



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