



June 7, 2024

The Honorable Tom Cole
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Cole and Ranking Member DeLauro:

As your committee proceeds to mark up the Fiscal Year 2025 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill, we urge you to approve the full authorized level of tobacco user fees and oppose any efforts to weaken or alter FDA’s authority over tobacco products through the appropriations process.

Tobacco use is the leading preventable cause of death and disease in the United States. More than 480,000 Americans die from tobacco use each year, and more than 16 million Americans are currently living with a tobacco-caused disease. Tobacco use is also responsible for approximately \$241 billion in health care costs each year.

Given the substantial harms attributable to tobacco use, Congress gave FDA the authority to oversee the manufacturing, marketing, and distribution of tobacco products. FDA is now using this authority to set product standards for tobacco products and implement premarket review requirements for e-cigarettes and other tobacco products.

Last year, FDA sent to the White House for final review a rule to prohibit menthol as a characterizing flavor in cigarettes because menthol cools and numbs the throat, which reduces the harshness of tobacco and makes it easier for youth to start smoking. Menthol in cigarettes makes them more addictive and harder to quit. FDA also sent a final rule to the White House to prohibit characterizing flavors in cigars because flavors increase the appeal of cigars and make them easier to smoke, especially among youth. FDA estimates that removing these products from the market will reduce youth tobacco use, advance health equity, and save hundreds of thousands of lives.

FDA is also expected to issue a proposed rule to reduce nicotine levels in cigarettes to minimally or non-addictive levels, which would reduce the number of kids who become addicted to tobacco and help adult

tobacco users to quit. FDA estimates such a policy would help five million people who currently smoke to quit in the first year, prevent more than 33 million youth and young adults from regularly smoking cigarettes and save more than 8 million lives this century.

In addition, FDA is working to implement premarket review requirements for e-cigarettes. Since flavors increase the appeal and use of e-cigarettes by youth, removing all flavored e-cigarettes from the market would significantly reduce current high rates of youth e-cigarette use. FDA should continue to use the premarket review process to deny applications for flavored e-cigarettes, promptly complete its review of remaining applications, and take urgent action to remove all unauthorized flavored e-cigarettes from the market.

We are disappointed that the House FY 2024 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill included two tobacco-related riders that would have prohibited FDA from finalizing and implementing its menthol cigarette and flavored cigar rules and from issuing a proposed rule to reduce nicotine levels in cigarettes to minimally or non-addictive levels. We are grateful that the FY 2024 Consolidated Appropriations Act did not include these provisions.

As work on the FY 2025 Agriculture appropriations bill proceeds, we urge you to not include these tobacco-related riders or any other provisions that would narrow, weaken, or modify FDA's current authority to oversee tobacco products.

Sincerely,

Academy of General Dentistry

Action on Smoking & Health

African American Tobacco Control Leadership
Council

Allergy & Asthma Network

American Academy of Family Physicians

American Academy of Pediatrics

American Association for Cancer Research

American Association for Dental, Oral, and
Craniofacial Research

American Association for Respiratory Care

American Cancer Society Cancer Action Network

American College Health Association (ACHA)

American College of Cardiology

American College of Chest Physicians (CHEST)

American College of Obstetricians and
Gynecologists

American College of Physicians

American College of Preventive Medicine

American Heart Association

American Lung Association

American Medical Association

American Public Health Association

American Society of Addiction Medicine

American Society of Hematology

American Thoracic Society

Association for Clinical Oncology (ASCO)

Association for the Treatment of Tobacco Use and
Dependence

Association of Black Women Physicians

Association of Maternal & Child Health Programs
Association of State and Territorial Health Officials
Big Cities Health Coalition
Black Women's Health Imperative
Breathe Southern California
Campaign for Tobacco-Free Kids
Community Wellness Alliance
COPD Foundation
Dana-Farber Cancer Institute
DC Tobacco Free Coalition
Emphysema Foundation of America
First Focus Campaign for Children
GO2 for Lung Cancer
Healthy Americas Foundation
IntelliQuit
Leadership Council for Healthy Communities
LUNGeivity Foundation
March of Dimes
NAACP
National Alliance for Hispanic Health
National Association of Hispanic Nurses
National Association of Pediatric Nurse
Practitioners
National Association of School Nurses
National Association of Secondary School
Principals

National Association of Social Workers
National Black Nurses Association, Inc
National Center for Health Research
National Education Association
National Forum for Heart Disease & Stroke
Prevention
National Hispanic Medical Association
National LGBTQI+ Cancer Network
National Medical Association
National Network of Public Health Institutes
NETWORK Lobby for Catholic Social Justice
Oncology Nursing Society
Parents Against Vaping e-cigarettes (PAVe)
Prevent Cancer Foundation
Preventing Tobacco Addiction Foundation
Preventive Cardiovascular Nurses Association
Respiratory Health Association
Right 2 Breathe
Save A Girl Save A World
Society for Public Health Education
Society for Research on Nicotine and Tobacco
The African American Wellness Project
The Society of Thoracic Surgeons
Trust for America's Health

CC: Members of the House Appropriations Committee