

Durbin, Duckworth Join Merkley, Colleagues In Call To Ban Menthol Cigarettes

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WASHINGTON – U.S. Senate Majority Whip Dick Durbin (D-IL) and U.S. Senator Tammy Duckworth (D-IL) joined U.S. Senator Jeff Merkley (D-OR), along with U.S. Senators Richard Blumenthal (D-CT), Edward J. Markey (D-MA), and Sherrod Brown (D-OH), in leading 22 senators in a letter to the Office of Management and Budget (OMB) Director Shalanda Young, sounding their concerns about the Administration's delay in finalizing proposed rules to end the sale of menthol flavor in cigarettes and all

flavors in cigars. The Food and Drug Administration (FDA) announced the proposed rules in April 2022, but has been working on this issue for more than a decade without finalizing a rule.

“We are extremely concerned that the rule is now expected to be released in March 2024, which is two years after the Food and Drug Administration’s (FDA’s) April 2022 announcement of the proposed rule. Likewise, we are also awaiting a final rule to ban all flavors in cigars, a proposed rule that was also announced in April 2022,” the Senators wrote.

Menthol cigarettes pose a greater public risk than non-menthol cigarettes, given the role of flavors in masking the harsh taste and turbocharging nicotine addiction. The dangerous public health effects of these products have been well-understood and well-documented for several years now, and the letter calls for the administration to act with urgency to solidify and enforce both bans on these harmful products as soon as possible.

Finalizing these proposed regulations would advance President Biden’s Cancer Moonshot Initiative and significantly bolster efforts to tackle racial and ethnic health disparities. An estimated 650,000 lives would be saved by this measure, including 255,000 Black Americans.

“Youth who smoke are more likely to smoke menthol cigarettes than older smokers, with almost half of the cigarette smokers ages 12-18 choosing to smoke menthol cigarettes. Big Tobacco has also aggressively targeted minority communities, particularly the African American community, through efforts at the point of sale, branding, and sponsorship to push these products. As a result, among individuals who smoke, nearly 85 percent of African Americans use menthol cigarettes, compared to 47.7 percent of Hispanics, 41.1 percent of Asians, and 30.3 percent of whites.” the Senators highlight.

Previous attempts to regulate menthol cigarettes have been met with an alarming trend of stalled action from the FDA. In both 2013 and 2018, the FDA published a notice of proposed rulemaking to obtain information related to the potential regulation of menthol in cigarettes. In March 2019, the FDA announced that it was considering removing flavored cigars that were on the market as of August 8, 2016. And finally, in April 2022, the FDA announced its intention to ban menthol as a characterizing flavor in cigarettes, and all flavored cigars. Yet despite over a decade of consideration, the FDA has still not taken action against the threat of menthol cigarettes.

“The data uncovered over the last decade is more than clear. Menthol cigarettes and flavored cigars have contributed to a public health crisis, and the administration must center those impacted and finalize these rules immediately,” the Senators conclude.

In addition to Durbin, Merkley, Blumenthal, Markey, and Brown, this letter is also signed by Senators Jack Reed (D-RI), Chris Coons (D-DE), Peter Welch (D-VT), Tammy Baldwin (D-WI), Ron Wyden (D-OR), Brian Schatz (D-HI), Kirsten Gillibrand (D-NY), Tom Carper (D-DE), Ben *Luján* (D-NM), Mazie Hirono (D-HI), Chris Van Hollen (D-MD), Alex Padilla (D-CA), Martin Heinrich (D-NM), Maggie Hassan (D-NH), Elizabeth Warren (D-MA), and Ben Cardin (D-MD).

Durbin has been a vocal leader in the fight against Big Tobacco, particularly since he lost his father to lung cancer at the age of 14. He went after Big Tobacco when he served in the House of Representatives and led the charge to ban smoking on airplanes, which eventually led to restaurants, office buildings, trains, and much more. Durbin has also led efforts to grant FDA jurisdiction over tobacco, raise tobacco taxes to prevent youth initiation, and enhance support for tobacco cessation tools. Earlier this week in a speech on the Senate floor, Durbin [called out](#) FDA on its unacceptable failure to protect children from the dangers of vaping as the agency continues to miss and delay critical deadlines.

This letter is supported by American Academy of Pediatrics, American Cancer Society Action Network, American Heart Association, American Lung Association, Campaign for Tobacco-Free Kids, and NAACP.

Full text of the letter can be found [here](#).