January 5, 2017

Dear Representative:

Our organizations write to you today to oppose so-called regulatory reform legislation including H.R. 26, the Regulations from the Executive in Need of Scrutiny Act of 2017 and H.R. 5, the Regulatory Accountability Act. These bills could block or weaken commonsense safeguards that protect our nation's health from the dangers of tobacco.

The burden caused by tobacco use is staggering. Each day about 400 teens and children become regular, daily smokers; half will die prematurely as a result. And each year, almost half a million Americans die from tobacco, costing our economy and health care system approximately $170 billion annually. Productivity losses from premature death caused by tobacco total an additional $150 billion annually, with another $5.6 billion in productivity losses due to secondhand smoke exposure.

These bills would result in redundant reviews, analyses or processes that would tie the hands of federal agencies, including the Food and Drug Administration (FDA), leaving the agencies unable to effectively implement the law and thereby creating opportunities for tobacco industry lobbyists to influence and stall much-needed rules to protect our nation from the dangers of tobacco use.

- H.R. 26, the REINS Act, would require all new economically significant regulations to be approved within a narrow window of time by both chambers of Congress before taking effect. Congressional inaction would constitute a legislative "veto" of any important new regulation or safeguard.

- H.R. 5, the Regulatory Accountability Act, would add more than 80 burdensome and time-consuming hurdles to the federal rule-making process — paralyzing FDA and other agencies and limiting their ability to respond to public health threats. It would eliminate the historic deference the courts have given to technical experts at federal agencies.

In 2009, an overwhelming bipartisan majority in Congress passed the Family Smoking Prevention and Tobacco Control Act of 2009 to curb the leading preventable cause of death – tobacco use. With passage of this law, Congress empowered FDA to implement commonsense safeguards to protect children from predatory tobacco industry marketing, to set meaningful product standards, and, for the first time, to provide oversight over all tobacco products.

Current law requires federal agencies to carefully consider all relevant information and to address public comments before finalizing a new rule. The process is transparent and open and permits participation and comments from all stakeholders – the public, scientific and public interest, and public health organizations, as well as industry. Congress should not create new barriers to saving lives from tobacco, but rather should permit the FDA to act to implement the Family Smoking Prevention and Tobacco

Control Act with the urgency that Congress recognized is necessary to address the cancer, heart disease, chronic obstructive pulmonary disease, and health care costs caused by tobacco use in America.

Our organizations ask you to oppose H.R. 26 and H.R. 5 and any other legislation that would delay or halt meaningful oversight of tobacco products and other critical public health regulations, including the implementation of the Family Smoking Prevention and Tobacco Control Act.

Sincerely,

American Heart Association
American Lung Association
Campaign for Tobacco-Free Kids