November 16, 2011

Dear Representative:

Eighteen months ago, an overwhelming bi-partisan majority in Congress passed the most meaningful tobacco control legislation in the nation's history. The final 298 to 112 vote in the House of Representatives of the Family Smoking Prevention and Tobacco Control Act of 2009 was the culmination of a two-decade long effort to curb the leading preventable cause of death – tobacco use. This law finally granted the U.S. Food and Drug Administration (FDA) common-sense oversight of tobacco products.

The burden caused by tobacco use is staggering. Each day more than 1,000 teens and children become regular smokers; half will die prematurely as a result. And each year, 440,000 Americans die from tobacco and it costs our health care system nearly $100 billion. When the law was enacted in 2009, Congress stepped forward to charge a science-driven federal agency to address this terrible toll. Congress empowered FDA to implement common-sense safeguards to protect children from predatory tobacco industry marketing, to set meaningful product standards and for the first time to provide oversight of tobacco products.

The legislation is already paying health dividends. FDA has implemented regulations to curb the marketing and sales of tobacco to children and is working with states and local governments to enforce the law that prohibits the sale of tobacco to children. FDA has implemented rules to outlaw candy- and fruit-flavored cigarettes, as well as misleading brand descriptors including light, low and mild. Over the months and years ahead, FDA will follow the roadmap laid out by Congress to move forward to protect the public health. As it implements the law, FDA is backstopping the efforts of parents and health professionals across the country to prevent tobacco use.

In 2011, FDA is poised to continue to move forward on a host of Congressionally-mandated requirements in the Family Smoking Prevention and Tobacco Control Act including provisions to prevent the sale of tobacco products to children and ensure review of new tobacco products before they are sold to consumers. It is critical that FDA be allowed to move forward with implementation.

We are therefore concerned about HR 10, the Regulations From the Executive in Need of Scrutiny (REINS) Act of 2011, which would delay or stop meaningful tobacco regulation – as well as regulations promulgated by other agencies on other issues. This would make almost all new significant regulations contingent on a vote of approval by both houses of Congress within 70 days and require redundant reviews, analyses or processes that will tie the hands of the FDA. This will leave the agency unable to effectively implement the law and thereby create opportunities for tobacco industry lobbyists to influence and stall much needed regulations.

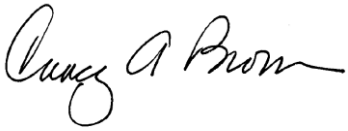
Current law requires federal agencies to carefully consider all relevant information before finalizing a new rule. The process is transparent and open and permits participation and comments from all stakeholders – the public, scientific and public interest and public health organizations as well as industry. Congress should not create new barriers to saving lives from tobacco but rather should permit the FDA to act to implement the Family Smoking Prevention and Tobacco Control Act with the urgency that Congress recognized is necessary to address the cancer, heart disease, chronic obstructive pulmonary disease, and health care costs caused by tobacco use in America.

Our organizations ask you to oppose HR 10 and any other legislation that would jeopardize the implementation of the Family Smoking Prevention and Tobacco Control Act as well as other critical public health and consumer product rules.

Sincerely,

Christopher W. Hansen
President
American Cancer Society Cancer Action Network

Charles D. Connor
President and CEO
American Lung Association



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