

Letter to delegates to FCTC COP-6

written by Clive Bates | 30 September 2014



Looks lovely... but is it?

Here's my first open letter to delegates to the [WHO FCTC COP-6](#) to be held in [Moscow 13-18 October](#). See also [COP-6 resource page on Nicotine Science & Policy site](#).

Update 3 Oct the United States has pulled out of the meeting (see [report](#)). US is an observer not a party, but outside the health world that will make no difference to the significance of this. Who will attend now? Narrow minded insular WHO and the FCTC Bureau failed to recognise this political pot-hole. I think the COP6 should go ahead to avoid creating yet more waste - but it will be a tawdry meeting with questionable legitimacy. **Update 11 Oct**: Canada [is out](#). Australia [thinking about walking](#).

To: Delegates to WHO FCTC COP-6

From: Clive Bates, Counterfactual, London

29 September 2014

Dear delegate

This communication is directed to delegates to the WHO Framework Convention on Tobacco Control, Sixth Conference of the Parties to be held in Moscow, 13-18th October. [...]

Please find attached a [report on the use of science by WHO regarding electronic nicotine delivery systems \(ENDS\)](#). This report refers to WHO's paper on ENDS ([FCTC/COP/6/10 Rev.1](#)) prepared for the COP-6 meeting to be held in

Moscow 13-18 October. As this is likely to be controversial at the meeting I thought you would welcome this briefing.

The five main points of the critique:

- *The best available scientific evidence on ENDS, cited with links to original research in the attached report, suggests they are very low risk, and are having the effect of reducing smoking – they are a welcome innovation that will reduce cancer, cardiovascular and lung disease and contribute to success in meeting targets for reducing NCDs by 25% by 2025.*
- *There is no evidence to suggest ENDS cause material harm, create gateways, renormalise smoking or are attracting youth who would otherwise be non-smokers. The use is concentrated in smokers, and this should be expected.*
- *WHO acknowledges that these products offer both ‘promise and threats’ but provides a one-sided negative analysis focussed only on threats based on flawed scientific advice. WHO emphasises minor or implausible risks while underplaying potentially large benefits of ENDS.*
- *WHO has not developed a coherent framework for discussing relative risk of products like ENDS (around 95-100% less risky than smoking). The most important function of ENDS is to substitute for smoking and to dramatically reduce risks to people who cannot or choose not to give up nicotine.*
- *WHO’s policy recommendations are not based on sound policy-making practice (evidence synthesis, options appraisal, impact assessment and consultation), and ignore many potential unintended negative consequences. These would have the effect of protecting cigarette sales, favouring the tobacco industry and causing more harm to health if implemented uncritically.*

The report makes six recommendations:

- 1. WHO should restore an objective approach to science and evidence*
- 2. WHO should take formal independent scientific advice from its specialised TobReg committee, due to report next in January 2015, before proposes policies or draws scientific conclusions*
- 3. Parties to the FCTC should not bring ENDS into the FCTC – it is both*

- technically and strategically inappropriate. ENDS are not tobacco products and they are a useful tool for reducing tobacco consumption.*
- 4. Parties should insist that WHO improve the quality of its policy making and advice - with proper assessment of evidence, options appraisal, impact assessment and consultation*
 - 5. All stakeholders should treat WHO policy recommendations with caution for now - they are built on weak evidential and analytical foundations*
 - 6. WHO should apply much stronger quality control its public risk communications, which have on occasion been highly misleading and potentially dangerous.*

Principles for regulation - an input to a COP6 declaration:

The report suggests four principles for the regulation of ENDS, aiming to strike an optimum balance between 'promise and threat'. These are proposed as a more constructive alternative to those proposed by WHO at para 36 of its paper.

- (a) the public health imperative: secure the optimum health outcomes from ENDS by incentivising smokers to switch, while controlling risks to ENDS users and non-users;*
- (b) the appropriate target population: ensure ENDS promotion is focussed on adult smokers;*
- (c) truthful marketing: require any claim made for ENDS to be true and substantiated; and*
- (d) support for tobacco control: avoid ENDS regulation that protects cigarette sales or favours the ENDS products of tobacco companies at the expense of independent suppliers.*

A COP6 declaration focussed on carefully defining the correct principles for regulation would be a valuable contribution to reducing smoking and tobacco smoke exposure. I hope you will consider the principles set out above as an input to your deliberations in Moscow.

The views of experts

I also attach a copy of a [letter sent to WHO Director Dr Margaret Chan](#) in May this year signed by some of the main experts in the field and calling for ENDS to be recognised as ‘part of the solution, not part of the problem’. Further exchanges between experts and campaigners can be viewed on the [Nicotine Science and Policy web site](#).

I hope you find these documents useful background to the COP6. If I can be of further assistance, please let me know. I will not be present in Moscow, but I can be reached by email, phone or Skype.

Clive Bates

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Disclosure: The author is former Director of Action on Health UK (1997-2003) and a UK and international senior civil servant (2003-2013). He was a founder of the Framework Convention Alliance of NGOs which supports the FCTC. The author now runs a public interest consulting and advocacy practice, Counterfactual. He has no competing interests, in particular with respect to tobacco, ENDS or pharmaceuticals – this work is undertaken on a pro bono basis.

Writing your own letter

If you want to send a letter like this to your country’s delegation please use your own words and authentic views. If you want to use materials from this web site – including the reports below, please feel free – no permission is required. But please make the communication your own. In the report I produced, there are lots of quotable statements – but please cite the original source (I have provided citations and links through out). I do not encourage form letters or mass sign ups – people you are writing to usually value you views (really they do!), but only if they are authentically yours not part of some contrived campaign. Finding your delegates is not always easy, but here are ways to do it:

- Write to the health minister in your country – politely, constructively, concisely and drawing on your own experience – *and asking for a reply*. It

will usually be passed to officials and the delegates attending for action and response.

- Look at the participants to the last COP in 2012 - [here](#) - they are more likely to be the same than not for this one. Write to them via the health ministry in your country, asking them to forward it on if they have moved on.
- Find your country's permanent representation in Geneva and the officials (so called Health Attachés) who shadow WHO [here](#). Look up their Geneva office address and contact details and write to them there, asking to forward to the appropriate government personnel.
- You may find e-mail addresses with a bit of Googling, but you may need to post it

If you have questions or would like to share what you have written, please use the comments below and I will try to respond.

Talking points - my random thoughts

- *Above all, your own experience and concerns*
- E-cigarettes and vapour products are not tobacco products and do not fit under the Framework Convention on *Tobacco* Control, which has objectives focussed on *tobacco* and *tobacco smoke*
- E-cigarettes are part of the solution not part of the problem, part of the 'endgame' for smoking related disease, a good place for smokers to get to, harm no-one, help many.
- Products that do not involve burning tobacco (including e-cigarettes, vapour products, smokeless tobacco etc) but provide nicotine in a recreational form have huge potential to contribute to lowering the burden of cancer, heart disease and lung diseases - there are [targets to reduce death from 'non-communicable diseases' \(NCDs\) by 25% by 2025](#) - these products will help meet the tobacco part of that and it can't be done without them
- Vapour products are a disruptive technology and a threat to cigarette sales - the tobacco industry's old business model is under attack from its own customers - WHO and national governments should not get in the way of this
- The more you restrict and over-regulate them, the more you risk

unintended consequences of protecting cigarettes and causing more disease and death, and helping the tobacco industry slow it all down

- The science so far shows that none of the risks that people worry about are real or occur at any significant scale - however they do appear to support quitting

Other relevant postings

[WHO plans e-cigarette offensive](#)

[WHO on e-cigarettes - protecting cigarette sales and causing more disease and death](#)

[Letter to WHO from 53 scientists](#) and further [letter to WHO dismissing anti-scientific response from Glantz, Chapman, McKee, Ashton etc as distorted and misleading](#)

[Open letter to COP5 delegates](#)