



June 12, 2023

The Honorable Kay Granger  
 Chairwoman  
 Committee on Appropriations  
 U.S. House of Representatives  
 Washington, DC 20515

The Honorable Rosa DeLauro  
 Ranking Member  
 Committee on Appropriations  
 U.S. House of Representatives  
 Washington, DC 20515

Dear Chairwoman Granger and Ranking Member DeLauro:

As your committee proceeds to mark up the Fiscal Year 2024 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill, we urge you to approve the full authorized level of tobacco user fees and oppose any efforts to weaken or alter FDA's authority over tobacco products through the appropriations process.

Tobacco use is the leading preventable cause of 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. Tobacco use is also responsible for approximately \$241 billion in health care costs each year.

Given the substantial harms attributable to tobacco use, Congress gave FDA the authority to oversee the manufacturing, marketing, and distribution of tobacco products. FDA is now using this authority to set product standards for tobacco products and implement premarket review requirements for e-cigarettes and other tobacco products.

FDA issued a proposed rule last year to prohibit menthol as a characterizing flavor in cigarettes because menthol cools and numbs the throat, which reduces the harshness of tobacco and makes it easier for youth to start smoking. Menthol in cigarettes makes them more addictive and harder to quit. FDA also issued a proposed rule to prohibit characterizing flavors in cigars because flavors increase the appeal of cigars and make them easier to smoke, especially among youth. FDA estimates that removing these products from the market will reduce youth tobacco use, advance health equity, and save hundreds of thousands of lives.

FDA is also expected to issue a proposed rule this year to reduce nicotine levels in cigarettes to minimally or non-addictive levels, which would reduce the number of kids who become addicted to tobacco and help adult tobacco users to quit. FDA estimates such a policy would help five million people who currently smoke to quit in the first year, prevent more than 33 million youth and young adults from regularly smoking cigarettes and save more than 8 million lives this century.

In addition, FDA is working to implement premarket review requirements for e-cigarettes. Since flavors increase the appeal and use of e-cigarettes by youth, removing all flavored e-cigarettes from the market would significantly reduce current high rates of youth e-cigarette use. FDA should continue to use the premarket review process to deny applications for flavored e-cigarettes, promptly complete its review of remaining applications, and remove all unauthorized flavored e-cigarettes from the market. FDA needs to prioritize removing all flavored e-cigarettes from the market that are popular with youth, and not prioritize some over others, because the experience over the last seven years is clear: when some e-cigarettes that appeal to kids are left on the market, youth simply switch to those products and the youth e-cigarette problem continues unabated.

Manufacturers and retailers have responded to previous efforts by FDA to use its tobacco product authority by seeking to exclude certain products from FDA's authority or by weakening its oversight of them, including through the appropriations process. We urge you to reject any efforts to narrow, weaken, or modify FDA's current authority to oversee tobacco products during consideration of the FY 2024 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill.

Sincerely,

Academy of General Dentistry  
Action on Smoking and Health  
African American Tobacco Control Leadership  
Council  
Allergy & Asthma Network  
American Academy of Family Physicians  
American Academy of Nursing  
American Academy of Otolaryngology-Head and  
Neck Surgery  
American Academy of Pediatrics

American Association for Dental, Oral, and  
Craniofacial Research  
American Association for Respiratory Care  
American Association of Child and Adolescent  
Psychiatry  
American Cancer Society Cancer Action Network  
American College Health Association  
American College of Cardiology  
American College of Chest Physicians  
American College of Obstetricians and  
Gynecologists

American College of Physicians  
American College of Preventive Medicine  
American Dental Education Association  
American Heart Association  
American Lung Association  
American Medical Association  
American Nonsmokers' Rights  
American Public Health Association  
American School Health Association  
American Society of Addiction Medicine  
American Thoracic Society  
Association for Clinical Oncology (ASCO)  
Association for the Treatment of Tobacco Use and Dependence (ATTUD)  
Association of Black Cardiologists  
Association of Black Women Physicians  
Association of Maternal & Child Health Programs  
Association of State and Territorial Health Officials  
Asthma and Allergy Foundation of America  
Bayard Rustin Liberation Initiative  
Big Cities Health Coalition  
Breathe Southern California  
CADCA  
Campaign for Tobacco-Free Kids  
Catholic Health Association  
Center for Black Equity  
Center for Black Health & Equity  
Commissioned Officers Association of the USPHS  
COPD Foundation  
Dana-Farber Cancer Institute  
Emphysema Foundation of America  
Fairview Health Services  
First Focus Campaign for Children  
For Future Lungs  
GO2 for Lung Cancer  
HealthHIV  
Hope Cancer Resources  
Leadership Council for Healthy Communities  
LUNGevery Foundation  
March of Dimes  
NAACP  
National Alliance for Hispanic Health

National Alliance to Advance Adolescent Health  
National Association of Pediatric Nurse Practitioners  
National Association of School Nurses  
National Association of Secondary School Principals  
National Association of Social Workers  
National Black Nurses Association  
National Center for Health Research  
National Coalition for Cancer Survivorship  
National Coalition for LGBTQ Health  
National Education Association  
National Forum for Heart Disease & Stroke Prevention  
National Hispanic Medical Association  
National LGBT Cancer Network  
National Network of Public Health Institutes  
NETWORK Lobby for Catholic Social Justice  
Oncology Nursing Society  
Parents Against Vaping e-Cigarettes  
Presbyterian Church (USA) Office of Public Witness  
Prevent Cancer Foundation  
Preventing Tobacco Addiction  
Foundation/Tobacco 21  
Preventive Cardiovascular Nurses Association  
Public Health Solutions  
Respiratory Health Association  
Right 2 Breathe  
SADD  
Save A Girl Save A World  
Society for Cardiovascular Angiography and Interventions  
Society of State Leaders of Health and Physical Education  
Society of Thoracic Surgeons  
Trust for America's Health  
U.S. PIRG  
University of Wisconsin Center for Tobacco Research and Intervention  
Yale New Haven Hospital

CC: Members of the House Appropriations Committee