



National Association of County & City Health Officials

The National Connection for Local Public Health

August 2, 2022

Dr. Robert Califf
Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Re: Docket No. FDA-2021-N-1349, "Tobacco Product Standard for Menthol in Cigarettes"

Dear Dr. Califf:

The National Association of County and City Health Officials (NACCHO) appreciates the opportunity to comment on the proposed rule, "Tobacco Product Standard for Menthol in Cigarettes," on behalf of the nearly 3,000 local health departments across the country. NACCHO supports the proposed rule and urges the Food and Drug Administration (FDA) to finalize the tobacco product standard as proposed.

Tobacco is the leading cause of preventable death and disease in the United States, and many local health departments develop and engage in tobacco control, cessation, and prevention efforts to promote health in their communities. According to a 2019 NACCHO Profile Study, most local health departments (78 percent) provide direct program support for tobacco prevention and cessation, regardless of size of population served and degree of urbanization.¹ Nearly all local health departments (92 percent) are involved in policy efforts related to tobacco, including efforts to reduce the sale of nicotine products to minors, promote indoor smoke-free spaces, and regulate e-cigarettes and synthetic nicotine, and over 40 percent of local health departments engage in direct tobacco retailer regulation.²

The research is clear that removing menthol cigarettes from the market is good for public health. Menthol flavoring mitigates harshness of tobacco smoke to new smokers, making it easier for new users to experiment with cigarettes and become addicted, and harder for existing users to quit. The continued sale of menthol cigarettes also exacerbates health disparities. The tobacco industry has heavily marketed menthol cigarettes to Black Americans, leading to the highest prevalence of menthol use among any racial or ethnic group in the U.S.³

¹ National Association of County and City Health Officials, National Profile Study of Local Health Departments (2019). https://www.naccho.org/uploads/downloadable-resources/Programs/Public-Health-Infrastructure/NACCHO_2019_Profile_final.pdf

² National Association of County and City Health Officials, National Profile Study of Local Health Departments (2019). https://www.naccho.org/uploads/downloadable-resources/Programs/Public-Health-Infrastructure/NACCHO_2019_Profile_final.pdf

³ Andrea C. Villanti, et al., Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014, 25(Suppl 2) Tobacco Control ii14-ii20, 2016, <https://pubmed.ncbi.nlm.nih.gov/27729565/>

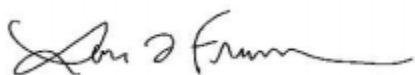


Recognizing the public health harms of menthol products, local health departments across the country have enacted restrictions on these products to protect the health of their communities. Chicago became the first city to regulate menthol cigarettes in 2013, banning the sale of menthol cigarettes within 500 feet of schools.⁴ To date, over three hundred cities and counties have enacted restrictions on the sale of flavored tobacco products, and at least 150 of those restrict the sale of menthol cigarettes including highly populated areas like Los Angeles and San Francisco.⁵ Massachusetts became the first state to restrict the sale of all flavored tobacco products, including menthol cigarettes, in 2019.⁶

Despite the policy progress at the local and state levels, federal action is needed to fully protect the public from the negative public health harms of menthol cigarettes. Current local and state comprehensive flavored tobacco sales restrictions (meaning those that prohibit sales of all types of flavors across all products) cover less than 5 percent of the U.S. population.⁷ Continued availability of menthol cigarettes throughout most of the country undermines and limits the success of local health departments' tobacco prevention and cessation efforts. Finalizing the proposed rule "Tobacco Product Standard for Menthol in Cigarettes" and removing menthol cigarettes from the market is an important step forward in improving public health that will save lives, prevent disease, and improve the health of our communities. NACCHO strongly urges FDA to finalize the standard without delay.

Thank you for considering this comment. For additional information, please contact Adriane Casalotti, Chief of Government and Public Affairs, at acasalotti@naccho.org.

Sincerely,



Lori Tremmel Freeman, MBA
CEO

⁴ Respiratory Health Association. (n.d.). *Chicago becomes First City to regulate menthol tobacco*. Respiratory Health Association. Retrieved March 29, 2022, from <https://resphealth.org/timeline/chicago-becomes-first-city-to-regulate-menthol-tobacco/>

⁵ Campaign for Tobacco-Free Kids. (2022). *States & localities that have restricted the sale of Flavored Tobacco Products*. Campaign for Tobacco-Free Kids. Retrieved July 5, 2022, from <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>

⁶ The Center for Black Health & Equity. (n.d.). *Menthol: The Center for Black Health & Equity*. The Center. Retrieved April 28, 2022, from <https://www.centerforblackhealth.org/mentholandissues>

⁷ The Truth Initiative, *Flavored tobacco policy restrictions*. <https://truthinitiative.org/sites/default/files/media/files/2021/10/Q2-2021-FINAL.pdf>