



September 11, 2018

The Honorable Richard Shelby
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Patrick Leahy
Vice Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Rodney Frelinghuysen
Chairman
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

The Honorable Nita Lowey
Ranking Member
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

The Honorable John Hoeven
Chairman
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Jeff Merkley
Ranking Member
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

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, DC 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, DC 20515

Dear Chairmen Shelby, Frelinghuysen, Hoeven and Aderholt, Vice Chairman Leahy, and Ranking Members Lowey, Merkley and Bishop:

As you proceed to conference on H.R. 6147, which includes the FY 2019 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill, we urge you to reject all tobacco riders, including the one in the House Agriculture-FDA Appropriations bill that would weaken FDA oversight of tobacco products, including e-cigarettes and cigars.

The tobacco rider in the House Agriculture-FDA Appropriations bill would completely exclude “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 are potentially addictive and pose serious negative health risks, including about 9,000 premature deaths a year.

The House rider would exempt from FDA oversight more than just hand rolled, expensive cigars. The rider defines “large and premium cigars” so broadly that it creates a loophole that manufacturers will surely exploit to exempt cheap, machine-made, flavored cigars from any FDA oversight. These cigars appeal in particular to youth. The prospect of exempting flavored cigars that cost as little as \$1 or \$2 from any restrictions on flavors, youth access rules, and other basic public health protections is troubling given the substantial levels of youth cigar smoking. Each day more than 1,800 kids under 18 try cigar smoking for the first time. More than 1.1 million high school students were current smokers in 2017 according to the National Youth Tobacco Survey.

The House rider would also exempt cigars that entered the market between February 15, 2007 and April 25, 2014 from a scientific review of their health risks and appeal to youth. By eliminating the obligation of manufacturers to submit these products for review by FDA, the provision would make it much harder for FDA to address concerns about the many kid-friendly flavored cigars that entered the market during this period.

In addition to the cigar-specific provisions, the House rider would also make it easier for manufacturers to introduce tobacco products to market in the future. By changing which products can serve as “predicate products”, it would enable more e-cigarettes, cigars, and other tobacco products to be eligible for a less rigorous “substantial equivalence” review by FDA instead of a full review of these products’ effect on public health.

There are clear health risks if a tobacco product is not thoroughly reviewed and evaluated before being allowed on the market. E-cigarettes are the most popular tobacco product among youth, and FDA has not fully assessed their appeal to kids or impact on health. The House rider opens the door for the next generation of these products to escape a complete and thorough review by FDA.

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. We urge you to maintain FDA's authority under current law in order to continue its work to reduce tobacco use and the health and economic toll it takes on our nation.

Sincerely,

Academy of General Dentistry
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 Dental 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 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
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
Cancer Prevention and Treatment Fund
Community Anti-Drug Coalitions of America
Counter Tools
Eta Sigma Gamma - National Health Education
Honorary
International Association for the Study of Lung
Cancer
March of Dimes
Mesothelioma Applied Research Foundation
National African American Tobacco Prevention
Network
National Association of County & City Health
Officials
National Association of Pediatric Nurse
Practitioners
National Hispanic Medical Association
National Network of Public Health Institutes
Oncology Nursing Society
Oral Health America
Prevent Cancer Foundation
Prevention Institute
Society for Cardiovascular Angiography and
Interventions
Society for Public Health Education
Society for Research on Nicotine and Tobacco
Students Against Destructive Decisions
The Society for State Leaders of Health and
Physical Education
The Society of Thoracic Surgeons
Trust for America's Health

CC: Conference Committee Members on the Interior-Environment, Financial Services, Transportation-
HUD, and Agriculture Appropriations Bills