



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-1309, "Tobacco Product Standard for Characterizing Flavors in Cigars"

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 Characterizing Flavors in Cigars," 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.<sup>1</sup> 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.<sup>2</sup>

The research is clear that removing flavored cigars from the market is good for public health. Studies show that flavors play a major role in youth initiation and use of tobacco products. Flavors improve the taste and reduce the harshness of tobacco products, making them more appealing and easier for beginners to try and eventually become addicted, and can create the false impression that a tobacco product is less harmful than it really is.<sup>3,4</sup> Children and youth tobacco users have consistently reported

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<sup>1</sup> 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](https://www.naccho.org/uploads/downloadable-resources/Programs/Public-Health-Infrastructure/NACCHO_2019_Profile_final.pdf)

<sup>2</sup> 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](https://www.naccho.org/uploads/downloadable-resources/Programs/Public-Health-Infrastructure/NACCHO_2019_Profile_final.pdf)

<sup>3</sup> U.S. Department of Health and Human Services, *Preventing Tobacco Use Among Youth and Young Adults, A Report of the Surgeon General*, 2012.

<sup>4</sup> Huang, L.-L., et al., "Impact of Non-menthol Flavours in Tobacco Products on Perceptions and Use Among Youth, Young Adults and Adults: A Systematic Review," *Tobacco Control*, 26(6):709-719, 2017.



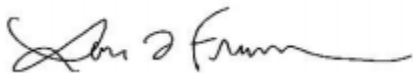
using flavored tobacco products: 81 percent of youth who have ever used tobacco initiated with a flavored product, and in 2021, 44 percent of youth cigar smokers reported smoking flavored cigars.<sup>5,6</sup>

Recognizing the public health harms of flavored tobacco products, local health departments across the country have enacted restrictions on these products to protect the health of their communities. To date, over three hundred cities and counties have enacted restrictions on the sale of flavored tobacco products, including highly populated areas like Los Angeles and San Francisco.<sup>7</sup> Massachusetts became the first state to restrict the sale of all flavored tobacco products in 2019.<sup>8</sup>

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 flavored cigars. 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.<sup>9</sup> Continued availability of flavored cigars 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 Characterizing Flavors in Cigars" and removing flavored cigars 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 your consideration of this comment. For additional information about the issues raised, please contact Adriane Casalotti, Chief of Government and Public Affairs, at [acasalotti@naccho.org](mailto:acasalotti@naccho.org).

Sincerely,



Lori Tremmel Freeman, MBA  
CEO

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<sup>5</sup> Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," Journal of the American Medical Association, published online October 26, 2015.

<sup>6</sup> Centers for Disease Control and Prevention (2021). *Morbidity and Mortality Weekly Report: Tobacco Product Use and Associated Factors Among Middle and High School Students – National Youth Tobacco Survey, United States, 2021*. Retrieved May 11, 2022, from <https://www.cdc.gov/mmwr/volumes/71/ss/pdfs/ss7105a1-H.pdf>

<sup>7</sup> 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>

<sup>8</sup> 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>

<sup>9</sup> The Truth Initiative, *Flavored tobacco policy restrictions*. <https://truthinitiative.org/sites/default/files/media/files/2021/10/Q2-2021-FINAL.pdf>