



June 8, 2016

United States Senate
Washington, D.C. 20510

Dear Senator:

With Senate consideration of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill for Fiscal Year 2017 expected in a few weeks, we urge you to oppose any amendments that would weaken FDA's authority to regulate tobacco products. In particular, we want to express our strong opposition to two provisions in the House version of the bill and urge you to oppose attaching them to the Senate bill. One provision seeks to completely exempt certain cigars from FDA regulation. The other exempts e-cigarettes, cigars, and certain other tobacco products now on the market from an important product review requirement, taking away a powerful and efficient tool to protect children from the candy- and fruit-flavored e-cigarettes and cigars that have flooded the market in recent years.

In May, FDA took an important step to protect children and public health by issuing a final rule that will enable the agency to begin to oversee cigars, e-cigarettes, and other tobacco products that had been outside of FDA's authority. The need for FDA oversight of these products could not be clearer. In April, the Centers for Disease Control and Prevention released the 2015 National Youth Tobacco Survey, which highlighted that the alarming increase in youth use of electronic cigarettes continues. From 2011 to 2015, there was a more than ten-fold increase in current e-cigarette use among high school students – from 1.5 percent to 16 percent. In addition, high school boys now smoke cigars at a slightly higher rate than cigarettes – 11.5 percent for cigars and 10.7 percent for cigarettes. The final rule will enable FDA, for the first time, to oversee the manufacturing, marketing, and sale of these products, providing the