



that were previously outside FDA's authority. The need for FDA oversight of these products could not be clearer. E-cigarettes are the tobacco product most commonly used by youth, and high school boys smoke cigars at a slightly higher rate than cigarettes. The prevalence of youth usage of these products is a direct result of their marketing with candy and fruit flavors designed to appeal to young people. Unfortunately, the FDA recently announced that it will significantly delay enforcement of the requirement in the rule that e-cigarettes and cigars introduced to the market after February 15, 2007, undergo a scientific review by FDA to determine their impact on public health. FDA also announced it will again seek public comment as to whether some cigars should be excluded from FDA oversight.

The policy riders in the House Agriculture Appropriations bill would go beyond FDA's recent announcement delaying enforcement of the product review provisions of the deeming rule and would further weaken FDA's ability to protect children from egregious, kid-friendly e-cigarettes and cigars. One of the House riders seeks to completely exclude "large and premium cigars" from FDA oversight. During consideration of the rule, FDA specifically examined whether these so-called premium cigars should be excluded from FDA oversight and concluded that there was no appropriate public health justification for doing so. FDA's scientific review found that all cigars pose serious negative health risks, including about 9,000 premature deaths a year, and that all cigars are potentially addictive. We are also concerned that the rider defines "large and premium cigars" so broadly that it creates a loophole that invites tobacco companies to modify their products to qualify for this exemption – a loophole that tobacco companies will surely exploit to exempt some cheap, machine-made, flavored cigars that appeal to youth.

The second House rider would change the Tobacco Control Act "grandfather date" to entirely exempt e-cigarettes, cigars, and other tobacco products now on the market from an FDA review to determine their impact on public health. Whereas FDA's recent announcement will delay review of these products for several years, changing the "grandfather date" will ensure that these products will never undergo such a review. As a result, FDA's ability to protect children from thousands of fruit and candy flavored e-cigarettes and cigars that have entered the market in recent years would be weakened. Moreover, new tobacco products that come onto the market in future years will need only to prove that they are substantially equivalent to the most egregious grandfathered tobacco products currently on the market. Cotton candy and gummy bear e-cigarettes will be the standard by which future products will be judged.

As you finalize appropriations legislation for fiscal year 2018, we urge you to protect kids and reduce tobacco-caused disease by rejecting the House tobacco policy riders which would weaken FDA's final rule on e-cigarettes and cigars.

Sincerely,

Academy of General Dentistry  
Action on Smoking & Health  
Allergy & Asthma Network  
American Academy of Family Physicians  
American Academy of Oral and  
Maxillofacial Pathology  
American Academy of Oral Medicine  
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 Physicians  
American College of Preventive Medicine  
American Congress of Obstetricians and  
Gynecologists  
American Dental Association  
American Heart Association  
American Lung Association  
American Medical 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  
Americans For Nonsmokers Rights  
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  
& Neonatal Nurses  
Big Cities Health Coalition  
Campaign for Tobacco-Free Kids  
ClearWay Minnesota  
Community Anti-Drug Coalitions of  
America  
Eta Sigma Gamma – National Health  
Education Honorary  
Lung Cancer Alliance  
March of Dimes  
National African American Tobacco  
Prevention Network  
National Association of County and City  
Health Officials  
National Association of Pediatric Nurse  
Practitioners  
National Center for Health Research  
National Hispanic Medical Association  
National Network of Public Health Institutes  
Oncology Nursing Society  
Society for Cardiovascular Angiography and  
Interventions  
Society for Public Health Education  
Society for Research on Nicotine & Tobacco  
Students Against Destructive Decisions  
The Society of State Leaders of Health and  
Physical Education  
The Society of Thoracic Surgeons  
Trust for America's Health