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Dr. Howard A. Zucker, M.D., J.D.  
Commissioner, New York Department of Health  
150 Broadway Suite 355  
Albany, New York 12204-2719

Dear Dr. Zucker,

We are writing to you as concerned healthcare providers in New York City regarding your recent remarks about e-cigarettes. In a public letter distributed to your colleagues, you mentioned how New York State has become the first state in the nation to enact a law requiring health care providers to offer a hepatitis C screening test to all persons born between 1945 and 1965, leading the way for people to get proper testing and treatment. This is forward-thinking public health policy we support. But we can't say the same thing about your statement encouraging providers to "discourage...use" of e-cigarettes. This is misleading at best and downright harmful to the cause of public health at worse.

We do agree with your statement, of course, that e-cigarettes are "not safe" but nobody is claiming they are. The nicotine that almost all e-cigarettes contain is an addictive stimulant that we would also advise be kept away from children. It is only very rarely of clinical value on its own. That said, for those who currently use combustible cigarettes or other combustible tobacco products, research has found that e-cigarettes are 95% less harmful than tobacco cigarettes. For the 2.2 million people who continue to regularly smoke tobacco cigarettes in New York State, despite numerous warnings from the Surgeon General and the DOH, we believe it would be in their interests to be offered all the empirical perspectives for ways to reduce harm and improve health outcome, with e-cigarettes as one one of those outcomes. It would be most logical and clinically helpful to share with our patients the true cost/benefit analysis of consuming tobacco cigarettes, compared to vaping nicotine, compared to quitting, while encouraging steps toward reducing greater risk.

Your letter also contains questionable information about ultra-fine particles in e-cigarettes and presents an matter of active scientific debate as a settled scientific question. While you claim that ultrafine particles from e-cigarettes cause cancer, the current state of the science is best summed up by recent article from the medical journal *Circulation*: "It is not clear whether the ultrafine particles delivered by e-cigarettes have health effects and toxicity similar to the ambient fine particles generated by conventional cigarette smoke or secondhand smoke". (<http://circ.ahajournals.org/content/129/19/1972.full>).

We are proud to serve our communities in the state of New York, a place where harm-reduction and consumer-based needs have always come first. From methadone to needle-exchange to PrEP, we believe that patients have the right to practical, empirical, and accessible information and facts. We are hoping that e-cigarettes will be treated by the New York DOH with the same amount of empirical scrutiny and moral impartiality as these other means of harm reduction.

Yours sincerely,

**Damon Jacobs**, New York Licensed Marriage & Family Therapist, Associate Fellow, The R Street Institute

**Ed Anselm**, M.D. Senior Fellow, The R Street Institute

**Charles King**, President and CEO, HousingWorks