



May 4, 2018

The Honorable Robert Aderholt  
 Chairman  
 Subcommittee on Agriculture, Rural  
 Development, Food and Drug  
 Administration, and Related Agencies  
 Committee on Appropriations  
 United States House of Representatives  
 Washington, D.C. 20515

The Honorable Sanford Bishop  
 Ranking Member  
 Subcommittee on Agriculture, Rural  
 Development, Food and Drug  
 Administration and Related Agencies  
 Committee on Appropriations  
 United States House of Representatives  
 Washington, D.C. 20515

Dear Chairman Aderholt and Ranking Member Bishop:

As your Subcommittee moves forward with the FY 2019 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill, we urge you to approve the authorized level of user fees for the Food and Drug Administration's (FDA) oversight of tobacco products and to oppose any effort to limit the authority that Congress granted the FDA under the Family Smoking Prevention and Tobacco Control Act (TCA).

Prior to 2009, tobacco products were virtually unregulated even though they were known to be highly addictive and dangerous to health. Congress, on a bipartisan basis, recognized that tobacco products should be overseen by an agency with expertise in assessing health risks and experience promulgating science-based regulation. The TCA gave the Center for Tobacco Products at FDA the authority to oversee the manufacturer, marketing, distribution and sale of tobacco products in a manner appropriate for the protection of public health.

We appreciate that every FDA appropriations bill approved by Congress since the enactment of the TCA has contained the full authorized amount of user fees. This year, we urge your Subcommittee to approve the \$712 million in user fees that the TCA authorizes FDA to collect and spend for tobacco-related activities for FY 2019.

We were disappointed that your Subcommittee included restrictions on FDA's authority under the TCA in its FY 2018 bill and urge the Subcommittee to not restrict this authority in its FY 2019 bill. As you know, two policy riders in last year's House Agriculture-FDA Appropriations bill would have substantially weakened FDA's authority over certain tobacco products. One provision would have exempted thousands of e-cigarettes and cigars now on the market from a scientific review of their health risks and whether they appeal to kids. By eliminating the obligation of manufacturers to submit these products for review by FDA, the provision would have made it much harder for FDA to address concerns about tobacco companies' use of kid-friendly flavors, made the thousands of sweet-flavored products that entered the marketplace in recent years the accepted industry standard by which future products would be evaluated, and left important questions about the effect of e-cigarettes on public health unanswered. Regrettably, FDA has significantly delayed enforcement of this product review requirement. The House rider would have gone beyond this delay and permanently exempted thousands of tobacco products from a product review by FDA.

The other provision would have completely excluded "large and premium cigars" from FDA oversight. We agree with FDA's conclusion in 2016 that there is no appropriate public health justification for exempting premium cigars from FDA oversight. 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 also are concerned that the rider defined "large and premium cigars" so broadly that it would have created a loophole that invited tobacco companies to modify their products to qualify for this exemption, including cheap, machine-made, flavored cigars that appeal to youth. We appreciate that the FY 2018 Consolidated Appropriations Act did not include these provisions and urge the Subcommittee to not include restrictions on FDA's authority over tobacco products in its FY 2019 appropriations bill.

Tobacco use remains the leading preventable cause of death in the United States and is responsible for more than \$170 billion in health care costs every year. More than 16 million Americans currently suffer from smoking-caused illness and more than 480,000 die each year from cigarette smoking and exposure to secondhand smoke. With the support of your Subcommittee, the FDA will be able to continue its work to reduce tobacco use and the health and economic toll it takes on our nation.

Sincerely,

Academy of General Dentistry  
 Action on Smoking and Health  
 Allergy & Asthma Network  
 American Academy of Family Physicians  
 American Academy of Oral and Maxillofacial Pathology  
 American Academy of Otolaryngology—Head and Neck Surgery  
 American Academy of Pediatrics  
 American Association for Cancer Research  
 American Association for Respiratory Care  
 American Cancer Society Cancer Action Network  
 American College of Cardiology  
 American College of Obstetricians and Gynecologists  
 American College of Physicians  
 American College of Preventive Medicine  
 American Dental Association  
 American Dental Education Association  
 American Heart Association  
 American Lung 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  
 Americans for Nonsmokers' Rights  
 Asian Pacific Partners for Empowerment, Advocacy and Leadership  
 Association of Maternal & Child Health Programs  
 Association of Schools and Programs of Public Health  
 Association of State and Territorial Health Officials  
 Association of Women's Health, Obstetric and Neonatal Nurses  
 Big Cities Health Coalition  
 Campaign for Tobacco-Free Kids  
 ClearWay Minnesota<sup>SM</sup>  
 Community Anti-Drug Coalitions of America  
 Eta Sigma Gamma - National Health Education Honorary  
 International Association for the Study of Lung Cancer  
 Lung Cancer Alliance  
 March of Dimes  
 National African American Tobacco Prevention Network  
 National Association of County and City Health Officials  
 National Association of Pediatric Nurse Practitioners  
 National Association of School Nurses  
 National Association of Social Workers  
 National Hispanic Medical Association  
 Oncology Nursing Society  
 Prevention Institute  
 Public Health Solutions  
 Society for Cardiovascular Angiography and Interventions  
 Society for Public Health Education  
 Society for Research on Nicotine & Tobacco  
 Students Against Destructive Decisions  
 The Society of State Leaders of Health and Physical Education  
 The Society of Thoracic Surgeons  
 Trust for America's Health  
 United Methodist Church – General Board of Church and Society

CC: United States House of Representatives Committee on Appropriations Members