June 14, 2022

The Honorable Sanford Bishop Jr.
Chairman
Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies Committee on Appropriations
United States House of Representatives
Washington, DC 20515

The Honorable Andy Harris
Acting Ranking Member
Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Dear Chairman Bishop and Acting Ranking Member Harris:

As your Subcommittee moves forward with the FY 2023 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill, we urge you to not include provisions that would weaken FDA’s authority over tobacco products.
Tobacco use is the leading preventable cause of death and disease in the United States. More than 480,000 people in the U.S. die from tobacco use each year, and more than 16 million are currently living with a tobacco-caused disease. Recognizing that tobacco products are harmful and addictive, Congress gave FDA the authority to oversee the manufacturing, marketing, and distribution of them. The Family Smoking Prevention and Tobacco Control Act was enacted to ensure that tobacco products would be overseen by an agency with expertise in assessing health risks and experience promulgating science-based regulation.

Over the years, manufacturers and sellers of tobacco products have sought to exclude certain products from FDA’s authority or weaken the agency’s authority over them, including through the appropriations process. When FDA extended its oversight to e-cigarettes, cigars, and certain other tobacco products, there were efforts to exempt some cigars from FDA oversight and to limit which tobacco products would have to undergo a premarket review. Fortunately, Congress has not restricted FDA’s statutory authority.

As FDA uses its authority to reduce youth e-cigarette use and the public health harms of menthol cigarettes and flavored cigars, we urge the Subcommittee to reject any effort to prevent, limit, or delay FDA action. FDA is currently working to complete statutorily required premarket reviews of e-cigarettes and other deemed tobacco products. We hope FDA uses this process to remove from the market products that are not “appropriate for the protection of the public health,” including products that are likely to increase youth use, such as flavored products.

FDA has also issued proposed rules to remove menthol cigarettes and flavored cigars from the market. FDA indicated that prohibiting menthol cigarettes would reduce the number of young people who start smoking and increase the number of smokers who will quit, which would prevent between 324,000 and 654,000 smoking-attributable deaths over 40 years. FDA also indicated that flavors increase the appeal of cigars to young people and that prohibiting flavored cigars would reduce cigar smoking by young people, which would reduce tobacco-related death and disease.

We are grateful that Congress has rejected efforts in the past to weaken FDA’s authority over tobacco products, and we urge you to reject any such efforts during consideration of the FY 2023 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill.

Sincerely,

Academy of General Dentistry
Action on Smoking and Health
African American Tobacco Control Leadership Council (AATCLC)
Allergy & Asthma Network
American Academy of Family Physicians
American Academy of Nursing
American Academy of Oral and Maxillofacial Pathology
American Academy of Oral and Maxillofacial Radiology
American Academy of Otolaryngology- Head and Neck Surgery
American Academy of Pediatrics
American Association for Dental, Oral, and Craniofacial Research
American Association for Respiratory Care
American Cancer Society Cancer Action Network