

Illegal Tobacco Task Force Minutes

Meeting Date: January 15, 2019

Meeting Time: 10:30am

Meeting Location: 100 Cambridge Street, 2nd Floor, Conference Room A

Board Members Present: Kajal Chattopadhyay (co-chair), Capt. Steve Fennessy (co-chair), Doug Levine (in for David Solet), Tom Bocian, Michael Sweeney, Patty Henley, Amber Villa

Others: Julie Flynn, Alex Finkle, Maggie Cohen, Evan Garcia, John Shaer, James Pulsifer, Scott Delaney, Mark Delaney, Mark Molloy, George Fossnier, Matt Durand, Molly Slingerland, Mary Elizabeth Banwick, David Cahill, Michael D'Ortenzio, Keith Canning, Josh Brabazon, Collins Munio, Patrick Johnson, Cynthia Cabrera, David Levy, Carrie Wade, Chris Barthon, Cheryl Sbarra, DJ Wilson, Sarah McColgan

Call to Order:

- Mr. Chattopadhyay called the meeting to order at 10:45am.
- He also gave a brief overview of the last meeting, where the Task Force was introduced to the new MA State Police/AGO Tobacco Unit and the USI/SICPA Smokeless OTP machine demo presentation.
- Task Force member were asked to review and decide on the previous meeting minutes.
 - Motion to approve was made by Mr. Sweeney
 - Second came from Ms. Henley
- There was one comment given by the AGO Task Force members to include that they too also had similar questions as Mr. Solet and Mr. Sweeney as it related to liability issues that were discussed at the previous meeting.
- Task Force moved to approve the minutes with the proposed edits.

Housekeeping/Member Updates:

- Mr. Chattopadhyay gave a brief update on happenings with the DOR side of the Task Force.
- According to Mr. Chattopadhyay, DOR will be sending 2 agents to Tobacco Training in Ohio.
- A transfer of funds from MSP to DOR was cleared and completed.
- No other Task Force member agencies had updates.

FDA Update:

- Feedback from the FDA was received stated Mr. Chattopadhyay. He continued to say that the feedback received was all positive and they stated no issues on the submitted stamped sample product.

- Mr. Chattopadhyay told the Task Force the positive feedback was the best greenlight of the project they should expect. Because the FDA has went on record to say they would approve/deny a product, only provide comments.
- There was still some concern expressed by members of the Task Force regarding the treatment of Wholesalers as a Manufacturer.
- Mr. Sweeney asked that the Task Force to keep pressing the issue as it may be a major sticking point with Private Industry.
- Ms. Villa inquired about the stamped tin itself and potential concerns of the stamp blocking location info on the tin. Mr. Finkle with SICPA provided insight, stating the machine stamps on the top of the tin, away from that info.
- Mr. Chattopadhyay asked that any additional info that is missing, and required by anyone on the Task Force to please reach out to him directly.

Comments from Stakeholders:

- Related tobacco and industry stakeholders were invited to provide their thoughts and concerns about the proposed OTP stamping plan. Mr. Chattopadhyay introduced those that were present, and gave them the opportunity to speak.
- Representatives from J. Polep Distribution, Cumberland Farms, McLane Company and Core Mark spoke to the Task Force expressing their support of the Task Force looking into OTP stamping, but unsure/unsettled on how the plan may affect their business.
- Topics expressed showed concern with the lack of guidance from the FDA, and the need of clear guideline, the financial ramifications/ROI, Logistical cost and space and potential liability issues.
- Mr. Chattopadhyay asked the representatives if there was anything short of official guidance that would suffice their concerns. They stated a formal opinion, pre-enforcement could suffice, although its not legally binding.

Vaping Presentation:

- Mr. Chattopadhyay introduced invited guests from the vaping industry to present information on the industry.
- Carrie Wade with the R Street Institute started the presentation section from the harm reduction standpoint. Based on her presentation and research, Ms. Wade provided insight on the positive side of vaping as an alternative to smoking. According to her presentation, Ms. Wade stated vaping is 95% safer than cigarettes.
- In addition, Ms. Wade laid out how harm reduction models can apply to vaping.
- Questions from the task force challenged some of the data provided in her presentation, particularly in the figures on Adult use vs Minor use, and who is the intended market for flavored products.
- Professor David Levy from Georgetown University presented next. His presentation focused on the potential gains for switching to e-Cigarettes (e-Cigs) from traditional cigarettes.

- Based on his research, Prof. Levy showed the Task Force data to support his findings on the switch to e-Cigs, and its effect on curbing premature death.
- In his presentations, Prof. Levy and the Task Force reviewed a matrix model on the impact of e-Cig use in new smokers. The matrix and some of the data reported triggered questions from several Task Force members.
- Mr. Sweeney asked how the data has been affected by time and the level of effectiveness it has now. According to Prof. Levy, it ranges 3-5 years from policy to policy.
- Ms. Henley questioned access to product as an important factor to her agency.
- A larger discussion broke out amongst the Task Force and invited guests. DOR Commissioner Harding interjected to offer his views, the importance of being transparent and request additional information from the invited presenters and their connection to the vaping industry.
- Each of the presenters gave some insight on their connection and their funding.
- Following the discussion, Cynthia Cabrera from the Cating Group gave her presentation, focusing on compliance and enforcement.
- In her presentation, Ms. Cabrera informed the Task Force on the background of the vaping industry and how it got off the ground. According to Cabrera, the vaping industry is a result of the consumer movement.
- Ms. Cabrera expressed the difference between big tobacco companies and the vape industry, and how the vape industry doesn't consider themselves a tobacco company.
- The topic of flavored products resurfaced, with Ms. Cabrera stating that consumers were the driving force behind the creation of flavored vape and OTP products. She did mention that she was aware of the copyright infringement issue that is problem in the market, and with underage use.
- From the business side, Ms. Cabrera stated, she remained stern on vaping products being for adult use only.
- However, more discussion ensued on youth access, marketing tactics and compliance loopholes.
- Ms. Cabrera, in her presentation read aloud a statement from FDA Commissioner Scott Gottlieb, purporting that Gottlieb is in favor of e-Cigs as an alternative to traditional cigarettes, and curbing premature death in youth.
- DOR Commissioner Harding, however, had a different article and quote from Commissioner Gottlieb, which he read aloud as a counter comment, in which he read Gottlieb has openly expressed his hesitation, worry and feelings toward youth access.

Other Business:

- Mr. Chattopadhyay proposed to the Task Force 2 meetings in February to work out a few timely tasks.
- The Task Force agreed to meeting on Feb. 14, 2019 and Feb. 26, 2019.

Meeting was adjourned at 1:00pm by Mr. Chattopadhyay.