



March 14, 2019

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

Dear Chairman Hoeven and Ranking Member Merkley:

As your Subcommittee moves forward with the FY 2020 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill, we urge you to approve the authorized level of user fees for the Food and Drug Administration (FDA) to oversee tobacco products. These user fees will give FDA the resources it needs to protect kids and reduce the serious health and economic harms that tobacco products cause.

Tobacco use is the leading cause of preventable 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. Yet, prior to 2009, tobacco products were virtually unregulated by

the federal government. Congress, on a bipartisan basis, recognized that tobacco products should be overseen by an agency with expertise in assessing health risks and experience promulgating science-based regulation. The Family Smoking Prevention and Tobacco Control Act (TCA) gave the Center for Tobacco Products at FDA the authority to oversee the manufacture, marketing, distribution and sale of tobacco products in a manner appropriate for the protection of public health.

The dramatic increase in youth use of e-cigarettes underscores the need for appropriate oversight by FDA. Between 2017 and 2018, use of e-cigarettes soared by 78 percent among high school students and by 48 percent among middle school students. More than 3.6 million middle and high school students are now e-cigarette users – an alarming increase of 1.5 million students in just one year. The Commissioner of the FDA and the Surgeon General have called youth use of e-cigarettes an “epidemic.” This escalation in e-cigarette use is largely attributable to Juul, an e-cigarette with a sleek design that is easily concealable, comes in a variety of flavors, and delivers a high level of nicotine.

Other tobacco products remain a serious public health concern. While youth use of cigarettes has declined since the late 1990s, progress has stalled. The high school smoking rate went from 7.6 percent in 2017 to 8.1 percent in 2018. An estimated 5.6 million children alive today will die prematurely from smoking if current smoking rates persist. More than 34 million adults currently smoke cigarettes; virtually all of them started smoking during their teenage years, or earlier, and most of them want to quit. While cigar smoking is often perceived as an activity of older adults, cigars are popular among youth, particularly high school boys. Cigars are marketed in a wide variety of flavors and are often inexpensive (e.g., 3 cigars for 99 cents), making them particularly appealing to youth.

FDA has the tools to meet these challenges, including the authority to review new tobacco products and set rules for how tobacco products are made and marketed to protect kids and public health. We appreciate that your Subcommittee has recognized the important role FDA has to play and has always approved the authorized amount of user fees for FDA’s oversight of tobacco products. We also appreciate that your Subcommittee has not included any restrictions on FDA’s authority under the TCA in previous appropriations bills. FDA should continue to be permitted to make science-based decisions about which tobacco products to oversee and how to apply its authority.

We urge the Subcommittee to approve the \$712 million in user fees that the TCA authorized FDA to collect and spend for tobacco-related activities for FY 2020. Tobacco products are addictive and harmful. With the support of your Subcommittee, FDA will continue to have the tools necessary to reduce tobacco use and the health and economic toll it takes on our nation.

Sincerely,

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| Academy of General Dentistry | Campaign for Tobacco-Free Kids |
| Action on Smoking & Health | ClearWay Minnesota |
| Allergy & Asthma Network | Community Anti-Drug Coalitions of America |
| American Academy of Family Physicians | Counter Tools |
| American Academy of Oral and Maxillofacial Pathology | Eta Sigma Gamma – National Health Education Honorary |
| American Academy of Otolaryngology—Head and Neck Surgery | Lung Cancer Alliance |
| American Academy of Pediatrics | March of Dimes |
| American Association for Cancer Research | National African American Tobacco Prevention Network |
| American Association for Respiratory Care | National Association of County & City Health Officials |
| American Cancer Society Cancer Action Network | National Association of Pediatric Nurse Practitioners |
| American College of Obstetricians and Gynecologists | National Association of School Nurses |
| American College of Physicians | National Association of Social Workers |
| American College of Preventive Medicine | National Center for Health Research |
| American Heart Association | National Hispanic Medical Association |
| American Lung Association | National Network of Public Health Institutes |
| American Psychological Association | Oncology Nursing Society |
| American Public Health Association | Prevent Cancer Foundation |
| American School Health Association | Prevention Institute |
| American Society of Addiction Medicine | Public Health Solutions |
| American Society of Clinical Oncology | Society for Cardiovascular Angiography and Interventions |
| American Thoracic Society | Society for Public Health Education |
| Asian Pacific Partners for Empowerment, Advocacy and Leadership (APPEAL) | Society for Research on Nicotine & Tobacco |
| Association of Maternal & Child Health Programs | Students Against Destructive Decisions |
| Association of Schools and Programs of Public Health | The Society of State Leaders of Health and Physical Education |
| Association of State and Territorial Health Officials | The Society of Thoracic Surgeons |
| Big Cities Health Coalition | Trust for America’s Health |

CC: United States Senate Committee on Appropriations Members