



September 10, 2015

The Honorable Thad Cochran
 Chairman, Committee on Appropriations
 United States Senate
 Washington, DC 20510

The Honorable Barbara Mikulski
 Vice Chairwoman, Committee on Appropriations
 United States Senate
 Washington, DC 20510

Dear Chairman Cochran and Vice Chairwoman Mikulski:

We are writing to express our opposition to provisions in two House Appropriations bills that would significantly weaken efforts to protect children and reduce the disease, death, and economic tolls of tobacco use in the United States. The House bills would 1) dramatically reduce funding for tobacco prevention initiatives at the Centers for Disease Control and Prevention (CDC), and, 2) significantly restrict the ability of the Food and Drug Administration (FDA) to oversee a substantial number of tobacco products which have come onto the market in recent years and are proving to be popular with youth. We urge that, as Congress moves forward with negotiations on appropriations for fiscal year 2016, it adopt the Senate's position on these two issues by providing \$216.5 million for CDC's tobacco prevention initiatives and including no restrictions on FDA's current authority to regulate tobacco products.

While tobacco use has declined over the decades, it remains the leading cause of preventable death in the U.S. and is responsible for an estimated \$170 billion in health care costs each year. Investments in tobacco prevention and regulation of tobacco products are effective ways to reduce cancer, heart disease, chronic obstructive pulmonary disease (COPD), and other costly diseases. Yet the House Labor, Health and Human Services, Education and Related Agencies (LHHS) Appropriations bill would cut funding for tobacco

prevention at the CDC Office on Smoking and Health by 50 percent, and the report accompanying the bill states that the Committee does not support CDC's tobacco-related research.

CDC's tobacco prevention work is a critical part of the effort to prevent young people from starting to use tobacco products and help adult tobacco users to quit. The proposed cut in the House LHHS Appropriations bill would likely eliminate the highly successful and cost-effective Tips from Former Smokers Campaign and reduce funding for state tobacco prevention programs and state quitlines. In 2012 the Tips Campaign ran for 12 weeks and motivated 1.6 million Americans to make a quit attempt, helped 100,000 smokers to quit for good, and saved approximately 17,000 people from a premature death. In addition, the restrictions in the House LHHS Appropriations bill report language would put at risk important CDC research such as tobacco use surveys that provide valuable information about emerging trends in tobacco use such as the recent rapid increase in e-cigarettes and hookah use among youth. These data also allow the CDC to assess program effectiveness, develop targeted interventions, and monitor progress towards reducing tobacco use rates.

The House Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill includes a rider that changes the so-called "grandfather" date for e-cigarettes, cigars and other unregulated products and exempts these products from an important review requirement in the Tobacco Control Act (TCA). The rider would significantly weaken FDA's ability to take prompt action to protect children from the thousands of fruit and candy flavored e-cigarettes and little cigars that have flooded the market in recent years. The TCA requires manufacturers to provide information to the FDA so that the agency can assess the risks to public health of new tobacco products. This requirement is critical given the large number of new products being introduced and the rapidly changing marketplace. The rider would greatly reduce the information manufacturers must provide and allow these products to remain on the market indefinitely without a thorough FDA review as currently and wisely required by the law.

In recent years, the e-cigarette market has grown dramatically and now includes more than 7,000 e-cigarette flavors. Not surprisingly, youth use of e-cigarettes tripled from 2013 to 2014 (increasing from 4.5 percent to 13.4 percent among high school students) and now exceeds youth use of regular cigarettes. At the same time, tobacco manufacturers have introduced an array of cheap, sweet cigars to get around the prohibition on flavored cigarettes required by Congress as part of the TCA. High school boys now smoke cigars at the same rate as cigarettes (10.8 percent for cigars and 10.6 percent for cigarettes). The proposed rider in the House Agriculture Appropriations bill would make it much more difficult for the FDA to address these dangers to our children's health.

Since the TCA passed in 2009, the tobacco industry has been on notice that it would not be able to inundate the market with new products without an FDA review to ensure that they do not attract and addict more children or otherwise harm public health. Congress should not now rush to protect the tobacco industry from a full assessment of the public health impact of these new tobacco products which companies have chosen to introduce into the market in recent years.

In its proposed rule to regulate all tobacco products FDA has already addressed the tobacco industry's main concern, that e-cigarettes and cigars currently on the market would have to be pulled while FDA is conducting its review. Under FDA's proposal, all e-cigarettes and cigars currently on the market would be permitted to stay on the market as long as they file an application within two years. These products will be able to stay on the market unless FDA determines the product is detrimental to public health.

As negotiations on the Appropriations bills proceed, we urge that Congress support the \$216.5 million in funding for CDC's tobacco prevention work approved by the Senate Appropriations Committee and reject the rider in the House Agriculture Appropriations bill that would weaken FDA's authority to protect Americans, including children, from e-cigarettes, cigars and other harmful tobacco products.

Sincerely,

Academy of General Dentistry
Academy of Oral and Maxillofacial Pathology
Action on Smoking and Health
Altarum Institute
American Academy of Otolaryngology—Head
and Neck Surgery
American Academy of Pediatrics
American Association for Cancer Research
American Association for Dental Research
American Association for Respiratory Care
American Association of Nurse Practitioners
American Cancer Society Cancer Action
Network
American College of Cardiology
American College of Chest Physicians
American College of Occupational &
Environmental Medicine
American College of Physicians
American College of Preventive Medicine
American Congress of Obstetricians and
Gynecologists
American Dental Association
American Heart Association
American Lung Association
American Psychological Association
American Public Health Association
American School Health Association
American Society of Clinical Oncology
American Thoracic Society
Americans for Nonsmokers' Rights
Asian Pacific Partners for Empowerment,
Advocacy and Leadership
Association of Maternal & Child Health
Programs

Association of Schools and Programs of Public
Health
Association of State and Territorial Dental
Directors
Association of Women's Health, Obstetric and
Neonatal Nurses
Campaign for Tobacco-Free Kids
Cancer Prevention and Treatment Fund
Coalition of National Health Education
Organizations
Community Anti-Drug Coalitions of America
COPD Foundation
Eta Sigma Gamma - National Health Education
Honorary
International Association for the Study of Lung
Cancer
Lung Cancer Alliance
March of Dimes
National African American Tobacco Prevention
Network
National Association of County & City Health
Officials
National Network of Public Health Institutes
North American Quitline Consortium
Oncology Nursing Society
Oral Health America
Prevent Cancer Foundation
Prevention Institute
School-Based Health Alliance
Society for Cardiovascular Angiography and
Interventions
Society for Public Health Education
Society for Research on Nicotine and Tobacco
The Society of Thoracic Surgeons
Trust for America's Health

cc:

The Honorable Roy Blunt, Chairman, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies Appropriations

The Honorable Jerry Moran, Chairman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations

The Honorable Jeff Merkley, Ranking Member, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations

The Honorable Patty Murray, Ranking Member, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies Appropriations