

Congress of the United States
Washington, DC 20515

January 23, 2017

The Honorable Michael R. Pence
The Vice President
Old Executive Office Building
Washington, DC 20501

Dear Vice President Pence:

As Members of Congress who represent premium cigar retailers, manufacturers and adult consumers, we write to encourage swift action be taken to halt FDA regulations that will be devastating to the premium cigar industry and small businesses across the country. We are encouraged by President Trump's clear recognition that burdensome regulations imposed over the last several years are a significant hurdle to the success of small businesses and America's economy. The nearly 500 pages of regulations imposed by the FDA in May 2016 are already causing tremendous difficulty for premium cigar manufacturers and Main Street retailers. Swift action is needed to halt these adverse effects before further devastating regulations are implemented in 2017.

When Congress passed the Family Smoking Prevention and Tobacco Control Act in 2009, its stated intent was to prevent youth access to tobacco products and the negative health effects of smoking addiction. Neither of these concerns applies to premium cigars which are consumed in moderation and by adult consumers. Regulating premium cigars in the same manner as products Congress intended to be regulated represents extreme bureaucratic over-reach. Recognizing the significant threat regulations would pose to small businesses across the country, legislation has been introduced in Congress that has received broad, bi-partisan support (H.R. 662 in 114th Congress). We commend your co-sponsorship of the original version of this legislation during your service in the House of Representatives (H.R. 1639 in 112th Congress).

In its proposed rule, the FDA outlined a framework that would provide an exemption for premium cigars. During the public comment period, tens of thousands of adult consumers and scores of manufacturers and retailers submitted comments detailing how regulation of premium cigars would be inappropriate and harmful. In addition, the Small Business Administration's Office of Advocacy weighed in, noting significant deficiencies in FDA's analysis of the impact regulation would have, particularly as it relates to small businesses which comprise the bulk of

premium cigar retailers. Moreover, as the FDA submitted its Final Rule, the Administration failed to conduct a comprehensive economic impact analysis on the implications of the regulations. Bipartisan calls for such a review by the Mayors of Miami, Tampa and Las Vegas went ignored. The Ports of Miami, Ft. Lauderdale and Tampa, coupled with the entire supply chain from Florida to Pennsylvania, were ignored.

Despite these submissions and numerous requests from Members of Congress to tailor a suitable final rule, FDA decided to apply crippling regulations to premium cigars. Manufacturers and retailers are now facing substantial compliance costs and a burdensome process to not only introduce new products to the marketplace but also to simply maintain much of their existing stock for retail. With a new round of regulatory implementation scheduled for 2017, the time to act and reverse this case study in bureaucratic overreach is now.

As you and President Trump consider onerous and overreaching regulations that are in need of repeal, we strongly urge you to review FDA's determination with regard to premium cigars. In order to prevent even more significant harm to these businesses and the adult consumers who enjoy their products, FDA must in short order suspend enforcement of the premium cigar regulations and the final rule must be revisited so that small businesses in America are given an opportunity to thrive.

Thank you very much for your consideration of our views.

Respectfully,



BILL POSEY

Member of Congress



LOU BARLETTA

Member of Congress



DUNCAN HUNTER

Member of Congress