October 11, 2016

The Honorable Thad Cochran
Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Chairman Cochran:

As the appropriations process for Fiscal Year 2017 proceeds, we urge you to protect the Food and Drug Administration's (FDA) ability to reduce the death and disease caused by tobacco products. We greatly appreciate that the Senate's appropriations bill that covers the FDA did not include any efforts to weaken FDA's authority over tobacco products and hope that, like last year, you will be able to ensure that the final bill that Congress approves does not include such provisions.

Tobacco use remains the leading preventable cause of death in the United States and is responsible for an estimated $170 billion in health care costs each year. In Mississippi, tobacco use claims 5,400 lives each year and costs the state more than $1.23 billion annually in health care costs. We are making progress. Smoking rates among adults and youth are declining. But continued attention and resources are needed to make further progress.

As you know, the House appropriations bill covering the FDA includes two provisions that weaken the agency's ability to oversee e-cigarettes, cigars, and other tobacco products that FDA is just beginning to regulate. One provision would block FDA from using funds to "implement, administer, or enforce" this final rule unless the rule excludes "large and premium cigars" from FDA oversight even though all cigars pose serious negative health risks, including about 9,000 premature deaths a year, and all cigars contain nicotine, which is highly addictive. Moreover, tobacco companies would have a strong incentive to modify their products in order to qualify as a "large and premium cigar." Loopholes in the definition could end up exempting from FDA oversight some cheap, machine-made, flavored cigars that appeal to youth.

The House's FDA appropriations bill also would exempt manufacturers of e-cigarettes, cigars, and certain other tobacco products now on the market from having to demonstrate that their products are not detrimental to public health. Manufacturers would no longer be required to provide FDA with information that would enable the agency to assess each product's health risks, addictiveness, appeal to youth, and other factors that could affect public health. With this exemption, e-cigarette manufacturers would not have to demonstrate that the candy- and fruit-flavors they are currently using are not increasing these products' appeal to youth.

The need for FDA oversight of these products could not be clearer. In Mississippi, youth e-cigarette and cigar usage surpasses that of traditional cigarettes. While 15.2% of youth in our state smoke cigarettes, 22.9% use e-cigarettes and 16.5% use cigars.

We thank you for not including in the Senate's FDA appropriations bill any provisions that would weaken FDA's ability to protect youth and public health from tobacco products and urge you to do all you can to ensure that the final appropriations bill does not include the tobacco provisions in the House bill. The suffering that tobacco-caused diseases inflict and the burden these diseases place on the health system and government budgets are simply too great to justify weakening FDA's regulatory authority.

Sincerely,

American Cancer Society Cancer Action Network in Mississippi

American Heart Association in Mississippi

American Lung Association in Mississippi

Campaign for Tobacco-Free Kids

March of Dimes, Mississippi Chapter

Mississippi Academy of Family Physicians

Mississippi Chapter of the American Academy of Pediatrics

Mississippi Dental Association

Mississippi Public Health Association

Partnership for a Healthy Mississippi