



September 16, 2019

United States Senate
Washington, DC 20510

Dear Senator:

We are writing to express our opposition to S. 9, the Traditional Cigar Manufacturing and Small Business Jobs Preservation Act of 2019, which would exempt some cigars, including some inexpensive, machine-made cigars, from oversight under the Family Smoking Prevention and Tobacco Control Act (TCA). The Food and Drug Administration (FDA) should retain its authority over all tobacco products, including all cigars.

In 2009, Congress gave FDA authority over the manufacture, sale and marketing of all tobacco products. The TCA explicitly defines tobacco products as “any product made or derived from tobacco that is intended for human consumption....” Cigars clearly fall under this definition.

S. 9 would undermine the science-based process created by the TCA for determining the appropriate level of oversight of tobacco products. The bill would prohibit FDA from promulgating any public health protections related to what the cigar industry calls “traditional large and premium cigars.” Even the most basic FDA requirements like ingredient disclosure and warning labels as well as enforcing youth access laws would not apply to these products.

The bill would specifically exempt from FDA oversight some machine-made cigars, including those that can cost as little as \$1.00 to \$2.00 each. Further, nothing in the bill would prohibit a flavored cigar from qualifying for an exemption. Inexpensive and flavored cigars such as “sticky-sweet,” watermelon, “wild rush,” “tropical,” and chocolate are exactly the type of cigars attractive to young people and should not exempt from oversight.

The fact is that cigar smoking is not limited to adults. The 2018 National Youth Tobacco Survey shows that high school boys smoke cigars (i.e., large cigars, cigarillos, and small cigars) at about the same rate as cigarettes (9.0 percent of high school boys smoke cigars and 8.8 percent smoke cigarettes). Each day, more than 1,900 kids under 18 years old try cigar smoking for the first time, based on the 2017 National Survey on Drug Use and Health. As former FDA Commissioner Scott Gottlieb noted, “When you look at youth use patterns of tobacco products, cigars is the fastest growing tobacco segment among black youth and a lot of that is the flavored cigar use among that population. But we [see] rising youth use of flavored cigarillos across the board.”

Cigar smoke is composed of the same toxic and carcinogenic constituents found in cigarette smoke. According to the National Cancer Institute, cigar smoking causes cancer of the oral cavity, larynx, esophagus and lung, and cigar smokers are also at increased risk for an aortic aneurysm. Daily cigar smokers, particularly those who inhale, have an increased risk of heart disease and chronic obstructive pulmonary disease (COPD). Each year, about 9,000 Americans die prematurely from regular cigar use.

After completing a multi-year scientific review and public comment process, FDA in May 2016 published a final rule that enabled the agency to begin to oversee cigars and all other tobacco products that it had not been regulating. During the rulemaking process, FDA specifically examined whether “premium” cigars should be excluded from FDA oversight, and, based on its scientific review, concluded that there was no public health justification for exempting any cigars from FDA oversight because all cigars pose significant health risks.

No tobacco product should be exempt from oversight – and certainly not inexpensive and flavored cigars. Tobacco manufacturers have a history of modifying their products to avoid public health protections or attain lower tax rates. We are concerned that the number of cigars exempted by S. 9 would increase over time as cigar manufacturers modify their products or change their manufacturing processes to qualify for the exemption.

Our organizations strongly urge you to protect public health and kids and reduce the health and economic burden of tobacco-caused disease by opposing S. 9.

Sincerely,

Action on Smoking & Health
Allergy & Asthma Network
American Academy of Family Physicians
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 Neuropsychopharmacology
American Dental Association
American Heart Association
American Lung Association
American Psychological Association
American Public Health Association
American School Health Association
American Society of Addiction Medicine
American Society of Clinical Oncology
American Thoracic Society
Association of Schools and Programs of Public Health
Big Cities Health Coalition
Campaign for Tobacco-Free Kids
Cancer Prevention and Treatment Fund
Catholic Health Association of the United States
ClearWay Minnesota
Community Anti-Drug Coalitions of America
COPD Foundation
Counter Tools
Eta Sigma Gamma – National Health Education Honorary
March of Dimes
National African American Tobacco Prevention Network
National Association of County & City Health Officials
National Association of Pediatric Nurse Practitioners
National Association of School Nurses
National Association of Social Workers
National Hispanic Medical Association
National Network of Public Health Institutes
Oncology Nursing Society
Prevent Cancer Foundation
Prevention Institute
Society for Cardiovascular Angiography and Interventions
Society for Research On Nicotine and Tobacco
Students Against Destructive Decisions
The Society of State Leaders of Health and Physical Education
The Society of Thoracic Surgeons
Trust for America's Health