Congress of the United States
Washington, DC 20515

March 11, 2024

The Honorable Joseph R. Biden
President of the United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

We are writing to urge the Food and Drug Administration (FDA) to expedite consideration of long-pending applications for smoke-free tobacco products that could improve public health by providing adult smokers access to less harmful options.

In recent weeks there have been calls on the FDA to ban certain nicotine-containing products due to the potential of underage use. There is no debate: youth should not have access to nicotine-containing products, nor should youth be subject to marketing or advertising of these products on social media. Congress has taken several steps to help address these challenges, including raising the legal age to purchase tobacco and nicotine-containing products to 21 years of age and bringing synthetic nicotine products under the purview of FDA and its mission to protect and promote the public health.

According to data from the Centers for Disease Control and Prevention, in the past only 1 in 10 adult smokers quit smoking. These consumers deserve to have alternative, less harmful products available to make informed choices of their own or may make it easier to quit. We cannot allow scare tactics and misinformation to keep 30 million adult smokers in the U.S. from making informed decisions and providing them with information about and access to alternative products that present less risk than continued smoking.

Rather than banning products that have proven effective in converting smokers or reducing cigarette consumption, the FDA must utilize the regulatory approval framework provided by Congress fifteen years ago. Since the *Family Smoking Prevention and Tobacco Control Act of 2009* was signed into law by President Obama, the FDA has received over 26 million applications to market innovative smoke-free products. However, the FDA has authorized fewer than 50 product applications (of which less than 10 are commercially available products) and many other applications have been waiting over three years for official review. Meanwhile,

during this same period, FDA has authorized thousands of combustible cigarette product applications, as measured by CTP's own performance metrics.

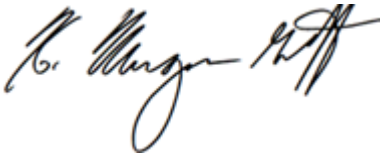
Not only has the FDA's inaction continued to deprive American smokers with greater choice, but it has also contributed to the proliferation of illicit nicotine-containing products coming into the U.S. from markets like China, many of which are intentionally designed to appeal to youth.

This is a matter of public health. According to an ever-increasing amount of scientific research, smoke-free products hold enormous potential for current smokers to quit by switching to these less harmful products. We must continue to work together to prevent underage use of these alternative products, and we urge your administration to encourage the FDA to review smoke-free product applications more effectively and efficiently and to make those determinations on sound science.

Sincerely,

Richard Hudson

Brett Guthrie

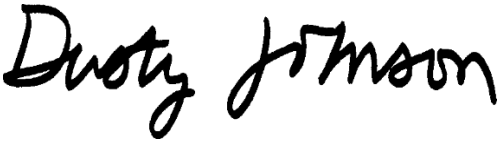


H. Morgan Griffith

Guy Reschenthaler

Kevin Hern

Troy Balderson



Dusty Johnson

Dan Crenshaw

Bob Good

Claudia Tenney

Nick Langworthy

Kelly Armstrong

Kat Cammack

August Pfluger

Troy Nehls

Brian Mast

Randy Weber

Mariannette Miller-Meeks

Earl. L. “Buddy” Carter

Michael Waltz

Jenniffer González-Colón

Larry Bucshon

Chuck Fleischmann

Ralph Norman

Diana Harshbarger

Russell Fry

James Comer

Don Bacon

Scott DesJarlais, M.D.

Nancy Mace

John Carter

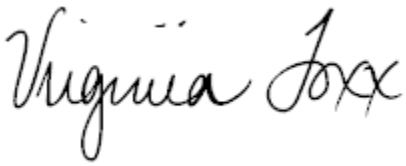
Neal P. Dunn, M.D.

Mike Bost

Wesley Hunt

C. Scott Franklin

Ann Wagner



Virginia Foxx

Max Miller

Ronny L. Jackson

Hal Rogers

Andy Barr

Nicole Malliotakis

John Duarte

Andrew Garbarino

Dan Bishop

James Moylan

Gus M. Bilirakis

Ben Cline

Roger Williams

Greg Pence

Chuck Edwards

Marc Molinaro

Juan Ciscomani

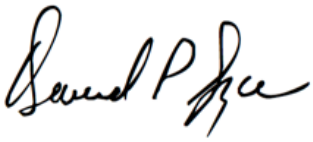
David G. Valadao

Jack Bergman

Andy Ogles

Bill Huizenga

Pat Fallon



David Joyce

Dan Meuser

Lisa McClain

Lori Chavez-DeRemer

Cc: The Honorable Robert M. Califf, M.D.
Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993