

# SOUTH CAROLINA SHERIFFS' ASSOCIATION

*"Serving the Sheriffs of South Carolina Since 1913"*

[www.sheriffsc.com](http://www.sheriffsc.com)

Jarrold M. Bruder  
Executive Director

Sheriff J. Brian Wallace  
President

July 31, 2023

The Honorable Lindsey Graham  
The Honorable Tim Scott  
The Honorable Nancy Mace  
The Honorable Joe Wilson  
The Honorable Jeff Duncan

The Honorable William Timmons  
The Honorable Ralph Norman  
The Honorable James Clyburn  
The Honorable Russell Fry

Members of the South Carolina Congressional Delegation:

On behalf of the forty-six Sheriffs of South Carolina, we are writing to express our deep concerns about the proliferation of illegal, Chinese disposable vapor products marketed in kid-friendly flavors that have infiltrated our communities as detailed in [this troubling new report](#). While smoking and vaping rates have declined in our state over the past several years, these illegal, disposable vapes have swiftly grown in popularity, jeopardizing the safety and well-being of our children.

While we recognize that the FDA has recently started to act by issuing warning letters targeting illegal disposable vape manufacturers including Elf Bar and Esco Bar, the absence of clear instructions on enforcement has caused widespread confusion within the marketplace. This has enabled bad actors to exploit the situation. The FDA's inability to keep retailers and distributors abreast of a constantly changing regulatory environment has opened the door to foreign actors who are targeting our children.

It is clear the FDA lacks the resources and capacity to monitor and enforce the regulations that it passes. This vacuum is why illicit vape brands such as Cali, Breeze Smoke, and Puff Bar can still be found throughout most convenience stores in South Carolina in fruity and colorful flavors. Common flavors among brands include "Cotton Candy" and "Banana Split," clearly marketing toward a young and impressionable audience.

The fact that these illegal, disposable vapes in kid-friendly flavors are not domestically produced adds a significant layer of concern regarding the safety of these items. We know that China is producing these vapes and smuggling them into the country illegally, so they are not being held to United States regulatory standards. One of the most distressing outcomes we have witnessed is the accessibility of vapes laced with fentanyl, particularly among children who, due to their limited access to such products, are more vulnerable to smoking anything that is offered to them.

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Currently, South Carolina ranks as one of the top 10 most vape-obsessed states in the nation. In 2019, it was reported that almost one in four South Carolinian high school students had reported using vapes in the past 30 days, much higher than the national average. 80% of South Carolina high schoolers who don't get their vapes from a friend, purchase them at a vape shop or a convenience store. Now, as the danger extends to children under five years old, it's essential that we take action to protect our children.

These products don't just harm our children's health. They also impact our ability to effectively maintain a secure and nurturing learning environment in our schools. School Resource Officers (SROs),

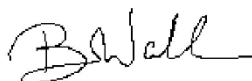
who play a pivotal role in building relationships with students and fostering a sense of security, are forced to divert a significant portion of their efforts towards identifying and seizing these illegal vapes. This misuse of time hinders SROs from focusing on their primary mission of promoting safety and prevention within our schools, ultimately limiting the positive interactions that help to build trust between law enforcement and our youth.

Local law enforcement faces the unique obstacle of effectively combating the sale of these banned products with limited resources available. We are urging the FDA to provide better enforcement instructions for local law enforcement and code enforcement agencies. These new resources should not undermine the efforts that our overstretched law enforcement and regulatory agencies are already putting forth. We request your direct involvement and swift action to allocate additional resources for enforcement agencies. This would include an additional workforce, updated training programs, and better technology to stop the influx of illegal vapes.

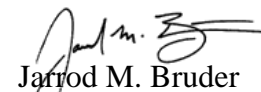
The danger of illegal disposable vapes in kid-friendly flavors should be a central focus for both our lawmakers, our law enforcement, and the FDA. We must protect our children from the threat of these illegal Chinese vapes. We are confident that with your support and legislative action, we can turn the tide and protect our children and communities.

We thank you for your attention to this critical issue. Please do not hesitate to contact me should you have any questions or need additional information.

Sincerely,



Marion County Sheriff J. Brian Wallace  
President 2023-2024



Jarrod M. Bruder  
Executive Director