



March 4, 2025

To: Chair Reynolds, Vice-Chair Anderson, and members of the House Committee on Early Childhood and Behavioral health.

From: Dr. Brian E. Erkkila, Director Regulatory Science, Swedish Match North America LLC

Good afternoon. My name is Dr. Brian Erkkila, Directory of Regulatory Science at Swedish Match North America LLC, an affiliate of Philip Morris International, a company which does not and will never sell combusted cigarettes in the United States. I have studied nicotine and tobacco for about 25 years, holding positions at the NIH and the FDA's Center for Tobacco Products, and I appreciate the opportunity to discuss our opposition to SB 702. This proposal would ban all flavored tobacco products in a rejection of the scientific experts at the FDA, paints all tobacco products as equal risk, when scientific consensus suggests lower levels of risk for smoke-free products¹, and leaves the more than 350,000 adults who smoke in Oregon² without the ability to make better choices for their wellbeing.

In early January 2025, the FDA determined, after nearly 5 years of careful review of the underlying science, that ZYN nicotine pouches were "appropriate for the protection of public health"³. There were several reasons for this decision including 1) significantly lower levels of harmful chemicals than other tobacco products on the market; 2) the evidence demonstrated that a substantial proportion of adults who use cigarettes and/or smokeless tobacco products completely switch to the products AND that the availability of the product in a variety of flavors is critical to facilitating this switching; and 3) that youth use of nicotine pouches remains relatively low⁴.

Under this proposal, a vast majority of these and other federally authorized smoke-free products would be banned. This would leave Oregonian adults who smoke with less choice and potentially move them back to the most harmful form of tobacco use, combusted cigarettes.

In fact, initiatives such as SB 702 have been tried elsewhere, and time and time again researchers have found that flavor bans on smoke-free products have significant unintended consequences, decreasing the appeal of these products for legal-aged smokers, hindering

¹ [The Relative Risks of Tobacco Products | FDA](#)

² Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Division of Population Health. BRFSS Prevalence & Trends Data [online]. 2015. [accessed Jan 10, 2025]. URL: <https://www.cdc.gov/brfss/brfssprevalence/>.

³ [FDA Authorizes Marketing of 20 ZYN Nicotine Pouch Products after Extensive Scientific Review | FDA](#)

⁴ Food and Drug Administration Technical Project Lead Decision Document; January 16th, 2025; [PMTA_TPL_PM593-PM612_Zyn_01_13_2025_Redacted.pdf](#)

switching to better alternatives, increasing illicit trade^{5 6}, and leading to increases in use of combusted cigarettes^{7 8}.

According to the Centers for Disease Control and Prevention, youth use of any tobacco product has dropped 65% since 2019, and e-cigarette use is down 70% in the same time period⁹. However, over 55,000 Oregonians lose their lives each year to combusted cigarette smoking¹⁰. SB 702 will all but take away important smoke-free options from the hundreds of thousands of adult smokers in the state, not to mention those that have already switched. Oregon has always been a champion of harm reduction; SB 702 simply tells adults who smoke that they can either quit, or they can die. I strongly urge this committee to make the compassionate choice, the choice supported by science and the FDA, by rejecting SB 702.



Brian Erkkila, PhD,
Director Regulatory Science
Swedish Match North America LLC

⁵ Commonwealth of Massachusetts, “Annual Report of Multi-Agency Illegal Tobacco Task Force,” Mar. 2022. [Online]. <https://www.mass.gov/doc/task-force-fy22-annual-report/download>

⁶ Kingsley M, McGinnes H, Song G, Doane J, Henley P. Impact of Massachusetts' Statewide Sales Restriction on Flavored and Menthol Tobacco Products on Tobacco Sales in Massachusetts and Surrounding States, June 2020. *Am J Public Health*. 2022 Aug;112(8):1147-1150

⁷ Friedman AS, Pesko MF, Whitacre TR. Flavored E-Cigarette Sales Restrictions and Young Adult Tobacco Use. *JAMA Health Forum*. 2024 Dec 6;5(12):e244594.

⁸ Friedman AS. A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California. *JAMA Pediatr*. 2021;175(8):863–865.

⁹ Jamal A, Park-Lee E, Birdsey J, et al. Tobacco Product Use Among Middle and High School Students — National Youth Tobacco Survey, United States, 2024. *MMWR Morb Mortal Wkly Rep* 2024;73:917–924.

¹⁰ [The Toll of Tobacco in Oregon - Campaign for Tobacco-Free Kids](#)