱ US Department of Transportation Press Release, September 14, 2011. Retrieved June 16, 2014, from <http://www.dot.gov/briefing-room/us-department-transportation-proposes-ban-use-electronic-cigarettes-aircraft>

ⁱⁱ DOT Policy on E-Cigarettes, US Department of Transportation, May 20, 2014. Retrieved June 16, 2014 from <http://www.dot.gov/sites/dot.gov/files/docs/PolicyOnECigarettes.pdf>