



April 4, 2016

The Honorable Jerry Moran
 Chairman
 Subcommittee on Agriculture, Rural Development,
 Food and Drug Administration, and Related
 Agencies
 Committee on Appropriations
 United States Senate
 Washington, D.C. 20510

The Honorable Jeff Merkley
 Ranking Member
 Subcommittee on Agriculture, Rural Development,
 Food and Drug Administration, and Related
 Agencies
 Committee on Appropriations
 United States Senate
 Washington, D.C. 20510

Dear Chairman Moran and Ranking Member Merkley:

As your Subcommittee moves forward with the FY 2017 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 (TCA).

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 TCA gave the Center for Tobacco Products at FDA the authority to oversee the manufacture, marketing, distribution and sale of tobacco products in a manner appropriate for the protection of public health.

We appreciate that every FDA appropriations bill approved by Congress since the enactment of the TCA has contained the full authorized amount of user fees. This year, we urge your Subcommittee to approve the \$635 million in user fees that the TCA authorizes FDA to collect and spend for tobacco-related activities for FY 2017.

We also urge that the Subcommittee not restrict any of FDA's authority under the TCA, including its authority to oversee all tobacco products. Last year, a policy rider was included in the House Agriculture- FDA Appropriations bill that would have changed the so-called "grandfather" date for e-cigarettes, cigars and other currently unregulated products that are now on the market. This change would have exempted these products from an important review requirement in the TCA and significantly weakened FDA's ability to take prompt action to protect children from the thousands of fruit and candy flavored e-cigarettes and little cigars that have flooded the market in recent years. We appreciate that the final FY 2016 Consolidated Appropriations Act did not include this harmful language and urge that the Subcommittee not include this rider or any other language that would restrict FDA's authority to oversee all tobacco products in the FY 2017 Agriculture- FDA Appropriations bill.

Tobacco use continues to be the leading preventable cause of death in the United States and is responsible for more than \$170 billion in health care costs every year. Over 16 million Americans currently suffer from smoking-caused illness and over 480,000 die each year from cigarette smoking and exposure to secondhand smoke. With the support of your Subcommittee, the FDA will be able to continue its work to reduce tobacco use and the health and economic toll it takes on our nation.

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 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 Occupational and
Environmental Medicine
American College of Physicians
American College of Preventive Medicine
American Congress of Obstetricians and
Gynecologists
American Heart Association
American Lung Association
American Psychological Association
American Public Health Association
American School Health Association
American Society of Clinical Oncology
American Thoracic Society
Americans for Nonsmokers' Rights
Association of Maternal & Child Health Programs

Association of Women's Health, Obstetric and
Neonatal Nurses
Campaign for Tobacco-Free Kids
Cancer Prevention and Treatment Fund
ClearWay Minnesota
Community Anti-Drug Coalitions of America
Eta Sigma Gamma - National Health Education
Honorary
International Association for the Study of Lung
Cancer
March of Dimes
National African American Tobacco Prevention
Network
National Association of County & City Health
Officials
National Latino Alliance for Health Equity
National Network of Public Health Institutes
Oncology Nursing Society
Prevention Institute
Society for Cardiovascular Angiography and
Interventions
Society for Public Health Education
Society for Research on Nicotine and Tobacco
The Society of State Leaders of Health and
Physical Education
Trust for America's Health

CC: Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Subcommittee Members