



November 16, 2016

The Honorable Mitch McConnell  
 Senate Majority Leader  
 United States Senate  
 Washington, DC 20510

The Honorable Harry Reid  
 Senate Minority Leader  
 United States Senate  
 Washington, DC 20510

The Honorable Paul Ryan  
 Speaker of the House  
 United States House of Representatives  
 Washington, DC 20515

The Honorable Nancy Pelosi  
 Democratic Leader  
 United States House of Representatives  
 Washington, DC 20515

Dear Majority Leader McConnell, Minority Leader Reid, Speaker Ryan, and Democratic Leader Pelosi:

As negotiations continue on the fiscal year 2017 appropriations bills, we urge you to oppose inclusion of either of two policy riders originally included in the House Appropriations Committee’s Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill that would weaken FDA’s authority to oversee tobacco products.

Tobacco use remains the leading preventable cause of death in the United States. Every year, it kills more than 480,000 Americans and is responsible for an estimated \$170

billion in health care costs. Nearly 60 percent of these health care costs are paid by government programs such as Medicare and Medicaid.

Just this May, FDA took an important step to protect children and public health by issuing a final rule that will enable the agency to begin to oversee cigars, e-cigarettes, and other tobacco products that had previously been outside of FDA's authority. The need for FDA oversight of these products could not be clearer. There has been an alarming increase in youth use of e-cigarettes with 16 percent of high school students currently using e-cigarettes. In addition, high school boys now smoke cigars at a slightly higher rate than cigarettes – 14 percent for cigars and 11.8 percent for cigarettes. The final rule will enable FDA, for the first time, to oversee the manufacturing, marketing, and sale of these products, providing the agency with new tools to address the problem of three million middle and high school students using e-cigarettes and 1.4 million using cigars.

One of the House riders seeks to completely exclude “large and premium cigars” from FDA oversight. During consideration of the rule, FDA specifically examined whether these so-called premium cigars should be excluded from FDA oversight and concluded that there was no appropriate public health justification for doing so. FDA's scientific review found that all cigars pose serious negative health risks, including about 9,000 premature deaths a year, and that all cigars are potentially addictive. We are also concerned that the rider defines “large and premium cigars” so broadly that it creates a loophole that invites tobacco companies to modify their products to qualify for this exemption – a loophole that tobacco companies will surely exploit to exempt some cheap, machine-made, flavored cigars that appeal to youth.

The second House provision would change the so-called “grandfather date” in order to exempt e-cigarettes, cigars, and other tobacco products now on the market from an important FDA product review requirement. It would change current law so that manufacturers of these products are no longer required to provide information to the FDA and undergo a scientific review of the risks to public health of new tobacco products, which are defined as products introduced to the market after February 15, 2007. Changing this date would significantly weaken FDA's ability to take prompt action to protect children from thousands of fruit- and candy-flavored e-cigarettes and cigars, including products in flavors such as cotton candy, gummy bear and fruit punch that clearly appeal to kids.

As you finalize appropriations legislation for fiscal year 2017, we urge you to protect kids and reduce tobacco-caused disease by rejecting efforts to weaken FDA's final rule on e-cigarettes and cigars.

Sincerely,

Action on Smoking & Health  
American Academy of Oral and Maxillofacial Pathology  
American Academy of Oral Medicine  
American Academy of Otolaryngology—Head and Neck Surgery  
American Academy of Pediatrics  
American Association for Cancer Research  
American Association for Dental Research  
American Association for Respiratory Care  
American Cancer Society Cancer Action Network  
American College of Cardiology  
American College of Physicians  
American College of Preventive Medicine  
American Congress of Obstetricians and Gynecologists  
American Heart Association  
American Lung Association  
American Medical Student Association  
American Psychological Association  
American Public Health Association  
American School Health Association  
American Society of Addiction Medicine  
American Society of Clinical Oncology  
American Thoracic Society  
Association of Maternal & Child Health Programs  
Association of Women's Health, Obstetric and Neonatal Nurses  
Campaign for Tobacco-Free Kids  
ClearWay Minnesota  
Community Anti- Drug Coalitions of America  
Eta Sigma Gamma - National Health Education Honorary  
March of Dimes  
National African American Tobacco Prevention Network  
National Association of County & City Health Officials  
National Hispanic Medical Association  
National Network of Public Health Institutes  
Oncology Nursing Society  
Oral Health America  
Prevention Institute  
Society for Cardiovascular Angiography and Interventions  
Society for Public Health Education  
The Society for State Leaders of Health and Physical Education  
The Society of Thoracic Surgeons  
Trust for America's Health