August 11, 2014

The Honorable Bill Nelson
United States Senate
Washington, DC 20510

Dear Senator Nelson:

On behalf of organizations dedicated to improving the health and safety of children, we write to express our support for the Child Nicotine Poisoning Prevention Act of 2014. This legislation recognizes the danger that liquid nicotine used to refill electronic cigarettes poses to small children and gives the U.S. Consumer Product Safety Commission (CPSC) the authority to require the use of child-proof packaging on liquid nicotine containers sold to consumers.

Recent data from the Centers for Disease Control and Prevention (CDC) indicate that there were 215 calls to poison control centers related to e-cigarettes in February 2014 alone, up from only one call per month in 2010. Liquid nicotine is highly toxic and sold in a highly concentrated form. It is common to find liquid nicotine containing upwards of 36 mg of nicotine per milliliter of liquid. At this concentration, a small 15 mL dropper bottle of liquid nicotine would contain over 500 mg of nicotine. Given that the estimated lethal dose of nicotine is 1 to 13 mg per kilogram of body weight, even at the high end of this range a bottle of liquid nicotine at this size and concentration would be enough to kill four toddlers.

In addition, these products come in bright colors and candy flavors that make these substances likely candidates for ingestion by young children. Alarmingly, these products are often sold in containers without any child-proofing, and there are currently no federal requirements for child-proof packaging for liquid nicotine despite the highly toxic nature of these products. Given that liquid nicotine may also be absorbed quickly through the skin as well as ingested, children are in extreme danger of being poisoned without simple safeguards to ensure that these liquids stay sealed in their containers.

CPSC has the expertise to quickly require child-proof packaging for liquid nicotine if given the authority by Congress. The Commission currently requires such packaging on toxic household substances like bleach, as well as Food and Drug Administration (FDA)-regulated products like prescription drugs. Parents have come to expect that household products that can cause serious harm to children come in child-resistant packaging. Liquid nicotine should be no different.

The FDA is in the process of extending its regulatory authority to include additional types of tobacco products, including e-cigarettes and liquid nicotine. S. 2581 preserves FDA’s authority to regulate the manufacture, marketing, sale, and distribution of tobacco products and the
packages and containers in which they are sold. We also encourage action by the FDA to protect children from child poisoning and other dangers posed by tobacco products and their containers.

This is an urgent public health danger and quick action is needed to ensure that child poisoning from liquid nicotine is addressed as soon as possible. We look forward to working with you to pass this important legislation.

Sincerely,

American Academy of Otolaryngology – Head and Neck Surgery
American Academy of Pediatrics
American Association of Poison Control Centers
American Association for Respiratory Care
American College of Cardiology
American College of Physicians
American College of Preventive Medicine
American Public Health Association
Arizona Consumers Council
Association of Maternal and Child Health Programs
Association of State and Territorial Health Officials
Boston Public Health Commission
Campaign for Tobacco-Free Kids
Cancer Prevention and Treatment Fund
Chicago Consumer Coalition
Consumer Federation of America
Consumer Federation of California
Consumer Federation of the Southeast
Consumers Union
EverThrive Illinois
First Focus Campaign for Children
Kids in Danger
March of Dimes
Minnesota Department of Health
National Association of County and City Health Officials
Ohio Public Health Association
Partnership for Prevention
Public Citizen
U.S. PIRG
Virginia Citizens Consumer Council