



Putting An ENDS To It: How To Address Vaping In The Workplace

Insights

4.23.20

A few months ago, the United States Center for Disease Control (CDC) had linked 2,807 hospitalizations and 68 deaths to e-cigarette vaping associated lung injuries (EVALI). Using e-cigarettes, or vaping, comes in many forms, including e-cigarettes, e-hookahs, e-pipes, and numerous other devices collectively called electronic nicotine delivery systems (ENDS) and electronic non-nicotine delivery systems (ENNDS). Using electricity to vaporize liquid, these tools deliver chemicals to people's lungs.

But the variety of substances that people inhale through vaping outnumber the methods that people use to vape. Most — even some that claim not to — contain nicotine, which is an addictive ingredient in tobacco. Many contain Tetrahydrocannabinol, or THC, which is the primary psychoactive ingredient in cannabis or marijuana. Other potentially harmful substances in ENDS and ENNDS include ultrafine particles that can be inhaled deep into the lungs, flavorants such as diacetyl, volatile organic compounds, Vitamin E, and heavy metals including nickel, tin, and lead. While not harmful when ingested in food or applied to skin, Vitamin E can damage lungs when inhaled.

Pinpointing the cause of EVALIs is difficult, but the CDC theorizes that the primary cause may be inhaling Vitamin E. Regardless of which specific chemical(s) in ENDS and ENNDS cause EVALIs, it seems that a variety of ENDS and ENNDS cause EVALIs, whether they contain nicotine or THC, although those that contain the latter seem more likely to contain Vitamin E and more harmful. And the CDC, the World Health Organization (WHO), the U.S. Food and Drug Administration, and numerous state health organizations all believe vaping causes harm that extends beyond users of ENDS and ENNDS through second-hand exposure to vaping. So, much like tobacco, ENDS and ENNDS affect users and anyone exposed to vapors.

Time To Reevaluate Vaping

Once billed as a safe alternative to smoking, EVALIs and the specter of secondhand exposure mean that everyone must reevaluate vaping. The CDC asserts that vaping is most harmful to adolescents and pregnant women. Prevalent use of — and harm to — adolescents is a main concern and the focus of the media and other organizations, causing the government to move to ban flavored e-cigarettes and prosecute advertising targeting adolescents. But tobacco is also more dangerous for adolescents, and employers and society still attempt to prevent people of all ages from using tobacco.

Just like tobacco, employers should consider addressing vaping among employees. Tobacco is a good comparison for vaping in the employment context. Smoking tobacco seems more offensive than vaping because tobacco smoke is more noxious, lingering, visible, and malodorous than the vapor that vaping produces. But with second-hand smoke as a concern for both tobacco use and vaping, employers may have a duty to prevent employees from vaping and exposing their colleagues to potential EVALIs.

Recommendations And Suggestions

The WHO suggests that indoor vaping be banned anywhere that smoking tobacco is banned. Many localities and several states ban vaping wherever smoking is banned. California bans vaping in workplaces. However, no Occupational Safety and Health Administration (OSHA) regulations address smoking tobacco or vaping in the workplace. Although OSHA regulates the permissible exposure limits of chemicals that smoking tobacco or vaping release—including nicotine—those limits are higher than smoking or vaping could realistically produce.

This web of law and regulation seems difficult, but it suggests a simple solution, one that the National Institute for Occupational Safety and Health suggested in 2015: employers should regulate vaping in workplaces the same way that they regulate smoking tobacco. For many employers, this is also an easy measure that simply involves including vaping in their existing tobacco policies.

Proposed Policies

These policies should ban smoking and vaping in: (1) all indoor areas, including any indoor smoking areas that are separately enclosed or ventilated, (2) all areas immediately outside building entrances and air intakes, and (3) all work vehicles.

Smoking tobacco is likely more dangerous than vaping, but uncertainty exists about the effects of vaping, especially considering long-term consequences. EVALIs may become more prevalent and dangerous with long-term use of ENDS and ENNDS. Employers should act before the law requires it and prevent employees from vaping in their workplace.

Contact the author for more information.

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