

RE: Food and Drug Administration (FDA) Proposed Rule: [Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Regulations on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products; Extension of Comment Period](#)

The Durham County Department of Public Health (DCoDPH) and its Board of Health would like to provide input on the Food and Drug Administration's (FDA) Proposed Rule (Docket No. FDA-2014-N-0189; Regulatory Information Number 0910-AG38). DCoDPH supports the FDA proposal for new regulations of electronic cigarettes, hookah tobacco, cigars, and other tobacco products including pipes, nicotine gels, and dissolvables.

Durham's economy was built on the tobacco industry, but in 2012 it passed one of the most progressive Board of Health Smoking rules in the country. Durham is known as the City of Medicine because of our booming healthcare industry and research facilities. Most recently, Durham County was a national winner of the Robert Wood Johnson Foundation's *Culture of Health Prize*. We pride ourselves in advocating for the health of our residents and setting policies that prevent poor health outcomes.

Tobacco use remains the leading preventable cause of death in North Carolina. The use of products such as cigarettes, cigars, and smokeless tobacco are responsible for 12,500 deaths in our state each year. In Durham County, 15.1% of adults and 19% of high school students smoke. The death rate for smoking related cancers is almost 70%. Without changes in current smoking rates, 180,000 North Carolina children alive today will die from smoking. Medical care alone for smoking related illnesses cost North Carolina \$3.8 billion each year.

Many North Carolinian tobacco users want to quit. In fact, in 2012, 69% of North Carolina smokers aged 18-34 made a serious but failed attempt to quit smoking. The 2012 Durham County Board of Health Smoking Rule addresses the growing number of tobacco use related deaths, rising cost of related health care and creates an environment that supports quitting tobacco products. The Board of Health Rule prohibits smoking on various public properties, including within 100 feet of bus stops; in public parks and on trails; and on public sidewalks abutting schools, hospitals, and city and county property. The focus of the rule is protecting non-smokers from the harmful effects of secondhand smoke.

The Durham County Department of Public Health also has a strong history of supporting evidence-based interventions to prevent and reduce tobacco use and eliminate exposure to secondhand smoke. We currently offer two evidence-based programs, Fresh Start and Quit Smart, free of charge to the Durham community.

New smoking behaviors, specifically within the younger age demographic, pose a growing threat to tobacco use reduction efforts. A recent study at a local university in Durham revealed a widespread belief that little cigars and cigarillos are not as addictive

as cigarettes. Participants noted little cigars are rarely addressed in antismoking campaigns and not broadcast as being as unhealthy as cigarettes.

The popularity of hookah smoking has increased in the past few years. Although smoking has been banned in bars and restaurants since 2010 in NC, many hookah bars are ignoring the law, saying they are exempt. The impact of hookah use is of significant concern, since Durham is home to two major universities, as well as a community college. This impacts Durham since we are home to two major universities as well as a community college.

Although cigarette advertising has been banned from TV since 1971, electronic cigarette advertising is not, and it is appearing in NC more than any other state. The Triad is the nation's top hot spot for electronic-cigarette television advertising, according to a report released by a national journal focused on youth health care. The Triad had the most e-cig TV ad exposure, as measured by target ratings points compiled by research firm Nielsen. There were 770 e-cig spot TV ads in the Triad (Greensboro, Winston-Salem and High Point) during the study's time period.

As regulatory, economic, and social strategies have been established as the best way to eliminate the negative health and economic effects of tobacco use, DCoDPH strongly supports the proposed regulations that include: 1) prohibiting sales to children under age 18; 2) requiring retailers to verify age for all over-the-counter sales and provide for federal enforcement and penalties against retailers who sell to minors; 3) restricting vending machines to adult-only facilities, prohibiting free samples; 4) requiring all tobacco products containing nicotine to carry an addiction warning and cigars to carry one of four other warnings as well; 5) requiring disclosure of ingredients and documents related to health, prohibiting the introduction of new or changed products without prior FDA review; 6) prohibiting manufacturers from claiming a tobacco product is less harmful or will expose a consumer to fewer harmful substances without first providing the FDA with scientific evidence; and 7) authorizing the FDA to set standards governing the content of tobacco products.

Durham stands with the FDA in supporting any measures that will ensure the safety and health of not only our residents but all citizens of the United States.

Sincerely,

James M. Miller
Chair, Board of Health