

March 27, 2017

U.S. House of Representatives  
Washington, DC 20515

Dear Representative:

We are writing to express our strong opposition to H.R. 1136, the FDA Deeming Authority Clarification Act of 2017, which would exempt e-cigarettes, cigars, and other tobacco products from an important product review designed to protect public health. The bill would significantly weaken FDA's ability to take prompt action to protect children from the thousands of fruit- and candy-flavored e-cigarettes and cigars including flavors such as cotton candy, gummy bear and fruit punch that clearly appeal to kids.

Under the Family Smoking Prevention and Tobacco Control Act (TCA), which Congress enacted with bipartisan support in 2009, any tobacco product introduced to the market, or modified, after February 15, 2007, must be reviewed by the FDA. This scientific review enables the FDA to assess a new tobacco product's health risks, its addictiveness, and the likelihood that it would increase the number of young people who use a tobacco product. It ensures that the decision to market a potentially addictive and harmful product is not left to manufacturers alone and is based instead on an independent assessment of the product's effect on public health.

H.R. 1136 would fundamentally change the TCA by exempting from this FDA review e-cigarettes, cigars, and certain other tobacco products that entered the market between February 15, 2007, and August 8, 2016. These products are not harmless. All of them deliver nicotine, a highly addictive substance, and pose other health risks. While the levels of toxins and carcinogens produced by e-cigarettes are generally lower than those produced by cigarettes, e-cigarettes can contain chemicals known to have adverse health effects. Cigar smoking can cause cancer, heart disease, and pulmonary disease and is responsible for approximately 9,000 premature deaths a year. A scientific review by the FDA is appropriate for products with these potential health risks.

Exempting these products from an FDA review would make it more difficult for FDA to protect public health, including the millions of youth who use e-cigarettes and cigars. E-cigarettes are now more popular with youth than regular cigarettes, and high school boys smoke cigars at a higher rate than regular cigarettes. Both e-cigarettes and cigars are made in a wide variety of flavors, and youth cite flavors as a major reason for their use of these products. Yet under H.R. 1136 manufacturers of e-cigarettes and cigars would no longer be required to demonstrate that these flavors are not making their products more appealing to youth.

FDA's authority to review new tobacco products correctly places the responsibility on manufacturers to provide information that will enable the FDA to assess the risks of these products to consumers and the broader public. Manufacturers should inform the FDA about what these products contain, how they are made, what their health risks are, and whether they are likely to increase the number of youth who use the product. Without this authority, FDA would be left in the dark about important aspects of these products and its ability to protect public health would be significantly weakened.

We urge you to oppose this legislation.

Sincerely,

Academy of General Dentistry  
Action on Smoking & Health  
American Academy of Oral and Maxillofacial  
Pathology  
American Academy of Otolaryngology—Head and  
Neck Surgery  
American Academy of Pediatrics  
American Association for Respiratory Care  
American Association of Nurse Practitioners  
American Cancer Society Cancer Action Network  
American College of Cardiology  
American College of Occupational and  
Environmental Medicine  
American College of Preventive Medicine  
American Dental Association  
American Heart Association  
American Lung Association  
American Medical Student Association  
American Psychological Association  
American Public Health Association  
American School Health Association  
American Society of Addiction Medicine  
American Thoracic Society  
Association of Women's Health, Obstetric and  
Neonatal Nurses  
Campaign for Tobacco-Free Kids

ClearWay Minnesota  
Community Anti-Drug Coalitions of America  
COPD Foundation  
Eta Sigma Gamma - National Health Education  
Honorary  
March of Dimes  
National African American Tobacco Prevention  
Network  
National Association of County & City Health  
Officials  
National Association of Pediatric Nurse Practitioners  
National Association of School Nurses  
National Association of Social Workers  
National Center for Health Research  
National Hispanic Medical Association  
National Network of Public Health Institutes  
National Physicians Alliance  
Oncology Nursing Society  
Oral Health America  
Prevention Institute  
Society for Public Health Education  
Students Against Destructive Decisions  
The Society for State Leaders of Health and Physical  
Education  
The Society of Thoracic Surgeons