



Convenience
Distribution
ASSOCIATION

11311 SUNSET HILL ROAD • RESTON, VA 20190
800.482.2962 • P 703.208.3358 • F 703.573.5738
WWW.CDAWEB.NET

June 5, 2018

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

RE: Docket No. FDA -2017-N-6189 for Tobacco Product Standard for Nicotine Level of Certain Tobacco Products

To Whom It May Concern:

The following comments have been prepared and submitted by the Convenience Distribution Association, CDA, which is the trade organization working on behalf of convenience products distributors in the United States. Its distributor members represent more than \$92 billion in U.S convenience product sales, serving a wide variety of small retail formats. Associate members include leading convenience product manufacturers, brokers, retailers, suppliers and others allied to the industry.

We have concerns that the proposal for lowering nicotine 98% is not technically achievable, resulting in a de facto ban on cigarettes, and could have the unintended consequence of driving demand for illicit cigarettes with a higher level of nicotine. Criminal elements may seize the opportunity to sell tobacco products with a higher level of nicotine, and these illicit sellers would not be concerned with verifying the legal age of individuals, which could allow underage youth to have more easy access to tobacco products.

In the event that an illegal market for higher nicotine cigarettes and other tobacco products is created, retail sales will decrease along with a decline in sales of other products sold in stores. This decline in legal sales will reduce the amount of federal and state cigarette and tobacco product excise taxes collected, as well as corresponding decreases in state sales taxes collected.

CDA urges FDA to give careful consideration to the potential consequences of lowering the level of nicotine in cigarettes and other tobacco products, including the potential for increased organized criminal activity, increased law enforcement resources needed to respond to illegal tobacco sales, easier access to tobacco products by underage youth, the potential reduction in legal sales of cigarettes and tobacco products, and the impact of reduced federal and state excise tax and state sales tax collections on federal and state budgets.

We urge FDA not to adopt a regulation that has the unintended consequence of taking cigarettes out of the highly regulated legitimate stream of commerce into the black market. Government policies should minimize crime, not create an opportunity for individuals to engage in illegal tobacco sales.

Sincerely,

Kimberly Bolin
President & CEO