



February 22, 2024

The Honorable Chuck Schumer  
 United State Senate  
 Washington, DC 20510

Dear Leader Schumer:

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. Each day, more than 1,400 youth under age 18 will smoke their first cigarette. Menthol cigarettes are a particularly enticing "starter product" for youth because menthol cools and numbs the throat, masking the harshness of tobacco smoke. Indeed, half of youth who have ever tried smoking started with menthol cigarettes. Ending the sale of menthol cigarettes will help to break this cycle of addiction and prevent youth from ever trying tobacco in the first place. Every year these products are on

the market, more young people will start smoking and more people will die from smoking-caused diseases.

New Yorkers especially bare a large burden from menthol tobacco use in our communities. From Buffalo to Bedford-Stuyvesant and every community in between, the tobacco industry has spent millions of dollars marketing their menthol tobacco products, addicting generations of New Yorkers to these products. The industry has especially targeted Black and Brown communities for decades. Over 78% of Black New Yorkers who smoke use menthol cigarettes and over 58% Hispanic New Yorkers who smoke use menthol cigarettes. 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. 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