



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,

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 Heart Association	National Network of Public Health Institutes
American Lung Association	Oncology Nursing Society
American Psychological Association	Prevention Institute
American Public Health Association	Prevention Partners
American Thoracic Society	Public Health Solutions
Association of Schools and Programs of Public Health	Society for Cardiovascular Angiography and Interventions
Association of State and Territorial Health Officials	Society for Public Health Education
Association of Women’s Health, Obstetric and Neonatal Nurses	Society for Research on Nicotine & Tobacco
Big Cities Health Coalition	Students Against Destructive Decisions
Campaign for Tobacco-Free Kids	The Society of State Leaders of Health and Physical Education
ClearWay Minnesota	Trust for America’s Health

CC: United States Senate Committee on Appropriations Members