

December 5, 2023

Hon. Shalanda Young
Director
Office of Management and Budget
1650 Pennsylvania Ave. NW
Washington, D.C. 20502

Hon. Richard L. Revesz
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
262 Old Executive Office Building
Washington, D.C. 20503

Re: Pending EO 12866 Regulatory Review, Tobacco Product Standard for Menthol in Cigarettes RIN 0910-A160 and Tobacco Product Standard for Characterizing Flavors in Cigars RIN 0910-A128

Dear Director Young and Administrator Revesz:

Given that a ban on menthol will save more than 15,000 lives a year, we urge the Office of Information and Management Affairs (OIRA) to complete its review of the Tobacco Product Standard for Menthol in Cigarettes and Characterizing Flavors in Cigars rules and allow both rules to be issued in final form without delay. The proposed product standard prohibiting menthol as a characterizing flavor in cigarettes will reduce youth smoking, save lives, and advance health equity. The proposed rule will have an enormous public health impact both in the short and long term. It is imperative that the rule be finalized without delay.

Prohibiting menthol and other flavored products is an urgent public health issue. For decades, the tobacco industry has targeted women, Hispanics, non-Hispanic Blacks, and LGBTQIA communities. Banning menthol in cigarettes and characterizing flavors in cigars will reduce smoking initiation and support health and well-being in all communities. The evidence is clear:

- **The addition of menthol makes the brain more dependent on nicotine and creates addiction for all ages and population groups.** The addition of menthol to tobacco products facilitates smoking initiation and deepens dependency. Brain mapping studies have shown that [adding menthol to tobacco products increases the number of nicotinic receptors in the brain](#). Menthol makes the brain even more dependent on the continued use of not just tobacco, but menthol specifically. Furthermore, studies show that menthol increases the appeal of tobacco by masking unpleasant flavors and making cigarettes easier to use. The California Student Tobacco Survey found that [virtually all high school students in LA](#)



National Alliance for Hispanic Health®

1501 Sixteenth Street, N.W. • Washington, D.C. 20036-1401 • (202) 387-5000 • www.healthyamericas.org

County who smoked cigarettes reported having used menthol cigarettes. Across age groups, Hispanic and non-Hispanic Black menthol smokers are significantly less likely to quit than non-Hispanic White menthol smokers.

- **Menthol cigarettes disproportionately impact Hispanics, non-Hispanic Blacks, and other groups.** National Survey on Drug Use and Health data show that 51% of Hispanic adult smokers use menthol cigarettes and National Youth Tobacco Survey data show that 84.1% of Hispanic middle and high school students who use tobacco products reported using flavored products. In addition, nearly 9 in 10 non-Hispanic Black smokers ages 12 and older use menthol cigarettes, women who smoke are more likely than men who smoke to use menthol cigarettes, and LGBT smokers are more likely to smoke menthol cigarettes. The disparate impact of menthol use is the result of decades of targeting by the tobacco industry.
- **Eliminating menthol has proven to reduce smoking rates, reduce cigarette sales, and save lives.** An analysis by JAMA Internal Medicine found that cigarette sales in Massachusetts fell by up to 33 percent after the state banned menthol cigarettes.

Tobacco use is the leading cause of preventable disease. A ban on menthol and flavored cigars is necessary to address tobacco-related morbidity and mortality and is core to the advancement of the health of the Nation. The Alliance encourages OIRA to finalize its review of the FDA's proposed regulations and issue both rules in their current form without delay. Ongoing delays in enactment of these rules is literally a matter of life and death.

Sincerely,

Jane L. Delgado, Ph.D., M.S.
President and CEO

National Alliance for Hispanic Health

Board of Directors: Lourdes Baezconde-Garbanati, Ph.D., M.P.H., Chairperson, Alhambra, CA • John A. Cuellar, J.D., Vice Chairperson, Dallas, TX • Sheila E. Raviv, M.A., Secretary, Scottsdale, AZ • Don Liebenritt, J.D., Treasurer, Sarasota, FL • Drew Altman, Ph.D., San Francisco, CA • Michael J. Astrue, J.D., Belmont, MA • Martín Castro, Los Angeles, CA • Javier García, M.B.A., Madrid, Spain • Marcela Manjarrez-Hawn, M.A., St. Louis, MO • Monique Manso, Stamford, CT • Rodrigo Martínez, MPA/ID, Belmont, MA • Mark B. McClellan, M.D., Ph.D., M.P.A., Durham, NC • Emad Rizk, M.D., Chicago, IL • Amanda Spivey, J.D., San Francisco, CA • Gail Wilensky, Ph.D., Washington, D.C.
President and Chief Executive Officer: Jane L. Delgado, Ph.D., M.S.