



June 13, 2017

The Honorable John Hoeven
 Chairman
 Subcommittee on Agriculture, Rural
 Development, Food and Drug
 Administration, and Related Agencies
 Committee on Appropriations
 United States Senate
 Washington, D.C. 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, D.C. 20510

Dear Chairman Hoeven and Ranking Member Merkley:

As your Subcommittee moves forward with the FY 2018 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’s (FDA) oversight of tobacco products and to oppose any effort to limit the authority that Congress granted the FDA under the Family Smoking Prevention and Tobacco Control Act (TCA).

Prior to 2009, tobacco products were virtually unregulated even though they were known to be highly addictive and dangerous to health. 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 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.

We appreciate that every FDA appropriations bill approved by Congress since the enactment of the TCA has contained the full authorized amount of user fees. This year, we urge your Subcommittee to approve the \$672 million in user fees that the TCA authorizes FDA to collect and spend for tobacco-related activities for FY 2018.

We also appreciate that your Subcommittee did not include any restrictions on FDA's authority under the TCA in its FY 2017 bill and urge the Subcommittee to not restrict this authority in its FY 2018 bill. As you know, two policy riders in last year's House Agriculture-FDA Appropriations bill would have weakened FDA's authority over certain tobacco products. One provision would have exempted thousands of e-cigarettes and cigars now on the market from a scientific review of their health risks and whether they appeal to kids. By eliminating the obligation of manufacturers to submit these products for review by FDA, the provision would make it much harder for FDA to address concerns about tobacco companies' use of kid-friendly flavors, make the thousands of sweet-flavored products that entered the marketplace in recent years the accepted industry standard by which future products would be evaluated, and leave important questions about the effect of e-cigarettes on public health unanswered. The other provision would have completely excluded "large and premium cigars" from FDA oversight. We agree with FDA's conclusion that there is no appropriate public health justification for exempting premium cigars from FDA oversight and are concerned that the rider defined "large and premium cigars" so broadly that it would create a loophole that invites tobacco companies to modify their products to qualify for this exemption, including cheap, machine-made, flavored cigars that appeal to youth. We appreciate that the FY 2017 Consolidated Appropriations Act did not include these provisions and urge the Subcommittee to continue to not include restrictions on FDA's authority over tobacco products in its appropriations bill.

Tobacco use remains the leading preventable cause of death in the United States and is responsible for more than \$170 billion in health care costs every year. Over 16 million Americans currently suffer from smoking-caused illness and over 480,000 die each year from cigarette smoking and exposure to secondhand smoke. With the support of your Subcommittee, the FDA will be able to continue its work to reduce tobacco use and the health and economic toll it takes on our nation.

Sincerely,

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| Academy of General Dentistry | College on Problems of Drug Dependence |
| Action on Smoking & Health | Community Anti-Drug Coalitions of America |
| American Academy of Family Physicians | COPD Foundation |
| American Academy of Oral and Maxillofacial Pathology | Eta Sigma Gamma - National Health Education Honorary |
| American Academy of Otolaryngology—Head and Neck Surgery | International Association for the Study of Lung Cancer |
| American Academy of Pediatrics | March of Dimes |
| American Association for Dental 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 Cardiology | National Association of Social Workers |
| American College of Occupational and Environmental Medicine | National Center for Health Research |
| American College of Physicians | National Hispanic Medical Association |
| American Congress of Obstetricians and Gynecologists | National Latino Alliance for Health Equity |
| American Dental Association | National Network of Public Health Institutes |
| American Heart Association | Oncology Nursing Society |
| American Lung Association | Prevention Institute |
| American Psychological Association | Prevention Partners |
| American Public Health Association | Public Health Solutions |
| American Thoracic Society | Society for Cardiovascular Angiography and Interventions |
| Association of Schools and Programs of Public Health | Society for Public Health Education |
| Association of State and Territorial Health Officials | Society for Research on Nicotine & Tobacco |
| Association of Women’s Health, Obstetric and Neonatal Nurses | Students Against Destructive Decisions |
| Big Cities Health Coalition | The Society of State Leaders of Health and Physical Education |
| Campaign for Tobacco-Free Kids | Trust for America’s Health |
| ClearWay Minnesota | |

CC: United States Senate Committee on Appropriations Members