



September 11, 2018

The Honorable Richard Shelby  
Chairman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Patrick Leahy  
Vice Chairman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Rodney Frelinghuysen  
Chairman  
Committee on Appropriations  
United States House of Representatives  
Washington, DC 20515

The Honorable Nita Lowey  
Ranking Member  
Committee on Appropriations  
United States House of Representatives  
Washington, DC 20515

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

The Honorable Robert Aderholt  
Chairman  
Subcommittee on Agriculture, Rural Development,  
Food and Drug Administration, and Related Agencies  
Committee on Appropriations  
United States House of Representatives  
Washington, DC 20515

The Honorable Sanford Bishop  
Ranking Member  
Subcommittee on Agriculture, Rural Development,  
Food and Drug Administration, and Related Agencies  
Committee on Appropriations  
United States House of Representatives  
Washington, DC 20515

Dear Chairmen Shelby, Frelinghuysen, Hoeven and Aderholt, Vice Chairman Leahy, and Ranking Members Lowey, Merkley and Bishop:

As you proceed to conference on H.R. 6147, which includes the FY 2019 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill, we urge you to reject all tobacco riders, including the one in the House Agriculture-FDA Appropriations bill that would weaken FDA oversight of tobacco products, including e-cigarettes and cigars.

The tobacco rider in the House Agriculture-FDA Appropriations bill would completely exclude “large and premium cigars” from FDA oversight. We agree with FDA’s conclusion in 2016 that there is no appropriate public health justification for exempting premium cigars from FDA oversight. FDA’s scientific review found that all cigars are potentially addictive and pose serious negative health risks, including about 9,000 premature deaths a year.

The House rider would exempt from FDA oversight more than just hand rolled, expensive cigars. The rider defines “large and premium cigars” so broadly that it creates a loophole that manufacturers will surely exploit to exempt cheap, machine-made, flavored cigars from any FDA oversight. These cigars appeal in particular to youth. The prospect of exempting flavored cigars that cost as little as \$1 or \$2 from any restrictions on flavors, youth access rules, and other basic public health protections is troubling given the substantial levels of youth cigar smoking. Each day more than 1,800 kids under 18 try cigar smoking for the first time. More than 1.1 million high school students were current smokers in 2017 according to the National Youth Tobacco Survey.

The House rider would also exempt cigars that entered the market between February 15, 2007 and April 25, 2014 from a scientific review of their health risks and appeal to youth. 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 the many kid-friendly flavored cigars that entered the market during this period.

In addition to the cigar-specific provisions, the House rider would also make it easier for manufacturers to introduce tobacco products to market in the future. By changing which products can serve as “predicate products”, it would enable more e-cigarettes, cigars, and other tobacco products to be eligible for a less rigorous “substantial equivalence” review by FDA instead of a full review of these products’ effect on public health.

There are clear health risks if a tobacco product is not thoroughly reviewed and evaluated before being allowed on the market. E-cigarettes are the most popular tobacco product among youth, and FDA has not fully assessed their appeal to kids or impact on health. The House rider opens the door for the next generation of these products to escape a complete and thorough review by FDA.

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. More than 16 million Americans currently suffer from smoking-caused illness and more than 480,000 die each year from cigarette smoking and exposure

to secondhand smoke. We urge you to maintain FDA's authority under current law in order to continue its work to reduce tobacco use and the health and economic toll it takes on our nation.

Sincerely,

Academy of General Dentistry  
Allergy & Asthma Network  
American Academy of Family Physicians  
American Academy of Oral and Maxillofacial  
Pathology  
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 Cancer Society Cancer Action  
Network  
American College of Cardiology  
American College of Obstetricians and  
Gynecologists  
American College of Physicians  
American College of Preventive Medicine  
American Dental Association  
American Heart Association  
American Lung Association  
American Psychological Association  
American Public Health Association  
American School Health Association  
American Society of Addiction Medicine  
American Society of Clinical Oncology  
American Thoracic Society  
Association of Maternal & Child Health  
Programs  
Association of Schools and Programs of Public  
Health  
Association of State and Territorial Health  
Officials

Association of Women's Health Obstetric and  
Neonatal Nurses  
Big Cities Health Coalition  
Campaign for Tobacco-Free Kids  
Cancer Prevention and Treatment Fund  
Community Anti-Drug Coalitions of America  
Counter Tools  
Eta Sigma Gamma - National Health Education  
Honorary  
International Association for the Study of Lung  
Cancer  
March of Dimes  
Mesothelioma Applied Research Foundation  
National African American Tobacco Prevention  
Network  
National Association of County & City Health  
Officials  
National Association of Pediatric Nurse  
Practitioners  
National Hispanic Medical Association  
National Network of Public Health Institutes  
Oncology Nursing Society  
Oral Health America  
Prevent Cancer Foundation  
Prevention Institute  
Society for Cardiovascular Angiography and  
Interventions  
Society for Public Health Education  
Society for Research on Nicotine and Tobacco  
Students Against Destructive Decisions  
The Society for State Leaders of Health and  
Physical Education  
The Society of Thoracic Surgeons  
Trust for America's Health

CC: Conference Committee Members on the Interior-Environment, Financial Services, Transportation-  
HUD, and Agriculture Appropriations Bills