March 14, 2019

The Honorable Sanford Bishop
Chairman
Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Jeff Fortenberry
Ranking Member
Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Bishop and Ranking Member Fortenberry:

As your Subcommittee moves forward with the FY 2020 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 (FDA) to oversee tobacco products. These user fees will give FDA the resources it needs to protect kids and reduce the serious health and economic harms that tobacco products cause.

Tobacco use is the leading cause of preventable 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. Yet, prior to 2009, tobacco products were virtually unregulated by the federal government. 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 Family Smoking Prevention and Tobacco Control Act (TCA) gave the Center for Tobacco Products at FDA the authority to oversee the manufacture, marketing, distribution and sale of tobacco products in a manner appropriate for the protection of public health.

The dramatic increase in youth use of e-cigarettes underscores the need for appropriate oversight by FDA. Between 2017 and 2018, use of e-cigarettes soared by 78 percent among high school students and by 48 percent among middle school students. More than 3.6 million middle and high school students are now e-cigarette users – an alarming increase of 1.5 million students in just one year. The Commissioner of the FDA and the Surgeon General have called youth use of e-cigarettes an "epidemic." This escalation in e-cigarette use is largely attributable to Juul, an e-cigarette with a sleek design that is easily concealable, comes in a variety of flavors, and delivers a high level of nicotine.

Other tobacco products remain a serious public health concern. While youth use of cigarettes has declined since the 1990s, progress has stalled. The high school smoking rate went from 7.6 percent in 2017 to 8.1 percent in 2018. An estimated 5.6 million children alive today will die prematurely from smoking if current smoking rates persist. More than 34 million adults currently smoke cigarettes; virtually all of them started smoking during their teenage years, or earlier, and most of them want to quit. While cigar smoking is often perceived as an activity of older adults, cigars are popular among youth, particularly high school boys. Cigars are marketed in a wide variety of flavors and are often inexpensive (e.g., 3 cigars for 99 cents), making them particularly appealing to youth.

FDA has the tools to meet these challenges, including the authority to review new tobacco products and set rules for how tobacco products are made and marketed to protect kids and public health. We appreciate that your Subcommittee has always approved the authorized amount of user fees for FDA's oversight of tobacco products and urge you to approve the $712 million in user fees authorized for FY 2020. We also urge the Subcommittee to not include any restrictions on FDA's authority under the TCA to oversee tobacco products. FDA should continue to be permitted to make science-based decisions about which tobacco products to oversee and how to apply its authority.

Tobacco products are addictive and harmful. With the support of your Subcommittee, FDA will continue to have the tools necessary to reduce tobacco use and the health and economic toll it takes on our nation.

Sincerely,

Academy of General Dentistry

Action on Smoking & 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 Obstetricians and Gynecologists

American College of Physicians

American College of Preventive Medicine

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

Asian Pacific Partners for Empowerment, Advocacy and Leadership (APPEAL)

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

Campaign for Tobacco-Free Kids

ClearWay Minnesota

Community Anti-Drug Coalitions of America

Counter Tools

Eta Sigma Gamma – National Health Education Honorary

Lung Cancer Alliance

March of Dimes

National African American Tobacco Prevention Network

National Association of County & City Health Officials

National Association of Pediatric Nurse Practitioners

National Association of School Nurses

National Association of Social Workers

National Center for Health Research

National Hispanic Medical Association

National Network of Public Health Institutes

Oncology Nursing Society

Prevent Cancer Foundation

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

CC: United States House of Representatives Committee on Appropriations Members