



Senator Tom Harkin (D-IA), Chairman

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Harkin: It's About Time for FDA Action on E-Cigarettes

Senate leader to regulate tobacco products welcomes step; encourages increased oversight

WASHINGTON, D.C.—Senator Tom Harkin (D-IA) released the following statement today after the U.S. Food and Drug Administration (FDA) issued its proposed “deeming regulations” for a range of tobacco products, including e-cigarettes, bringing the products under the agency’s tobacco control authority. Harkin chairs the Senate Health, Education, Labor, and Pensions (HELP) Committee, which has oversight of the U.S. Food and Drug Administration (FDA).

“The passage of the *Family Smoking Prevention and Tobacco Control Act* nearly five years ago was an historic step towards protecting the public health from the scourge of tobacco. Today’s proposed expansion of FDA’s authority to include more tobacco products is an essential step forward,” Harkin said. “Without FDA oversight, e-cigarette manufacturers have been free to make unproven or even false health claims about their products. These proposed regulations will aid in treating e-cigarettes as what they are—addictive tobacco products. I am hopeful that they will lay the groundwork to bring an end to these shameful practices.

“I applaud Commissioner Hamburg and the FDA for using its authority granted by the *Tobacco Control Act* to issue these deeming regulations, which will allow for regulation of e-cigarettes,” Harkin added. “I urge the agency to keep their foot on the gas and take strong action towards ensuring that they are kept out of the hands of young people—in particular, by including in the finalized rule a prohibition against candy flavors used to entice kids to become addicted to their products. I also encourage stakeholders to submit comments so that these regulations can be finalized and strengthened.”

As a longtime member and now as Chairman of the HELP Committee, Harkin has been a leader in Congress in calling for stronger regulation of tobacco products to protect consumers and the public health. In 1998, he introduced the first

comprehensive, bipartisan bill to give the FDA authority to regulate tobacco. He was an original sponsor of the *Family Smoking Prevention and Tobacco Control Act*, which gave the agency immediate authority over traditional cigarettes, roll-your-own tobacco and smokeless tobacco, as well as the authority to assert jurisdiction over other tobacco products, including e-cigarettes, through today's deeming regulation. The law also banned candy and fruit-flavored cigarettes, banned misleading health claims such as "light" and "low-tar," required tobacco companies to disclose the contents of tobacco products, and empowered the FDA to require changes in tobacco products.

Harkin has been outspoken about the need for FDA to issue a strong rule and assert its authority over e-cigarettes and other tobacco products, [warning against the dangers](#) of e-cigarette use among children and teenagers after recent CDC data showed that use of these products had more than doubled among middle and high school students since the 2011-2012 school year. He joined other senators to call on e-cigarette makers to [explain marketing tactics targeting children](#), which culminated [in an investigative report](#) showing a dramatic increase in the marketing of e-cigarettes to young users, and urged the Federal Trade Commission (FTC) [to investigate these practices](#).

Harkin has called on the [FDA](#) and the [Administration](#) on multiple occasions to release strong deeming regulations for a range of tobacco products, including e-cigarettes. He has also pressed the FDA and the FTC to [protect consumers from false or unproven advertising claims](#) from e-cigarette manufacturers. Recently, Harkin joined colleagues to introduce the [Protecting Children from Electronic Cigarette Advertising Act](#) which would prohibit the marketing of e-cigarettes to children and teens.

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