

March 26, 2009

Dear Representative:

We are writing to express our strong opposition to H.R. 1261, the Youth Prevention and Tobacco Harm Reduction Act, which has been introduced by Representative Steve Buyer (R-IN). This legislation is a deeply flawed response to the public health threat posed by tobacco products, which are the number one cause of preventable death in the United States. This legislation would once again allow tobacco companies to escape the effective oversight needed to protect our children from tobacco addiction and reduce the more than 400,000 deaths and \$96 billion in health care costs caused by tobacco use every single year.

H.R. 1261 creates a new and untested bureaucracy with inadequate authority to oversee tobacco products, fails to provide the resources to do the job, fails to protect our children from tobacco marketing and fails to protect consumers from the tobacco industry's deceptive health claims.

We urge you to support real and effective regulation of tobacco products as embodied in H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, bipartisan legislation introduced by Chairman Henry Waxman (D-CA) and Representative Todd Platts (R-PA). This legislation places tobacco regulation in the best qualified and most experienced agency – the U.S. Food and Drug Administration (FDA), provides the necessary resources through a user fee paid by tobacco companies, protects our children from tobacco marketing, and relies on science-based regulations that will protect the public health from tobacco.

The Waxman-Platts bill is supported by nearly 1,000 public health, medical, faith and other organizations across the nation. By giving the FDA effective authority over tobacco products, this legislation follows the recommendations of numerous scientific and public health experts, including the Institute of Medicine and the President's Cancer Panel.

H.R. 1261, the Buyer bill, is fundamentally flawed:

The Buyer bill would allow tobacco companies to continue to escape meaningful oversight. It would give this responsibility to a new bureaucracy that lacks the experience, expertise or resources to do the job. As the Waxman-Platts bill recognizes, the FDA is the right agency to regulate tobacco products because it is the only agency with the regulatory experience, scientific expertise and public health mandate to do the job. The Waxman-Platts bill would fund the FDA's tobacco responsibilities through a user fee on tobacco companies so no resources are taken from the FDA's existing responsibilities. In contrast, the Buyer bill creates a new bureaucracy without the necessary expertise or experience and does not provide new resources through an industry user fee. This approach is duplicative and wasteful, would siphon scarce resources from other important public health priorities and would not get the job done.

The Buyer bill does not protect children from tobacco marketing. This bill fails to achieve one of the most critical goals of tobacco regulation: the protection of children from advertising and promotion by tobacco companies. The tobacco industry has a long and disturbing history of marketing its

addictive products to young people and would remain free to do so under H.R. 1261. Under H.R. 1261 it will be business as usual, and the tobacco industry will be free to continue to target children with their advertising and lure another generation into a deadly addiction.

The Buyer bill does not adequately protect consumers from misleading health claims about so-called "reduced risk" tobacco products and embraces smokeless tobacco as the means to reduce the harm caused by cigarettes. The Waxman-Platts bill would allow manufacturers to make reduced risk claims about tobacco products, but appropriately gives the FDA the authority to regulate such claims based on the science. H.R. 1256 establishes a reasonable process for reviewing any claim that a product, including smokeless tobacco products, is less harmful than other products. In contrast, the Buyer bill prejudges the safety of smokeless tobacco and largely exempts smokeless tobacco products and health claims about them from regulation.

It is important to note that the National Cancer Institute, the American Cancer Society, the U.S. Surgeon General, and the U.S. Public Health Service have all concluded that smokeless tobacco products sold in the United States cause serious diseases, including cancer. The 2008 Update of the U.S. Public Health Service Clinical Practice Guideline, *Treating Tobacco Use and Dependence*, concluded, "the use of smokeless tobacco products is not a safe alternative to smoking, nor is there evidence to suggest that it is effective in helping smokers quit."

Tobacco products are the most deadly products on the market today, yet they have escaped commonsense public health regulations that apply to other consumer products. H.R. 1256, the Waxman-Platts bill, would at long last end this special protection for the tobacco industry and protect our children and our nation's health instead. The Buyer bill does nothing to reduce marketing to kids and would allow the tobacco industry to again evade meaningful oversight that would protect children and save lives.

We appreciate your attention to our concerns and we strongly urge you to oppose H.R. 1261 and support H.R. 1256 – real, meaningful and effective regulation of tobacco products.

Sincerely,

American Cancer Society Cancer Action

Network

American Heart Association American Lung Association American Medical Association Campaign for Tobacco-Free Kids

American Academy of Family Physicians

American Academy of Pediatrics

American Association for Respiratory Care

American College of Cardiology
American College of Chest Physicians
American College of Preventive Medicine

American Public Health Association

American Thoracic Society

Asian & Pacific Islander American Health Forum

Association of Reproductive Health

Professionals

Association of Schools of Public Health

Lung Cancer Alliance

National Association of City and County

Health Officials

National Research Center for Women &

Families

Oncology Nursing Society Oral Health America Partnership for Prevention

Seventh-day Adventist Church, North

American Division

Society for Public Health Education

Justice and Witness Ministries, United Church

of Christ