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RANKING MEMBER



Nita M. Lowey
Congress of the United States
17th District, New York

October 5, 2015

Secretary Sylvia Matthews Burwell
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Acting Commissioner Stephen Ostroff
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Secretary Burwell and Acting Administrator Ostroff:

I write to urge the Food and Drug Administration (FDA) to finalize the deeming regulation on tobacco products without delay. In 2009, Congress passed the Family Smoking Prevention and Tobacco Control Act (TCA) with overwhelming bipartisan support. The TCA provided the FDA with authority to pass a deeming regulation to regulate new tobacco products yet to be on the market, such as e-cigarettes, flavored hookahs and flavored cigars.

In the six years since enactment of the TCA, youth use of these new tobacco products, in particular e-cigarettes, has exploded. According to the Centers for Disease Control and Prevention (CDC), the use of e-cigarettes among American youth has tripled in just one year from 2013 to 2014 and now exceeds youth use of regular cigarettes. Despite this dramatic increase, the FDA seems to have sat on the sidelines.

Reducing youth smoking was one of the most significant public health successes in recent decades. And yet, I am deeply concerned that this legacy is at risk, and that FDA's inaction has left many teens, and even some parents, to assume that these products do not pose a health risk, even though scientific evidence proves otherwise.

Studies show that nicotine is highly addictive and that exposure can harm the adolescent brain, causing cognitive impairment, attention deficits, and other long-term health issues. Additionally, because e-cigarettes and other new tobacco and nicotine delivery products are unregulated, consumers do not know what chemicals and ingredients are in the products they inhale.

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Inhalation and ingestion of these products can have dangerous results. Tragically, last year a child in New York died after exposure to liquid nicotine; the rate of calls to poison control centers from e-cigarette chemicals rose from one report in 2010 to 215 cases in 2014; and there have been reports of more than two dozen explosions or fires involving e-cigarettes.

There is no excuse for a six-year delay in rulemaking when the public health of our youth is at risk. I urge the FDA to finally release a deeming regulation on new tobacco products to protect youth from nicotine addiction and harmful chemicals, and to provide reliable information to adults about the risks associated with these products.

Sincerely,



Nita M. Lowey
Member of Congress