November XX, 2018

The Honorable Jeff Merkley

United States Senate

Washington, DC 20510

Dear Senator Merkley:

We write to thank you for your efforts to protect Oregon’s children from tobacco products. In particular, we appreciate your leadership in preserving the Food and Drug Administration’s (FDA) authority over tobacco products. As conference negotiations continue on the FY 2019 spending bills, we urge you to continue your fight against the House tobacco rider that would weaken FDA oversight of cigars and e-cigarettes.

As you know, tobacco use remains the leading preventable cause of death in the United States. Every year, it kills more than 5,500 Oregonians and is responsible for an estimated $1.54 billion in healthcare costs in Oregon. While cigarette smoking has declined significantly in our state, youth use of other types of tobacco products, particularly cigars and e-cigarettes, has become a problem. In Oregon, high school boys smoke cigars at a slightly higher rate than cigarettes – 8.1 percent for cigars and 7.2 percent for cigarettes. E-cigarettes are even more popular: 12.9 percent of Oregon high school students use e-cigarettes.

The tobacco rider in the House Agriculture-FDA Appropriations bill would completely exclude so-called “large and premium cigars” from FDA oversight and defines “large and premium” so broadly that it creates a loophole that will end up exempting some cheap, machine-made, flavored cigars from any FDA oversight. These cigars are particularly appealing to youth. Exempting flavored cigars that cost as little as $1 or $2 from any restrictions on flavors, youth access rules, and other basic public health protections is not appropriate given a significant number of children who smoke these products.

The House rider would also exempt cigars that entered the market between February 15, 2007 and April 25, 2014 from a scientific review of their health risks and appeal to youth. This will make it much harder for FDA to address concerns about the many kid-friendly flavored cigars that entered the market during this period.

In addition to the cigar-specific provisions, the House rider would also make it easier for manufacturers to introduce tobacco products in the future. It would enable more e-cigarettes, cigars, and other tobacco products to be eligible for a less rigorous review by FDA instead of a full review of these products’ effect on public health, and thus would increase the risk that harmful products that appeal to youth will enter the market.

We greatly appreciate all your efforts to keep tobacco policy riders out of previous appropriations bills. We urge you to continue your work to maintain FDA’s authority and ability to reduce the health and economic toll of tobacco in Oregon.

Sincerely,

American Cancer Society Cancer Action Network

American Heart Association

American Lung Association

Campaign for Tobacco-Free Kids