



April 27, 2021

Dear Congresswoman Ross:

Thank you for your leadership during these challenging times. While you are working hard to address a host of crucial problems raised by COVID-19, we urge you to also recognize the need to address serious public health problems that preceded this pandemic, including tobacco use, which has long been the leading preventable cause of death in the United States. Despite other pressing issues, FDA will soon be required to make critical decisions about whether to remove menthol cigarettes, flavored e-cigarettes, and certain other flavored tobacco products from the market. We urge you to support prohibiting flavored tobacco products and request that you urge that FDA follow the science and prohibit these products.

FDA has committed itself to responding by April 29, 2021 to a Citizen Petition filed over seven years ago calling on the FDA to prohibit menthol as a characterizing flavor in cigarettes. FDA's Tobacco Products Scientific Advisory Committee in 2011 and the agency's own scientific review in 2013 documented the substantial harms to public health caused by menthol cigarettes. Menthol cools and numbs the throat, which helps mask the harshness of tobacco smoke and makes it easier for young people to start smoking. Today about half of all high school smokers use menthol cigarettes.

The use of menthol cigarettes also contributes to health disparities. For decades, the tobacco industry deliberately targeted the Black community with marketing for menthol cigarettes. In the 1950's, less than 10% of Black Americans who smoked used menthol cigarettes. Today, 85% of all Black smokers use menthol cigarettes compared to just 29% of white smokers. Tobacco use is a major contributor to four of the leading causes of death among Black Americans - heart disease, cancer, stroke and COPD.

Youth e-cigarette use is another serious public health concern. In recent years, tobacco companies and other manufacturers have taken advantage of lax FDA oversight to target our nation's youth and to flood the market with thousands of flavored e-cigarettes, many of which deliver high levels of nicotine. In 2020, 3.6 million youth in the U.S. were current users of e-cigarettes -- one in five high school students. This epidemic of youth e-cigarette use is being driven by the intense appeal of flavored e-

cigarette products to young people and high levels of nicotine that are placing a new generation at risk for nicotine addiction and tobacco use. Flavors are also commonly used in other tobacco products that have entered the market in recent years, increasing their appeal to youth.

By using its existing authority to regulate tobacco products, FDA can quickly reverse the epidemic of youth e-cigarette use and reduce youth use of other tobacco products. FDA is currently reviewing applications for a large number of e-cigarettes, cigars and other tobacco products. Because these products are currently on the market without a required review, FDA can immediately remove from the market all flavored tobacco products that have not completed the required review. Further, FDA can use the review process to deny applications for products that are flavored, thus preventing those products from returning to the market. Because these actions would not require FDA to promulgate new rules, reductions in youth tobacco use, especially youth e-cigarette use, could be achieved this year.

FDA should grant the Citizen Petition that calls on FDA to prohibit menthol cigarettes and quickly begin a rulemaking process to remove these products from the market. FDA should also remove from the market all other flavored tobacco products that are currently under review as well. We urge you to support and advocate for these actions by FDA.

Sincerely,

African American Tobacco Control Leadership Council
American Heart Association
American Cancer Society – Cancer Action Network
American Lung Association – North Carolina Chapter
The Center for Black Health and Equity
North Carolina Alliance for Health
North Carolina Alliance for Public Health Agencies
North Carolina Association of Local Health Directors
North Carolina Association of Pharmacists
North Carolina Citizens for Public Health
North Carolina Medical Society
North Carolina Public Health Association
North Carolina Society for Public Health Education
Parents Against Vaping e-Cigarettes
Poe Center