



Physicians Caring for Texans

July 8, 2022

Robert M. Califf, MD  
Commissioner of Food and Drugs  
U.S. Food and Drug Administration  
Dockets Management Staff (HFA-305)  
5630 Fishers Lane, Rm. 1061  
Rockville, MD 20852

Dear Dr. Califf:

On behalf of our more than 56,000 Texas physician and medical student members, the Texas Medical Association (TMA) writes in response to the [proposed rule](#) titled “Tobacco Product Standard for Menthol in Cigarettes” (Docket No. FDA-2021-N-1349) published by the U.S. Food and Drug Administration (FDA) in the May 4, 2022, *Federal Register*.

In Texas, tobacco stands out as the agent most responsible for avoidable illness and death. Its use brings premature death to one-half of all tobacco users, contributes to profound disability and pain in millions of Texans and costs the state \$8.85 billion and the country more than \$200 billion in health care costs. In addition, secondhand smoke is one of the most dangerous and unregulated occupational chemical exposures in America's workplaces.

In this regulation, the FDA proposes a tobacco product standard that would prohibit menthol as a characterizing flavor in cigarettes. **TMA fully agrees with the FDA that menthol’s flavor and sensory effects increase appeal and make menthol cigarettes easier to use, particularly among youth and young adults. As such, we strongly support the proposed rule.**

Further, we urge you to apply this same standard to e-cigarettes. Per research by the Truth Initiative, post implementation of federal guidance which led to decreased accessibility of many flavors, in 2020 there was a doubling of menthol e-cigarettes on the market as the guidance did not apply to the menthol flavor and there was increased uptake among youth.

It is TMA’s policy on [tobacco](#) to strongly encourage all people who currently do not use tobacco products to remain tobacco-free and all people who currently use tobacco products to quit. TMA opposes the sale of all tobacco products (including but not limited to cigarettes, cigars, smokeless tobacco, pipe tobacco, e-cigarettes, and “heat not burn” devices), and tobacco substitutes (including but not limited to nicotine mints, nicotine gum, nicotine water, clove cigarettes, snus, shisha, nicotine strips, and other dissolvable tobacco products) for use other than tobacco cessation pharmacotherapy. TMA also opposes the sale of tobacco look-alike candy, gum, and jerky that are made to resemble real tobacco products and potentially encourage tobacco use.

Thank you for the opportunity to comment. If you have questions, please contact Matt Dowling, Director of Public Affairs, Texas Medical Association at [matt.dowling@texmed.org](mailto:matt.dowling@texmed.org) or (512) 370-1360 (office).

Sincerely,

A handwritten signature in black ink that reads "Gary W. Floyd". The signature is written in a cursive style with a large, stylized initial "G".

Gary Floyd, MD  
President  
Texas Medical Association