

March 29, 2001

Dear Colleague:

Help Provide FDA Tobacco Jurisdiction

Last year, the United States Supreme Court ruled 5-4 that although tobacco may be the cause of one of the country's gravest public health problems, the U.S. Food and Drug Administration (FDA) does not have the jurisdiction to regulate tobacco products. The Court found that "Congress has clearly precluded the FDA from asserting jurisdiction to regulate tobacco products." As a result, current protections – the FDA Tobacco Rule – have been wiped out because tobacco use poses an extremely significant public health threat; this result is a setback for our families and children.

Even Supreme Court Justice O'Connor said in her majority opinion that the FDA had amply demonstrated that tobacco use was "perhaps the single most significant threat to the public health in the United States." No one can deny that the overwhelming majority of evidence shows smoking is the leading cause of cancer and heart disease, the top two causes of death in the United States. Every year, more than 400,000 Americans die of tobacco-related diseases, with nearly 80 percent having started smoking as children. As many as 4 million children under the age of 18 smoke cigarettes with 3,000 more starting each day.

The FDA protects the public health by requiring all food, drugs, cosmetics and medical devices meet minimum health and safety standards. Tobacco needs to be regulated to the same degree as all other products, or else millions of Americans will continue to be exposed to unnecessary health risks and premature death. Unless Congress acts, the tobacco industry will remain unregulated and free to manufacture its products without regard for public health and safety. Our children are particularly vulnerable.

The Supreme Court has spoken. It is up to Congress to provide strong protections for America's families and children. Our bill will simply do what the Supreme Court said had not been done – give FDA the jurisdiction to regulate tobacco. It is not a tax bill. It does not ban tobacco or tobacco products. For more information or to cosponsor our bill, the "FDA Tobacco Authority Amendments Act," please contact Adam Chrisney (225-4426) or John Ford (226-3400) as soon as possible. Thank you.

Sincerely,



Greg Ganske
Member of Congress



John D. Dingell
Member of Congress