

William Powell AM
Assembly Member for Mid & West Wales
Chair Petitions Committee
Ty Hywel
Cardiff Bay
Cardiff CF99 1NA

Dear Mr Powell,

Once again, I would like to thank you and the Petitions Committee for continuing to keep myself and my colleagues at the Save E-cigs campaign informed as to the progress of our petition against the proposed ban on vaping in enclosed public places.

The latest reply from the Health Minister – Mark Drakeford – is again very carefully worded, but is yet another example of how Mr Drakeford is desperately trying to avoid answering the questions placed before him. Despite all of the evidence we have presented throughout the course of this petition, not once has Mr Drakeford made any attempt whatsoever to answer our concerns. From this, one can only assume that he knows his position on e-cigarettes is extremely tenuous and that he holds no evidence to support his position that is capable of standing up to any scrutiny.

I found Mr Drakeford's comments in regard to the Scottish Consultation interesting in that he painted it as supportive of his commitment to banning e-cigarettes in enclosed public spaces. However, Mr Drakeford should be aware that Save E-cigs are also heavily involved in the Scottish Consultation. We regularly speak to the people dealing with the Scottish Consultation, maintaining an ongoing dialogue, and so we are far more informed than he realises.

I would also suggest that Mr Drakeford should read the Scottish Consultation results very carefully. If he had done so, he would have noticed that when you get to Point 25 – e-cigarettes in Public Spaces, NOTHING is proposed. This means quite simply, there are NO PROPOSALS ON THIS ISSUE.

I would also draw Mr Drakeford's attention to page 18 of the original consultation document on eCigarettes in Scotland (<http://www.gov.scot/Resource/0046/00460513.pdf>) which said:

“While we are clear that there are no plans to legislate at this time, we would like to invite views, suggestions and evidence that you think should be considered for longer term policy development”

So the Scottish Consultation did include questions on the use of e-cigarettes in enclosed public spaces, but the Scottish Government's position HAS NOT CHANGED since the consultation was launched. There are no current plans to include any new regulations on vaping in enclosed public spaces in the new legislation in Scotland that will be introduced later this year, and is expected to be passed before the end of February 2016.

I am also aware from discussions with senior colleagues in Scotland that there are no plans to legislate on vaping in public enclosed spaces in Scotland. There are other measures included, but a ban on vaping in enclosed public spaces is NOT one of them.

Mr Drakeford also states that there were three public consultations held in different venues across Wales which provided an opportunity to discuss all the proposals contained in the White Paper. However, those consultations were insufficient in the amount of time allocated. I have spoken to many people who attended those consultations and every one of them expressed frustration that not enough time was allocated to discuss the issues properly.

A proper consultation is one where the opposing views are fully explored. There is a big difference between talking to vapers and LISTENING to vapers. We have attempted to engage Mr Drakeford and his deputy - Vaughan Gething - on numerous occasions without success. Neither of these gentlemen were present at the consultations around Wales to discuss the legislation that they want to introduce.

Furthermore, you will be aware of the recent Cancer Research UK event on e-cigarettes that took place in Ty Hywel. I saw plenty of AM's in attendance from all parties. I also spoke to staff of AM's who had been sent there to make notes on the emerging evidence. The Chairman of the HSCC (David Rees AM) personally attended (I spoke to him there). However, neither Mark Drakeford nor Vaughan Gething was in attendance. I would have thought that an expert talk on such a subject they are working on closely would have been of interest to them. This really does cause us concern. As I have written, Mark Drakeford and his team continually fail to respond to the huge amounts of evidence we provide them, now they are even refusing to listen to independent experts who have taken the time to travel to Wales to address AMs.

Also of grave concern is how Mr Drakeford's own staff misrepresent the science. I am of course referring to the very public comments made Dr Ruth Hussey - The CMO for Wales - on national television recently.

The Save eCigs campaign wrote to Dr Hussey on this subject

<https://saveecigs.wordpress.com/2015/04/20/open-letter-to-chief-medical-officer-wales/>

To Dr Hussey's credit she took the time to reply:
<https://saveecigs.wordpress.com/2015/04/27/a-reply-from-the-chief-medical-officer-for-wales-dr-ruth-hussey/>

The most interesting part of her reply was: *"I recognise that this and other studies show regular e-cigarette use among young people is largely limited to current and ex-smokers at present. These studies also show that regular use of e-cigarettes, as currently defined, is limited to a small number of young people."*

That statement in itself completely undermines one of Mr Drakeford's key arguments in support of his plans.

As a campaign we make no apologies for maintaining that Mr Drakeford continually fails to address the evidence we are placing before him, nor the fact that his position on this subject has not changed despite the growing evidence in support of our position rather than his. This evidence is independent and credible and comes from institutions like University College London, Cardiff University, Queen Mary University, and Cancer Research UK to name but a few.

Perhaps I am naïve, but I thought all policy was supposed to be evidence based and that policy proposals would change as new evidence emerges? Why will Mark Drakeford not sit down with independent experts and debate this issue? If he is so convinced of his position he should relish the chance to argue his position with independent scientists, professors, and doctors.

With Mr Drakeford continuing to behave as he does, we as a campaign have only one route with which to try and challenge this and that is the Petitions process. There are thousands of vapers across Wales who are very worried by Mr Drakeford's proposal. Like us, they too are relying on your committee holding Mr Drakeford accountable for his actions in this area. To date we have been overwhelmed by the interest taken in our petition and by the support your committee has given us. We hope that this will continue going forward.

The key fact that remains from all of this is that the Welsh Government has failed to provide any independent evidence to support their position and have failed to respond to the significant amount of evidence that we have presented to them.

Yours sincerely

Simon Thurlow

On behalf of the Save E-cigs Campaign