



July 9, 2001

«FullHonorable»

«Chamber»

«Street»

«CityStateZip»

Dear «TitleName»:

We are writing to urge you to cosponsor two bills, H.R. 1097 and H.R. 1043, that were introduced by Representatives Ganske, Dingell, and Waxman to provide the U.S. Food and Drug Administration (FDA) with meaningful authority to regulate tobacco. Our organizations strongly support both measures.

Simultaneously, we are writing to express our strong opposition to H.R. 2180, "The National Youth Smoking Reduction Act," legislation recently introduced by Rep. Tom Davis (R-VA) regarding FDA authority over tobacco products.

In last year's ruling on FDA regulation of tobacco products, the U.S. Supreme Court called tobacco the nation's most significant public health threat, particularly for children and adolescents, and made clear that the obligation to protect our kids from tobacco falls squarely on Congress. H.R. 1097 and H.R. 1043 would grant FDA authority over tobacco, as it has over other products we ingest or consume.

Despite its title, H.R. 2180 does little to protect the public health. It fails to protect our children from tobacco company marketing. In addition, the bill includes loopholes that will prevent the FDA from requiring tobacco companies to reduce the harm their products cause even when the technology already exists to do so. **In short, this bill, if enacted, would do more harm than good to the public health. That is why every major public health organization in the country opposes this bill. It is also why this bill does not even represent a starting point for further negotiations.**

Unlike the manufacturer of any other product consumed by Americans, tobacco companies have continued to escape even the most basic oversight for public health and safety. For example, tobacco companies are not required to test additives for safety purposes, inform consumers what is in their products or take any action to make their products less harmful or less addictive.

H.R. 1097 and H.R. 1043 would address these problems, while also restricting those forms of marketing that have the greatest appeal to children and keeping tobacco out of the hands of kids.

H.R. 1097, introduced by Representative Ganske, also seeks to address the concerns of tobacco farmers. It makes clear that FDA cannot go onto farms or be involved in the regulation of on-

farm production of tobacco. This bill also includes language from Senator McCain's 1998 comprehensive tobacco bill that was sought by the National Association of Convenience Stores to address their concerns related to retailing.

H.R. 1043, introduced by Representative Waxman, also seeks to capture some of the additional provisions that the tobacco companies agreed to as part of the 1997 settlement with the state Attorneys General. It includes additional restrictions on marketing and regulation of ingredients.

Explicitly granting the FDA authority over tobacco products, as provided in H.R. 1097 and H.R. 1043, would not subject tobacco or the tobacco industry to more intensive governmental scrutiny than other products or industries. Rather, these bills would simply apply to tobacco products the same kind of regulatory oversight that already applies to all other legal and far less harmful products consumed by Americans.

It is important to note that H.R. 1097 and H.R. 1043 reflect the views of the American public. A recent poll of 800 likely voters, conducted for the Campaign for Tobacco-Free Kids in February of this year, shows overwhelming support for FDA authority to regulate tobacco. By a three to one margin (77 percent to 21 percent), voters believe Congress should enact a bill to give the FDA the authority to regulate tobacco products. This support crosses all geographic, demographic, gender, and political lines. The majority of voters in every region, age bracket, income group, education level and political party favor FDA regulation. Even 68 percent of smokers favor Congressional action.

Moreover, earlier polling conducted for the Campaign for Tobacco-Free Kids has established that voters overwhelmingly support a broad range of actions that the FDA should take to regulate tobacco products, including 77 percent support requiring the reduction or removal of harmful ingredients from tobacco products.

We urge you to join this bipartisan effort to enact legislation that would grant the FDA authority to regulate tobacco and protect America's children. Please support H.R. 1097 (Ganske/Dingle/Waxman) and H.R. 1043 (Waxman) and reject H.R. 2180 (Davis). Unregulated tobacco products remain the single greatest cause of preventable death and disease in the nation. Every day more than 1,100 Americans are killed by tobacco, and more than 3,000 children become regular smokers. Please make clear that you stand with us on the issue of protecting children from tobacco.

Sincerely,

Allergy and Asthma Network - Mothers of Asthmatics, Inc.
Alliance for Lung Cancer Advocacy, Support, and Education (ALCASE)
Alliance of Community Health Plans
American Academy of Addiction Psychiatry
American Academy of Child & Adolescent Psychiatry
American Academy of Family Physicians
American Academy of Otolaryngology, Head & Neck Surgery, Inc.
American Academy of Pediatrics
American Association for Respiratory Care
American Association of Physicians of Indian Origin
American Cancer Society
American College of Cardiology

American College of Chest Physicians
American College of Occupational and Environmental Medicine
American College of Physicians-American Society of Internal Medicine
American College of Preventive Medicine
American Dental Association
American Heart Association
American Psychiatric Association
American Psychological Association
American School Health Association
American Society of Addiction Medicine
American Society of Anesthesiologists
American Society of Clinical Oncology
Association of American Medical Colleges
Association of Black Cardiologists, Inc.
Association of Maternal and Child Health Programs
Association of Schools of Public Health
Association of Teachers of Preventive Medicine - ATPM
Campaign for Tobacco-Free Kids
Children's Defense Fund
College on Problems of Drug Dependence
Committee for Children
Community Anti-Drug Coalition of America (CADCA)
Council of State & Territorial Epidemiologists
Family Voices
Federation of Behavioral, Psychological and Cognitive Sciences
General Board of Church and Society of the United Methodist Church
Girl Scouts of the U.S.A.
Hadassah
Interreligious Coalition on Smoking OR Health
Latino Council on Alcohol and Tobacco
National Association of Children's Hospitals
National Association of County and City Health Officials
National Association of Local Boards of Health
National Association of School Nurses
National Association of State and Drug Abuse Directors, Inc.
National Center for Health Education
National Center for Policy Research for Women & Families (CPR)
National Education Association
National Hispanic Medical Association
National Mental Health Association
National Partnership for Women and Families
National Women's Law Center
Oncology Nursing Society
Oral Health America
Partnership for Prevention
Society for Public Health Education
Society for Research on Nicotine and Tobacco
Society of Behavioral Medicine
Society of Critical Care Medicine
Summit Health Coalition