

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

April 4, 2016

Mr. Robert D. Manfred, Jr.
Commissioner
Major League Baseball
245 Park Avenue
31st Floor
New York, NY 10167

Dear Mr. Manfred:

As the 2016 season begins, I write to strongly urge you to continue your efforts to ban the use of smokeless tobacco in all parts of Major League ballparks, including on the field and in the dugout.

Smokeless tobacco use is widely known to be hazardous to health and can lead to nicotine addiction. The U.S. National Toxicology Program has established that smokeless tobacco is a “known human carcinogen.”¹ According to the National Cancer Institute, smokeless tobacco contains at least 28 cancer causing chemicals², and is associated with numerous health problems, including oral, pancreatic, and esophageal cancer³, as well as tooth decay, gum disease, and heart disease. It is also important to note that smokeless tobacco contains more

¹ National Toxicology Program, Department of Health and Human Services (HHS), *Report on Carcinogens, Thirteenth Edition* (Oct. 2014) (online at <http://ntp.niehs.nih.gov/ntp/roc/content/profiles/tobaccorelatedexposures.pdf>).

² National Cancer Institute (NCI), National Institutes of Health (NIH), *Smokeless Tobacco and Cancer* (Oct. 25, 2010) (online at <http://www.cancer.gov/about-cancer/causes-prevention/risk/tobacco/smokeless-fact-sheet#r1>).

³ National Cancer Institute and Centers for Disease Control and Prevention (CDC), *Smokeless Tobacco and Public Health: A Global Perspective*, Bethesda, MD: HHS, CDC and NIH, NCI, NIH Publication No. 14-7983, 2014

nicotine than cigarettes.⁴ In fact, holding an average-sized dip in your mouth for 30 minutes can deliver as much nicotine as smoking three cigarettes.⁵

Unfortunately, since 1970, smokeless tobacco has gone from a product used primarily by older men to one used predominantly by young men and boys.⁶ Recently, the Centers for Disease Control and Prevention (CDC) found that high school athletes who play on sports teams are almost 80 percent more likely to use smokeless tobacco than non-athletes.⁷ Further, from 2001 to 2013, use of smokeless tobacco among high school athletes increased.⁸ According to CDC, “The higher use of smokeless tobacco suggests athletes may perceive these products as harmless, socially acceptable, or perhaps even as a way to boost athletic performance.”⁹ More concerning is the fact that smokeless tobacco has led to use of other tobacco products. Adolescent males who use smokeless tobacco products have been found to have a higher risk of becoming cigarette smokers within four years.¹⁰

Professional baseball and baseball players have long been seen both on the field and in the dugout chewing tobacco. This public use amounts to free advertising for the tobacco industry and lends itself to public acceptance of the use of smokeless tobacco. An analysis by researchers at the Harvard School of Public Health of smokeless tobacco use during selected World Series games from 1988-2005 found that smokeless tobacco use by players ranged from two minutes to up to 24 minutes, providing tobacco companies with millions in free advertising.¹¹ Without a complete ban, smokeless tobacco will continue to receive free advertising from America’s

⁴ HHS, *Nicotine Addiction and Your Health* (online at <http://betobaccofree.hhs.gov/health-effects/nicotine-health/#smokeless>).

⁵ *Id.*

⁶ CDC, *Surveillance for Selected Tobacco-Use Behaviors—United States, 1900-1994*, MMWR 43(SS-03) (Nov. 18, 1994) (online at <http://www.cdc.gov/mmwr/preview/mmwrhtml/00033881.htm>).

⁷ CDC, *High school athletes using smokeless tobacco more than non-athletes* (Sept. 3, 2015) (online at <http://www.cdc.gov/media/releases/2015/p0903-athlete-tobacco.html>).

⁸ *Id.*

⁹ *Id.*

¹⁰ Scott L. Tomar, *Is use of smokeless tobacco a risk factor for cigarette smoking? The U.S. experience*, *Nicotine & Tobacco Research* 5(4):561-569, August 2003.

¹¹ Testimony of Gregory N. Connolly before the House Committee on Energy and Commerce, Subcommittee on Health, *Hearing on Smokeless Tobacco: Impact on the Health of our Nation’s Youth and Use in Major League Baseball* (April 14, 2010) (online at <https://www.gpo.gov/fdsys/pkg/CHRG-111hhr76022/pdf/CHRG-111hhr76022.pdf>).

favorite pastime and use of these products will continue to be seen as an acceptable part of the game by fans both young and old.

MLB has already taken some action to restrict the use of tobacco in professional baseball. In the Major League, Clubs are prohibited from distributing tobacco products in clubhouses and strongly encouraged to prohibit Club personnel from buying tobacco products on behalf of Club personnel, including players.¹² Further, Club personnel are prohibited from smoking when in uniform or in view of spectators, from having tobacco tins in their uniform pockets, and from conducting televised interviews while using smokeless tobacco.¹³ Those who violate these policies are subject to fines. However, 13 years ago the MLB affirmatively banned the use and possession of all tobacco products by Minor League club personnel, including players, in the ballpark and during team travel. Further, each Minor League contract requires players to acknowledge the policy and agree to its provisions. Implementation of this policy has had no adverse impact on the game or its players, and in fact, many players have voluntarily stopped use of smokeless tobacco.

It is important to note that city governments in five cities have already acted on the use of smokeless tobacco in ballparks. When the first games are played in Boston, Los Angeles and San Francisco, players will be restricted from using chewing tobacco. Similar restrictions in Chicago and New York will go into effect later this season. Letters posted in every clubhouse during spring training from the MLB and the Major League Baseball Players Association (MLBPA) have noted that players are expected to comply with the new laws. This is a first in the Major leagues, and a welcome change, but more can be done.

As you know, six years ago, at a congressional hearing in Washington, I demanded that chewing tobacco be banned from baseball. Former baseball legend Joe Garagiola, who passed away at the end of March, testified at our 2010 hearing as the longtime chair of the National Spit Tobacco Education Program. He told the Committee, "I would like to see the Major League players agree to the terms of the Minor League Tobacco Policy, which bans Club personnel from using and possessing tobacco products in ballparks and during team travel." While MLB has called it "a priority" to address the use of smokeless tobacco through the collective bargaining agreement, I recognize that any change to MLB policy on tobacco cannot be done unilaterally.¹⁴

¹² Testimony of Robert D. Manfred, Jr. before the House Committee on Energy and Commerce, Subcommittee on Health, *Hearing on Smokeless Tobacco: Impact on the Health of our Nation's Youth and Use in Major League Baseball* (April 14, 2010) (online at <https://www.gpo.gov/fdsys/pkg/CHRG-111hhrg76022/pdf/CHRG-111hhrg76022.pdf>).

¹³ *Players find tobacco habit hard to shake*, Boston Globe (March 7, 2014) (online at <https://www.bostonglobe.com/sports/2014/03/06/tobacco-chewing-nasty-habit-still-kicking-mlb/nZDZK9LOFDlr0MFj9X1WkO/story.html>).

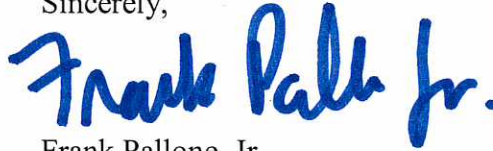
¹⁴ Testimony of Robert D. Manfred, Jr. before the House Committee on Energy and Commerce, Subcommittee on Health, *Hearing on Smokeless Tobacco: Impact on the Health of our Nation's Youth and Use in Major League Baseball* (April 14, 2010) (online at <https://www.gpo.gov/fdsys/pkg/CHRG-111hhrg76022/pdf/CHRG-111hhrg76022.pdf>).

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I commend your support of a complete ban in the last round of the League's collective bargaining agreement. So I look forward to working with you to finally make this priority a reality.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone Jr." in a cursive, stylized font.

Frank Pallone, Jr.
Ranking Member
House Energy and Commerce Committee

cc: Mr. Tony Clark, Executive Director, Major League Baseball Players Association