



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

American College Health Association
American College of Cardiology
American College of Chest Physicians (CHEST)
American College of Preventive Medicine
American Dental Association
American Heart Association
American Lung Association
American Medical Association
American Public Health Association
American School Health Association
American Society of Addiction Medicine
American Thoracic Society
Asian Pacific Partners for Empowerment,
Advocacy and Leadership (APPEAL)
Association for Clinical Oncology
Association for the Treatment of Tobacco Use
and Dependence (AATUD)
Association of Maternal & Child Health
Programs
Association of Schools and Programs of Public
Health
Association of State and Territorial Health
Officials
Big Cities Health Coalition
Black Women's Health Imperative
Campaign for Tobacco-Free Kids
Catholic Health Association of the United States
Center for Black Equity
Common Sense Media
Counter Tools
Dana-Farber Cancer Institute
Emphysema Foundation of America
Eta Sigma Gamma
First Focus Campaign for Children
March of Dimes
Mesothelioma Applied Research Foundation
National Association of County and City Health
Officials
National Association of Hispanic Nurses
National Association of Pediatric Nurse
Practitioners
National Association of School Nurses
National Association of Social Workers
National Black Nurses Association
National Comprehensive Cancer Network
National Forum for Heart Disease & Stroke
Prevention
National Hispanic Medical Association
National LGBT Cancer Network
National Network of Public Health Institutes
North American Quitline Consortium
Norwalk Hospital
Nuvance Health
Oncology Nursing Society
Parents Against Vaping e-cigarettes
Prevent Cancer Foundation
Public Health Solutions
Society for Cardiovascular Angiography and
Interventions
Society for Research on Nicotine and Tobacco
(SRNT)
The Society of State Leaders of Health and
Physical Education
The Society of Thoracic Surgeons
Trust for America's Health
U.S. PIRG
Vaping Prevention Resource