



June 12, 2023

The Honorable Kay Granger
 Chairwoman
 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 Chairwoman Granger and Ranking Member DeLauro:

As your committee proceeds to mark up the Fiscal Year 2024 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.

FDA issued a proposed rule last year 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 issued a proposed rule 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 this year 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 remove all unauthorized flavored e-cigarettes from the market. FDA needs to prioritize removing all flavored e-cigarettes from the market that are popular with youth, and not prioritize some over others, because the experience over the last seven years is clear: when some e-cigarettes that appeal to kids are left on the market, youth simply switch to those products and the youth e-cigarette problem continues unabated.

Manufacturers and retailers have responded to previous efforts by FDA to use its tobacco product authority by seeking to exclude certain products from FDA's authority or by weakening its oversight of them, including through the appropriations process. We urge you to reject any efforts to narrow, weaken, or modify FDA's current authority to oversee tobacco products during consideration of the FY 2024 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
Allergy & Asthma Network
American Academy of Family Physicians
American Academy of Nursing
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 Association of Child and Adolescent
Psychiatry
American Cancer Society Cancer Action Network
American College Health Association
American College of Cardiology
American College of Chest Physicians
American College of Obstetricians and
Gynecologists

American College of Physicians
American College of Preventive Medicine
American Dental Education Association
American Heart Association
American Lung Association
American Medical Association
American Nonsmokers' Rights
American Public Health Association
American School Health Association
American Society of Addiction Medicine
American Thoracic Society
Association for Clinical Oncology (ASCO)
Association for the Treatment of Tobacco Use and Dependence (ATTUD)
Association of Black Cardiologists
Association of Black Women Physicians
Association of Maternal & Child Health Programs
Association of State and Territorial Health Officials
Asthma and Allergy Foundation of America
Bayard Rustin Liberation Initiative
Big Cities Health Coalition
Breathe Southern California
CADCA
Campaign for Tobacco-Free Kids
Catholic Health Association
Center for Black Equity
Center for Black Health & Equity
Commissioned Officers Association of the USPHS
COPD Foundation
Dana-Farber Cancer Institute
Emphysema Foundation of America
Fairview Health Services
First Focus Campaign for Children
For Future Lungs
GO2 for Lung Cancer
HealthHIV
Hope Cancer Resources
Leadership Council for Healthy Communities
LUNgevity Foundation
March of Dimes
NAACP
National Alliance for Hispanic Health

National Alliance to Advance Adolescent Health
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
National Center for Health Research
National Coalition for Cancer Survivorship
National Coalition for LGBTQ Health
National Education Association
National Forum for Heart Disease & Stroke Prevention
National Hispanic Medical Association
National LGBT Cancer Network
National Network of Public Health Institutes
NETWORK Lobby for Catholic Social Justice
Oncology Nursing Society
Parents Against Vaping e-Cigarettes
Presbyterian Church (USA) Office of Public Witness
Prevent Cancer Foundation
Preventing Tobacco Addiction Foundation/Tobacco 21
Preventive Cardiovascular Nurses Association
Public Health Solutions
Respiratory Health Association
Right 2 Breathe
SADD
Save A Girl Save A World
Society for Cardiovascular Angiography and Interventions
Society of State Leaders of Health and Physical Education
Society of Thoracic Surgeons
Trust for America's Health
U.S. PIRG
University of Wisconsin Center for Tobacco Research and Intervention
Yale New Haven Hospital

CC: Members of the House Appropriations Committee