



July 25, 2022

Federal Food and Drug Administration

RE: New York State Public Health Association in strong support of the proposed rule to prohibit menthol cigarettes (Docket No. FDA-2021-N-1349).

To whom it may concern:

I am writing on behalf of the New York State Public Health Association in strong support of the proposed rule to prohibit menthol cigarettes (Docket No. FDA-2021-N-1349).

This rule is long overdue and supported by overwhelming scientific evidence. It has been more than a decade since the FDA's Tobacco Products Scientific Advisory Committee concluded in a landmark 2011 report that the removal of menthol cigarettes from the marketplace would benefit public health in the United States. Based on the scientific evidence, the FDA has found that menthol cigarettes are easier for kids to start smoking, more addictive and harder for smokers to quit.

Eliminating menthol cigarettes will protect kids from tobacco addiction. Menthol cools and numbs the throat and masks the harshness of tobacco smoke, making it easier for kids to start smoking and eventually become addicted. According to the 2021 National Youth Tobacco Survey, 41% of all current high school smokers use menthol cigarettes.

Eliminating menthol cigarettes will save lives and reduce health disparities, especially among Black Americans. For more than 60 years, the tobacco industry has deliberately targeted Black communities with marketing for menthol cigarettes through magazine ads, sponsorship of community and music events, free samples and other tactics. In the 1950s, less than 10% of Black smokers used menthol cigarettes. Today, that number is 85%.

The industry's targeted marketing of menthol cigarettes has caused enormous harm to the health of Black Americans. Tobacco use is the number one cause of preventable death among Black Americans, claiming 45,000 Black lives each year. Largely because of more addictive menthol cigarettes, Black smokers have a harder time quitting smoking and die at higher rates from tobacco-related diseases like cancer, heart disease and stroke.

A 2021 study found that menthol cigarettes were responsible for 10.1 million additional smokers and 378,000 premature deaths in the U.S. from 1980 to 2018. This research underscores that Black Americans have been disproportionately harmed: While making up 12% of the U.S. population, Black Americans represented 15% of the additional smokers and a staggering 41% of the premature deaths due to menthol cigarettes – 157,000 premature deaths among Black Americans altogether.

Eliminating menthol cigarettes will also improve the health of other groups that have been targeted by the

tobacco industry. In addition to youth and Black smokers, use of menthol cigarettes is disproportionately high among Hispanic and Asian smokers; lesbian, gay and bisexual smokers; smokers with mental health conditions; socioeconomically disadvantaged populations; and pregnant women.

The proposed rule will reduce youth smoking, save lives and advance health equity. It will have an enormous public health impact, and I urge FDA to swiftly issue and implement a final rule.

Sincerely,

A handwritten signature in cursive script that reads "Guthrie Birkhead MD".

Guthrie Birkhead, MD, MPH
Chair, Policy and Advocacy Committee
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