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Joseph J. Zilber School of Public Health

July 15, 2022

The Honorable Tammy Baldwin
United States Senate
709 Hart Senate Office Building
Washington, DC 20510-4903

Dear Senator Baldwin,

Thank you so much for your leadership in preventing and reducing tobacco use. As the Congress moves forward with its fiscal year 2023 appropriations for the Food and Drug Administration (FDA), we ask that you continue that leadership by ensuring there are no provisions added that would weaken FDA's authority over tobacco products.

Tobacco use remains the leading preventable cause of death and disease in the United States, with over 480,000 people dying from tobacco use each year. In Wisconsin, 7,900 people die from smoking each year, and 106,000 kids alive today in our state will ultimately die from smoking. Recognizing the terrible toll of tobacco products, Congress passed the Family Smoking Prevention and Tobacco Control Act (TCA) in 2009 to give FDA jurisdiction over tobacco products to ensure that they would be overseen by an agency with expertise in assessing health risks and developing science-based regulations.

Since the passage of the TCA, manufacturers and sellers of tobacco products have urged Congress to use the FDA appropriations bill to exclude certain products from FDA's authority or weaken the agency's authority over them. For example, when FDA began to oversee e-cigarettes, cigars, and certain other tobacco products, there were efforts to exempt some cigars from FDA oversight and to limit which tobacco products would have to undergo a premarket review. Fortunately, those efforts were not successful, and we urge Congress to continue to reject any similar effort this year to restrict or weaken FDA's authority over tobacco products.

FDA is in the process of making critical decisions and taking actions that will impact public health. It is reviewing e-cigarettes to determine whether they should remain on the market and this review provides an opportunity to remove from the market products that are not appropriate for the protection of public health, including those that are likely to be used by youth, such as flavored e-cigarettes. In addition, FDA has recently proposed regulations to prohibit the use of menthol in cigarettes and flavors in cigars. We fully support FDA's proposed rules to remove menthol cigarettes and flavored cigars from the market, which will protect our nation's kids, advance health equity and save lives, especially among Black Americans and other populations that have been targeted by the tobacco industry and suffered enormous harm from these products.

FDA's review of e-cigarettes and these proposed rules are critical to protecting kids and others in Wisconsin from tobacco products. We urge that you and other members of Congress reject any effort to prevent, limit, or delay FDA action on these or other efforts by FDA to reduce tobacco use.

Sincerely,

American Cancer Society Cancer Action
Network

American Heart Association

American Lung Association - Wisconsin

Children's Wisconsin

Community Advocates Public Policy
Institute

Gundersen Health System

Marshfield Clinic Health System

Security Health Plan

SSM Health - Wisconsin

UW Health Kids

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Wisconsin Association of Local Health
Departments and Boards

Wisconsin Association of Osteopaths
and Surgeons

Wisconsin Asthma Coalition

Wisconsin Public Health Association

Wisconsin Society for Respiratory Care