Biden administration delays menthol cigarette ban

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A long-awaited ban on menthol cigarettes has been delayed indefinitely, the Biden administration said Friday.

"This rule has garnered historic attention, and the public comment period has yielded an immense amount of feedback, including from various elements of the civil rights and criminal justice movement," U.S. Health and Human Service Secretary Xavier Becerra said in an agency statement. "It's clear that there are still more conversations to have, and that will take significantly more time."

The White House had already missed a previous deadline it set to decide on the proposed ban by March.

U.S. Food and Drug Administration Commissioner Dr. Robert Califf, a supporter of the ban, told House lawmakers at a budget hearing earlier this month that he hoped a decision would come by the end of the year because smoking costs lives, the New York Times reported.

"It's one of our top priorities, so I would sure hope so," he said at the time.

"From the point of view of the FDA and me as an individual, given what I've seen in my life, we're talking about over the next 30 years, probably 600,000 deaths that could be averted," Califf testified. Most would be Black Americans who are consumers the tobacco industry targets, he added.

On Friday, NAAACP President Derrick Johnson took issue with the latest delay.

"Today's news from the Biden administration is a blow to the Black community, who continue to be unfairly targeted and unjustly killed by Big Tobacco," Johnson said in a statement. "Let's be clear—valuing
Black lives should not be used as a pawn to get our people to the polls, but rather a platform that our leaders refuse to step down from."

The NAACP added that while black Americans only comprise 12% of the country's population, they represent 41% of all menthol-related-smoking deaths across the past four decades. A menthol ban would save up to 255,000 Black Americans over the next 40 years, the group added.

Public health groups also criticized the delay.

"The White House fell for industry rhetoric and, as a result, public health will suffer," Dr. Karen Knudsen, CEO of the American Cancer Society, said in a statement. "For the last two years, the Biden Administration has had the opportunity to take a significant step in their cancer moonshot goal to end cancer as we know it by reducing tobacco use, responsible for more than 30% of all cancer deaths. Today's announcement that they will not take action anytime soon deals a significant blow to that goal."

The FDA first proposed the ban in April 2022. The proposal made its way to the White House in October. Soon, hundreds of meeting requests with officials came from not only supporters of the ban but also from opponents, which included tobacco companies, convenience stores and gas station retailers. They projected that the ban would cost them billions, the Times reported.

"We strongly believe there are more effective ways to transition adult smokers away from cigarettes permanently," Luis Pinto, a spokesman for the tobacco company Reynolds American Inc., said in a statement, the Times reported.

"We believe that providing access to potentially safer nicotine alternatives, like appropriately regulated flavored vaping products—including menthol—are critical in supporting adult smokers
to migrate from combustible cigarettes."

The FDA had previously said that it expected to see the menthol ban finalized by the end of 2023, the Times reported. As months passed, public health groups amped up pressure.

In April, Action on Smoking & Health and the African American Tobacco Control Leadership Council sued the administration over the delay, the Times reported.

"We are extremely disappointed at this decision to delay the ban on menthol cigarettes yet again. This ban has the potential to extend and save the lives of many people and the delay shows a tremendous disregard for public health. The marketing of menthol cigarettes continues to have a devastating impact on Black and Hispanic communities," Dr. Yolanda Lawson, president of the National Medical Association, the largest and oldest national organization representing Black physicians, said in a statement issued Friday by Action on Smoking and Health.

More information: The U.S. Centers for Disease Control and Prevention has more on menthol cigarettes.