

Committee on Energy and Commerce
Rep. Henry A. Waxman, Ranking Member

For Immediate Release: June 1, 2011
Karen Lightfoot/Lindsay Vidal: (202) 225-3641

House Appropriations Committee Passes Bill to Weaken Critical FDA Public Health Functions

Washington, DC—Last night, the House Appropriations Committee approved the fiscal year 2012 Agriculture Appropriations bill with an amendment by Rep. Rehberg that would undermine the authority of the Food and Drug Administration (FDA) to regulate tobacco and to protect the public from dangerous drugs and unsafe foods.

The Rehberg rider would make major changes in the standards contained in the Family Smoking Prevention and Tobacco Control Act, which Congress approved with strong, bipartisan support in 2009. The Rehberg Amendment would preclude FDA from considering key factors such as the appeal of tobacco products to children and nonsmokers and would make it nearly impossible for FDA to implement regulations to protect children from the harms of tobacco. Tobacco companies are notorious for adding ingredients to make their products more attractive to children. Under the Rehberg Amendment, FDA would be unable to prevent these actions.

“The Republicans have launched a pernicious assault on the Tobacco Control Act,” Rep. Henry A. Waxman said. “This law, barely two years old, is the most important public health tool we have to reduce the ravages of smoking, which takes the lives of 400,000 Americans per year, and exacts a toll in health costs of \$96 billion annually. There is no excuse for disarming FDA and giving the tobacco industry a blank check to continue to market tobacco to children and young adults. The House Appropriations Committee has imposed its judgment about the epidemiology and toxicology of tobacco over the expertise of scientists, doctors, researchers, educators, and public health officers. This is a shameful amendment, and it does not deserve to progress any further in legislation. I call on everyone who has worked so hard for so long to bring tobacco under the control of the Food and Drug Administration to join together to preserve the full authority of the expert agency to regulate this killer in order to protect the public health of the American people and to help keep children from taking up smoking.”

Further, the Rehberg Amendment could weaken FDA’s ability to assure the safety of our drug and food supply. The amendment could fundamentally alter decades-old standards for drug approvals in the United States, which, by law, have always required a careful balancing of safety and effectiveness. Had this amendment been law at the time, FDA would not have been able to implement the 1997 regulation protecting our beef supply from the threat of “mad cow disease” (bovine spongiform encephalopathy) and thereby protecting Americans from the potential threat of this devastating and fatal disease. Under the amendment, FDA also would not have been able to stop contaminated and dangerous foreign drugs, like heparin, from entering the United States.

“This amendment ties FDA’s hands and will prevent the agency from taking basic steps to protect us from highly lethal threats, like tainted foods and drugs,” said Rep. Waxman. “Simply put, it will

endanger American lives. I intend to strip this irresponsible language from the bill when it goes to the House floor, and I urge all members to support me in this effort.”

###