



October 3, 2019

Norman Sharpless
Acting Commissioner, U.S. Food & Drug Administration
10903 New Hampshire Ave.
Silver Spring, MD 20993-0002

Dear Acting Commissioner Sharpless:

We write on behalf the millions of Americans who will be adversely impacted by the proposed ban on flavored e-cigarette products, **to urge FDA to publicly release the findings of the 2019 National Youth Tobacco Survey (NYTS) before moving any further with the proposed ban.** The public – especially those who have turned to flavored e-vapor products to quit smoking cigarettes – deserves to know the facts regarding the so-called “youth vaping epidemic,” and the NYTS is the most comprehensive and timely compilation of the data.

On September 11, 2019, President Trump announced the Administration’s intention to move forward with a flavor ban on e-cigarette products. This flavor ban is a prime example of a government regulatory decision that not only directly damages our free market, but it has the potential to adversely affect the safety of adults and children across the world. If the government moves forward with regulatory restrictions, they need to do so with all possible supportive data and statistics.

We do not outright deny the existence of a youth use problem, nor do we suggest that the FDA and other federal agencies ignore it. However, the data is fluid, and the proposed ban is one of the most aggressive regulatory actions the government can take. Given the potential consequences to adult smokers, it is imperative that public health and policy experts are given access to the NYTS data, and that the FDA uses its guidance to arrive at sound regulatory conclusions. Why is the government issuing regulations without recent data to corroborate their claims?

Though we believe that the flavor ban will surely lead to many unintended consequences -- such as a regression to combustible cigarettes among former smokers and the emergence of an illicit black market -- if it moves forward, it needs to do so in conjunction with the most up-to-date information available.

Otherwise, the American government and people will not be adequately prepared when these consequences unfold. We urge the FDA to make absolutely sure that any steps taken are done so in the right direction, in order to prevent the country from falling further victim to the highly probable and severe unintended consequences.

We encourage you to uphold your vow for transparency and prioritize the health of the American people. Please release the 2019 NYTS survey results as soon as possible. The publication of the data will ensure that President Trump's decision on vaping-related policy is both well-informed and positively impactful for the whole country.

Respectfully,

Steve Pociask
President and CEO
American Consumer Institute

Paul Blair
Director for Strategic Initiatives
Americans for Tax Reform

Tim Andrews
Executive Director
Taxpayers Protection Alliance

Thomas Schatz
President
Citizens Against Government Waste

Eli Lehrer
President
R Street

Heather R. Higgins
CEO
Independent Women's Voice

Daniel Mitchell
Chairman
Center for Freedom and Prosperity

Carrie L. Lukas
President
Independent Women's Forum

Jason Pye
Vice President of Legislative Affairs
FreedomWorks

Mario H. Lopez
President
Hispanic Leadership Fund

Michelle Minton
Senior Fellow
Competitive Enterprise Institute

Pete Sepp
president
National Taxpayers Union

Seton Motley
President
Less Government

Andrew F. Quinlan
President
Center for Freedom and Prosperity

Jim Waters
President and CEO
Bluegrass Institute for Public Policy Solutions