

Remarks of Erika Sward to CTP re Strategic Plan (As Prepared)

August 22, 2023

Good afternoon and thank you for the opportunity to speak today. My name is Erika Sward, and I am with the American Lung Association. We applaud CTP for initiating this strategic planning process and we look forward to submitting written comments as well.

Cross Cutting Goals

CTP is correct to put transparency, health equity, science and engagement as cross cutting themes as part of its new strategic plan. However, as CTP prioritizes transparency and stakeholder engagement, it must adopt a different way to deal with industry.

The tobacco industry is unlike any other industry FDA oversees – after all, the major cigarette companies are convicted racketeers. There are no shared goals or priorities between CTP and regulated industry – and if it appears there are, then that should be a red flag. The tobacco industry does not share CTP's mission of protecting the public health – or any individual's health. Companies and their representatives should not be considered in the same category or level of “stakeholder” as public health and medical groups.

Furthermore, none of the regulated companies and their industry partners share FDA's goal of health equity. The companies and their industry partners including distributors, wholesalers, importers, marketers, retailers and others have preyed upon youth and marginalized communities, including Black and Brown communities, rural communities, Native Americans and LGBTQ+ people – to name a few. This has further exacerbated systemic health disparities within these communities and others, including those with mental health and substance use disorders.

The single best action FDA can take to advance and promote health equity is to finish and implement the two rules that would end the sale of menthol cigarettes and flavored cigars. Based on industry's reaction to these two rules – today and in general, they too recognize how impactful these rules would be.

Transparency... State and local public health departments, public health organizations and others cannot support CTP, its mission and our collective efforts to protect and improve the public health unless FDA transparency is increased and more information is publicly available. CTP must increase its transparency in regulatory decisions especially concerning product applications, and the pending status of the applications. Moving forward, FDA should drop the FOIA requirement for an individual to learn if FDA has investigated or pursued a reported violation.

The Lung Association is generally supportive of CTP's five proposed goal areas and find them consistent with its Congressional mandate. However, the Lung Association strongly urges reconsideration of and revision to part of goal four, notably any promotion of so-called the “relative risk” of tobacco products. FDA should have no part in the industry's efforts to sustain addiction through the failed and flawed notion that adult smokers should switch to e-cigarettes. “Appropriate for the protection of the public health” does not include FDA pushing a tobacco product that has initiated and maintained the addiction of millions of people because our public health and health systems have systematically failed to help tobacco users quit, and both smokers and some in the public health community are desperate for something to change that. Cessation must only be defined as ceasing the use of all tobacco products – not switching to another tobacco product. The long-term public health and disease consequences associated with e-cigarette use – especially youth initiation - will continue to be learned the hard way – and CTP must not be further implicated in this debacle.

Thank you for the opportunity to speak today.