



February 22, 2024

The Honorable Hakeem Jeffries
 United States House of Representatives
 Washington, DC 20515

Dear Leader Jeffries:

The undersigned health organizations who work in New York write to thank you for your steadfast and strong support of the Food and Drug Administration (FDA)'s proposed rules to prohibit the sale of menthol cigarettes and flavored cigars. When finalized and implemented, these rules will advance healthy equity, reduce the number of young people who start using tobacco and save hundreds of thousands of lives. As we push the White House to finalize the rules without further delay, we ask for your leadership to ensure that final appropriations bills for fiscal year 2024 (FY2024) do not include riders that would prevent the FDA from promptly finalizing or implementing these rules.

Currently, the FY2024 House Agriculture, Rural Development, Food and Drug Administration and Related agencies (Ag-FDA) appropriations bill includes a rider that would prevent FDA from moving forward with the menthol cigarette and flavored cigar rules as well as another rule yet to even be proposed to reduce nicotine levels in cigarettes. The Senate's Ag-FDA bill, in contrast, does not include either provision and instead includes report language supportive of the menthol cigarette and flavored cigar rules. Additionally, following a recent meeting with the tobacco industry and their allies, the White House announced it was delaying the timeframe for issuing final rules on menthol cigarettes and flavored cigars. We are deeply concerned with the successes the tobacco industry has had thus far in its quest to delay these lifesaving rules.

The science is clear: any further delay in removing these products from the market would come at an enormous cost. Menthol cigarettes make it easier for people to start smoking and due to their more addictive nature – they are also harder to quit. The FDA estimates that prohibiting the sale of menthol cigarettes will save up to 650,000 lives over the next four decades by reducing smoking among young people and prompt people who currently smoke to quit. Ending the sale of these products would also

disproportionately benefit the health of Black individuals, who have been the target of intentional industry marketing for years.

New Yorkers especially bare a large burden from menthol tobacco use in our communities. From Bedford-Stuyvesant to Buffalo and every community in between, the tobacco industry has spent millions of dollars marketing their menthol cigarettes, addicting generations of New Yorkers to these products. Over 78% of Black New Yorkers who smoke use menthol cigarettes and over 58% Hispanic New Yorkers who smoke use menthol cigarettes. The industry has successfully targeted their products to Black and Brown communities for decades. If menthol cigarettes were no longer available in New York, it is estimated that over 36,000 additional adults in New York would quit smoking including over 11,000 Black New Yorkers and 6,000 Hispanic New Yorkers. Local elected officials in New York have delayed their own action prohibiting the sale of menthol cigarettes and flavored cigars as they believed the federal rules were imminent.

As negotiations about final appropriations bills occur, we ask for your leadership in stopping the inclusion of provisions that would delay or prevent FDA from finalizing and implementing the menthol cigarette and flavored cigar rules. We appreciate your long-standing support for efforts to reduce tobacco use and ask that, at this pivotal moment, you continue fighting to ensure that FDA can advance its life-saving rules prohibiting menthol cigarettes and flavored cigars and protect New Yorkers and all people in the United States from these deadly products.

Sincerely,

Action on Smoking and Health
American Cancer Society Cancer Action
Network
American Heart Association
American Lung Association
Boys & Girls Club of the Capital Area
Campaign for Tobacco Free Kids
Community Health Care Association of New
York State
Interfaith Public Health Network

New York State Academy of Family Physicians
New York State Association of County Health
Officials, Inc.
New York State Public Health Association
NYS American Academy of Pediatrics
Parents against Vaping e-Cigarettes
Public Health Solutions
Roswell Park Comprehensive Cancer Center
The NAACP NYS Conference of Branches