



May 21, 2014

The Honorable Barbara Mikulski
Chairwoman
Committee on Appropriations
S-128 Capitol Building
Washington, DC 20510

The Honorable Richard Shelby
Vice Chairman
Committee on Appropriations
S-128 Capitol Building
Washington, DC 20510

Dear Chairwoman Mikulski and Vice Chairman Shelby:

We are writing to express our strong opposition to any amendment that would exempt any type of cigar from regulation under the Family Smoking Prevention and Tobacco Control Act, P.L. 111-31, or would impede the current rulemaking process the Food and Drug Administration (FDA) has initiated to determine the appropriate level of oversight for tobacco products not currently regulated by the agency. We believe the FDA should retain the authority to regulate all tobacco products, including cigars, and should be permitted to use a science-based process for determining those regulations. Products containing tobacco cause disease and should not be exempted from oversight by the agency.

While the health risks of cigar smoking are not the same as cigarette smoking, cigar smoke is composed of the same toxic and carcinogenic constituents found in cigarette smoke. According to the National Cancer Institute, cigar smoking causes cancer of the oral cavity, larynx, esophagus and lung, and cigar smokers are at increased risk for an aortic aneurysm. Daily cigar smokers, particularly those who inhale, have an increased risk of heart disease and chronic obstructive pulmonary disease (COPD). Cigar smoking is not limited to adults; it is the second most common form of tobacco use among youth. According to national surveys, 17.8 percent of high school boys currently smoke cigars (i.e., large cigars, cigarillos, and small cigars), and each day more than 2,700 youth under 18 years old try cigar smoking for the first time. Young adults (e.g., 15.9 percent of 18 to 24 year olds) are also much more likely to be cigar smokers than older adults (e.g., 4.9 percent of 45 to 64 year olds).

FDA has just issued a proposed rule to regulate cigars and other unregulated tobacco products. FDA is seeking public comment about whether all cigars should be regulated by FDA or whether “premium cigars” should be exempted from FDA oversight. During this rulemaking process, FDA will need to assess the available science concerning the health risks of smoking cigars and who smokes different kinds of cigars.

We oppose any amendment that would interfere with the current rulemaking process, prevent a science-based decision-making process, and place a broad category of cigars beyond the reach of FDA. An amendment to exclude certain types of cigars would prevent FDA from implementing even basic

common-sense rules such as requiring manufacturers to report what ingredients are contained in their products.

With strong bipartisan support, in 2009 Congress gave FDA authority over the manufacture, sale and marketing of all tobacco products. Congress gave the FDA the flexibility to determine the type of regulation that is appropriate for different tobacco products. While the Act immediately applied all of FDA's new authorities to cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco, it established a process for the Secretary of Health and Human Services to assert jurisdiction over other tobacco products, including cigars, and determine which requirements are appropriate for the protection of public health. Maintaining FDA's current authority will ensure that any proposal about cigars is based on science and will be open to participation by all interested parties through Notice and Comment rulemaking.

Our organizations strongly urge you to oppose any amendment to exempt a type of cigar from regulation or impede the current rulemaking process for establishing oversight of currently unregulated tobacco products.

Sincerely,



Christopher W. Hansen
President
American Cancer Society Cancer Action Network



Sue Nelson
Vice President, Federal Advocacy
American Heart Association



Paul G. Billings
Senior Vice President, Advocacy and Education
American Lung Association



Matthew L. Myers
President
Campaign for Tobacco Free Kids