June 14, 2013

The Honorable Mark Pryor
Chair
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Roy Blunt
Ranking Member
Subcommittee on Agriculture, Rural Development,
Food and Drug Administration, and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairman Pryor and Ranking Member Blunt:

As the Subcommittee prepares the FY 2014 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 (Tobacco Control Act).

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 Tobacco Control Act gave FDA authority to regulate the manufacture, marketing, distribution and sale of tobacco products in a manner appropriate for the protection of public health.

We appreciate that every FDA appropriation bill approved by the Senate since the enactment of the Tobacco Control Act has contained the full authorized amount of user fees and has not included language that would restrict FDA's current authority to oversee tobacco products. This year, we urge the Subcommittee to approve the $534 million in user fees that the Tobacco Control Act authorizes FDA to collect and spend for tobacco-related activities for FY 2014. With the enactment of the Tobacco Control Act, Congress recognized that determining the appropriate level of oversight of different tobacco products is best achieved by FDA using a science-based process. We also urge the Subcommittee to not restrict FDA's authority under the Tobacco Control Act, including its authority to oversee all tobacco products.

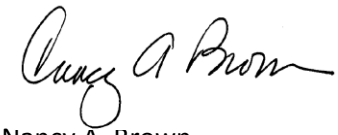
We would be concerned about any attempt to restrict FDA's oversight of cigars or particular types of cigars. While the health risks of cigar smoking are not the same as cigarette smoking, the U.S. Surgeon General and the National Cancer Institute have determined that cigar smoking causes cancer of the oral cavity, larynx, esophagus and lung, as well as chronic pulmonary disease (COPD) and heart disease. Moreover, today's cigar

smoker is more likely to be a youth or young adult than a middle-aged person. More than one in six (17.8%) high school boys currently smoke cigars. FDA has the appropriate expertise to determine the rules that should apply to cigars, or different types of cigars, using evidence-based criteria such as the health risk of the product, the type of user, and how the product is marketed.

Tobacco use is the leading preventable cause of death in the United States and is responsible for nearly $100 billion in health care costs every year. About one in five heart disease deaths, nearly one in three cancer deaths, and nine in ten deaths from chronic obstructive pulmonary disease (COPD) are caused by tobacco use, and more than 8 million Americans are living with a tobacco-caused disease. With the support of this Subcommittee, we believe the Tobacco Control Act will help reduce tobacco use and the health and economic toll it takes on the nation.

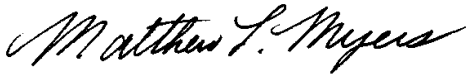
Sincerely,

Christopher W. Hansen
President
American Cancer Society Cancer Action Network



Nancy A. Brown
Chief Executive Officer
American Heart Association

Harold P. Wimmer
President and Chief Executive Officer
American Lung Association



Matthew L. Myers
President
Campaign for Tobacco-Free Kids

Cc: Members of the Senate Committee on Appropriations