



October 9, 2018

Scott Gottlieb, MD  
Commissioner, U.S. Food & Drug Administration  
10903 New Hampshire Ave.  
Silver Spring, MD, 20993

CC: Mitch Zeller, JD  
Director, Center for Tobacco Products

Dear Dr. Gottlieb:

As leaders of large, urban health departments currently battling the “epidemic of e-cigarette use among teenagers,” we write to commend your public statement dated September 12, 2018. We understand that the Food and Drug Administration (FDA), as a regulatory agency, must work with industry in nuanced ways, balancing both “carrots” and “sticks” in order to do your work appropriately and effectively.

*Nevertheless, it is also our strong belief that FDA should use its vast regulatory authority derived from the Tobacco Control Act, and subsequent Deeming Rule, to ban flavors in e-cigarettes/vaping products.*

The Big Cities Health Coalition (BCHC) is a forum for the leaders of America’s largest metropolitan health departments to exchange strategies and jointly address issues to promote and protect the health and safety of their residents. Collectively, BCHC member jurisdictions directly impact more than 55 million, or one in six, Americans.

Our large, urban departments (like all local health departments) have a responsibility to protect and promote the health of our communities. As you well know, big cities have extensive experience regulating tobacco products – both traditional and emerging – at the local level. However, we can’t do it alone, and we believe now is an important moment and opportunity for FDA to act.

At least eight of our member jurisdictions – Boston, Chicago, Miami (Miami-Dade County), Minneapolis, New York City, Oakland (Alameda County), San Francisco, and San Jose (Santa Clara County) – have enacted local statutes limiting access to flavored tobacco products, including, for the most part, e-cigarettes/vaping products. As we in public health think about next steps in tobacco regulation and control, both Tobacco 21 laws and restrictions on e-cigarette/vaping products (particularly flavors) are on our collective agenda. While the former, we know, would take an act of Congress, the latter – a flavor ban – is well within the FDA’s regulatory powers.

As we work to protect millions of youth from experimenting with emerging vaping products, and, by extension, preventing addiction, leadership from the federal level could make a true and lasting impact on the public’s health. As such, *we urge you to move boldly and swiftly on banning flavors in e-cigarette/vaping products.* Many of our major metropolitan areas continue to pass ordinances at the local level, and we urge you to follow our lead by using FDA’s full authority, in particular to encompass those communities that don’t have the ability to act locally.

ALAMEDA COUNTY (OAKLAND)

AUSTIN

BALTIMORE

BOSTON

CHICAGO

CLEVELAND

COLUMBUS

DALLAS COUNTY

DENVER

DETROIT

HOUSTON

KANSAS CITY

LONG BEACH

LOS ANGELES COUNTY

MARICOPA COUNTY (PHOENIX)

MARION COUNTY (INDIANAPOLIS)

MECKLENBURG COUNTY (CHARLOTTE)

MIAMI-DADE COUNTY (MIAMI)

MINNEAPOLIS

MULTNOMAH COUNTY (PORTLAND)

NEW YORK CITY

PHILADELPHIA

SAN ANTONIO

SAN DIEGO COUNTY

SAN FRANCISCO

SANTA CLARA COUNTY (SAN JOSE)

SEATTLE - KING COUNTY (SEATTLE)

SOUTHERN NV HEALTH DIST. (LAS VEGAS)

TARRANT COUNTY (FORT WORTH)

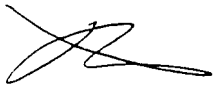
WASHINGTON, D.C.

If you have any questions or would like to discuss this further, please contact Chrissie Juliano ([cjuliano@naccho.org](mailto:cjuliano@naccho.org)), Director, BCHC. We eagerly await your response.

Sincerely,



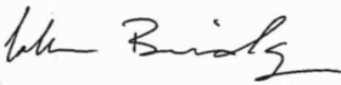
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Colleen Chawla, MPA/HSA  
Director, Alameda County Health Care Services Agency



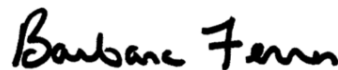
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