



November 28, 2018

The Honorable Nita Lowey  
United States House of Representatives  
Washington, DC 20515

Dear Ranking Member Lowey:

We write to thank you for your efforts to protect New York’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.

Tobacco use remains the leading preventable cause of death in the United States. Every year, it kills more than 28,200 New Yorkers and is responsible for an estimated \$10.39 billion in healthcare costs in New York. 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 New York, high school boys smoke cigars at a higher rate than cigarettes – 9.0 percent for cigars and 5.4 percent for cigarettes. E-cigarettes are even more popular: 14.5 percent of New York high school students use e-cigarettes.

As you know, 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 your longstanding leadership fighting to keep tobacco policy riders out of 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 New York.

Sincerely,

American Cancer Society Cancer Action Network

American Heart Association

American Lung Association in New York

Campaign for Tobacco-Free Kids

March of Dimes, New York Chapter

Mental Health Association in New York State, Inc.

New York Chapter, American College of Physicians Services Inc.

New York Health Plan Association

New York State Academy of Family Physicians

New York State Association of County Health Officials

NYS American Academy of Pediatrics, Chapters 1, 2 & 3

NYS Congress of Parents and Teachers, Inc. (NYS PTA)