



February 6, 2003

«FullProperName»

«Street»

«CityStateZip»

Dear Senator «LastName»:

We are writing to share with you the Partners for Effective Tobacco Policy (Partners) priority issues for the 108<sup>th</sup> Congress. The Partners coalition is a group of more than 60 national organizations committed to reducing death and disability caused by tobacco use. Tobacco use is the leading preventable cause of death in the United States, killing more than 400,000 people every year. Tobacco use causes nearly one out of every three deaths from cancer, one out of every five deaths from heart disease, and nearly 90 percent of lung cancer cases. The cost of tobacco-caused disease is also staggering. Taxpayers pay billions of dollars each year to treat tobacco-caused disease through federally funded health programs including Medicare and Medicaid.

As a Member of Congress, you have the unique opportunity to support public policies that will help stem this epidemic. We ask the 108<sup>th</sup> Congress to enact strong policies in the areas outlined below.

**Food and Drug Administration Regulatory (FDA) Authority.** The Partners coalition supports legislation that would grant the FDA effective authority to regulate the manufacture, distribution, and sale of tobacco products to protect the public health. FDA oversight is especially needed to crack down on illegal sales of tobacco products to children and to restrict advertising and marketing that appeal to children. The tobacco industry is aggressively marketing a new generation of products with unproven claims that they are less harmful. This continued deception of consumers makes ever more urgent the need for FDA restrictions on advertising and marketing to children.

Tobacco companies are now exempt from the most basic oversight of their products. They are not required to: test additives for safety, prevent misleading or inaccurate health claims, inform consumers what is in their products, or take any other action to make their products less harmful or addictive. No other industry enjoys this degree of special protection. The Partners coalition urges Congress to move quickly to correct this gross disparity by providing FDA with meaningful and effective regulatory oversight over tobacco products. We also urge Congress to oppose weak, ineffective FDA legislation supported by the tobacco industry.

**Medicare and Medicaid Tobacco Use Cessation:** Federally financed health care programs do not require reimbursement for the cost-effective tobacco cessation treatments recommended by the U.S. Department of Health and Human Services such as counseling services or

pharmaceuticals to treat nicotine dependence. Under Medicare such cessation services are not covered. Under the Medicaid Program, coverage of cessation services is optional, with few states providing the full range of necessary services.

Research consistently shows that tobacco cessation saves lives, reduces tobacco-caused health care costs, and is one of the most cost-effective health interventions available. The Centers for Disease Control and Prevention (CDC) estimates that every dollar spent on prenatal smoking cessation saves up to six dollars in health care expenditures. The Partners coalition strongly supports legislation providing proven tobacco cessation treatments through federally financed health care programs.

**Centers for Disease Control and Prevention's Office on Smoking and Health.** The CDC's Office on Smoking and Health provides considerable technical assistance to states that are using tobacco settlement dollars to develop comprehensive and effective tobacco prevention programs in addition to providing a small, yet essential, amount of federal assistance directly to state tobacco control and prevention programs. States that currently fund comprehensive programs - such as Indiana, Maine, Mississippi and Oregon - as well as those seeking to develop programs rely on CDC's expertise. Funds for tobacco prevention at CDC are also used to maintain a comprehensive database of smoking and health information and to conduct groundbreaking laboratory work on tobacco products. The Partners coalition strongly supports a minimum level of \$130 million in FY 2004 funding for the CDC's Office on Smoking and Health.

**Department of Justice (DOJ) Tobacco Lawsuit.** The DOJ lawsuit against the major tobacco companies is scheduled to go to trial next year. Tobacco companies, claiming the lawsuit was without merit, sought to have the suit dismissed, but a federal judge ruled that the lawsuit could proceed under the federal government's racketeering (RICO) claims. Both the government and the industry believe billions of dollars are potentially recoverable but perhaps most importantly, the court has stated possible remedies may include enjoining the industry from taking actions in the future, such as marketing to our children. Several unsuccessful attempts have been made in the past to kill the lawsuit by blocking funding. We urge Congress to continue to reject any effort to block funding for this important lawsuit to hold the tobacco industry accountable for decades of misdeeds which caused adverse effects on public health.

**Internet and Mail-order Tobacco Sales.** We urge Congress to enact legislation to curtail the alarming growth of tobacco product sales over the Internet and through mail-order that make low-cost cigarettes readily available to kids and evade state excise taxes. Legislation should require Internet and mail-order retailers to verify the age of their customers and provide state governments with an effective tool for collecting state taxes on Internet and mail-order tobacco product sales to their residents. Currently, there are more than 200 websites in the U.S. that sell tobacco products and sales of tobacco products on the Internet and will account for 14 percent of the total U.S. market by 2005, according to a recent report. Many Internet and mail-order vendors are not complying with laws governing tobacco sales to minors or state cigarette tax collection laws and the U.S. General Accounting Office recently reported that three-quarters of all Internet tobacco sellers explicitly say that they will not report cigarette sales to tax collection officials, thus violating Federal law.

**Tobacco Smuggling.** Tobacco product smuggling undermines public health and robs states of needed revenue. Concerns about the threat of increased smuggling of tobacco products have grown domestically as more web sites sell tobacco over the Internet and as more states look to

tobacco taxes as a way to reduce tobacco use and as a source of revenue. There is increasing concern, as well, about international smuggling of tobacco products based on evidence that approximately one-quarter of all legally exported cigarettes end up smuggled across international borders. Federal laws to stop tobacco smugglers are badly outdated and do not provide law enforcement officials with the tools they need. There is broad consensus among experts on the changes needed to bring these laws up to date. We urge Congress to address this important bipartisan law enforcement issue this year.

As organizations committed to reducing the death and disease caused by tobacco use, we stand ready to work with you to assure that this Congress adequately addresses the issues outlined above and fulfills its responsibility to protect the nation's children from a lifetime of preventable addiction and disease. Should you have any questions or would like additional information, please do not hesitate to contact any of the undersigned organizations.

Sincerely,

The Partners for Effective Tobacco Policy Coalition

Allergy and Asthma Network - Mothers of Asthmatics, Inc.  
American Academy of Addiction Psychiatry  
American Academy of Family Physicians  
American Association for Respiratory Care  
American Cancer Society  
American College of Cardiology  
American College of Chest Physicians  
American College of Preventive Medicine  
American Dental Association  
American Heart Association  
American Lung Association  
American Public Health Association  
American School Health Association  
American Society of Addiction Medicine  
Association of Asian Pacific Community Health Organizations  
Association of Maternal and Child Health Programs  
Association of Teachers of Preventive Medicine  
Campaign for Tobacco-Free Kids  
Community Anti-Drug Coalitions of America/Drug-Free Kids Campaign  
General Board of Church and Society United Methodist Church  
Hadassah, the Women's Zionist Organization of America  
Interreligious Coalition on Smoking OR Health  
The Mautner Project  
National Association of County and City Health Officials  
National Association of Local Boards of Health  
National Center for Policy Research for Women & Families  
National Women's Law Center  
Oncology Nursing Society  
Oral Health America  
Partnership for Prevention  
Society for Public Health Education