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Statement of Rep. Henry A. Waxman, Ranking Minority Member Committee on Government Reform

Hearing on Potential Reduced Exposure/Reduced Risk Tobacco Products: An Examination of Possible Public Health Impact and Regulatory Changes

June 3, 2003

I would like to thank the Chairman for holding this hearing on “reduced risk” tobacco products. These products are already starting to appear on the market. And they have the potential to affect – for good or for ill – the health of millions of smokers.

I am not opposed to products that reduce the risk of heart disease, cancer, and other diseases caused by smoking. To the contrary, I have spent much of my long career in Congress fighting to stop the death and diseases caused by cigarettes and smokeless tobacco. If new technology can really help – if it is not just another clever marketing gimmick by the tobacco industry – I will bring an open mind to the debate.

But I have been down this road before and know what the risks are. The claims that we are hearing today about this new generation of “safer” cigarettes are strikingly similar to the claims I heard from the companies 30 years ago when they started to market “light” and “low-tar” cigarettes.

And we know how that experiment turned out. While promising smokers that their new brands were better for health, the tobacco industry knew all along that “light” and “low tar” brands were just as dangerous as regular brands – if not more so. In fact, companies designed cigarettes to fool the machine that measured nicotine and tar but still deliver a full dose of toxins to smokers.

The result was a deadly fraud. The National Cancer Institute recently concluded that there is no convincing evidence that “light” and “low tar” cigarettes provide any health benefit. It is no exaggeration to say that millions of people will die because they believed that these products were safer than conventional cigarettes.

And this deception continues today. “Light” and “low tar” cigarettes dominate the market, and tobacco companies are aggressively defending their ability to use these misleading terms on their labels.

The topic of today's hearing is a new generation of so-called "reduced risk" tobacco products. These products raise the question whether history is repeating itself. Earlier today, Rep. Janice Schakowsky and I released a staff report that examines the striking parallels between the "low tar" experience and the new "reduced risk" tobacco products now on the market. I ask unanimous consent that this report be made part of this record.

What this report underscores is the need for comprehensive FDA regulation of any "reduced risk" claims. If health claims are allowed for new "reduced risk" products in the absence of effective regulation, we are courting another public health disaster. These products can be deadly. They can deter cessation, cause former smokers to resume their addiction, and even attract young people to tobacco products.

Let me put this as bluntly as I can: The tobacco industry cannot be trusted to regulate itself.

This simple but indisputable fact should shape today's hearing. We cannot sit by while a "wild west" of companies hawking their allegedly new and improved products threatens the health of millions. Nor should we as members of Congress try to figure out for ourselves which claims should be made by which companies under what conditions.

Today's hearing will be most useful if we can work together to understand how comprehensive FDA regulation of tobacco products can be structured to best protect the public health. I believe the Institute of Medicine has set out a workable approach to potential reduced risk products, and I am pleased that the Institute is represented here today.

I am also pleased that the National Cancer Institute is testifying about the state of science and that we have been joined by distinguished experts from across the country. And I appreciate that Philip Morris CEO Mike Michael E. Szymanczyck took the initiative to speak with me yesterday about some of these issues and is here today.

I look forward to the testimony of all of the witnesses.