

D. Summary of Public Comments Received during the 60-Day Public Comment Period

Federal Register Notice: A 60-day Notice was published in the *Federal Register* on January 12, 2012, Vol. 77, No. 8, pp. 1938-1939.

Public Comment #1

From: usacitizen1 usacitizen1 [<mailto:usacitizen1@live.com>]

Sent: Sunday, January 15, 2012 5:40 PM

To: OMB-Comments (CDC); americanvoices@mail.house.gov; comments@whitehouse.gov; speakerboehner@mail.house.gov; sf.nancy@mail.house.gov; info@taxpayer.net; media@cagw.org

Subject: public comment on federal register FW: nbody needs this information anymore - this is not necessary and its wasteful spending

this agency should have been shut down 50 years ago. this agency is way past its sunset date. the budget for this entire agency should be cut to zero. nobody in america needs this survey. it is make work. cut the budget for this entire agency to zero. taxpayers need smaller govt. this is an example of what america cannot afford at this time. our govt is rogue.

jean public

[Federal Register Volume 77, Number 8 (Thursday, January 12, 2012)]

[Notices]

[Pages 1938-1939]

CDC Response to Public Comment #1

CDC provided a courtesy reply.

Public Comment #2

March 12, 2012

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Texas State Senator
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VIA ELECTRONIC MAIL

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RE: National Adult Tobacco Survey (OMB No. 0920-0828,
exp. 10/31/2010) Reinstatement with Changes

Legacy appreciates the opportunity to provide comments on the 2012-2014 National Adult Tobacco Survey (NATS). Legacy has a long history with the NATS, and applauds the goals of NATS regarding monitoring tobacco use trends among adults as tobacco use remains the leading cause of preventable disease and death in the United States.¹ This research is vital for informing policy and programs on substance use. In general, we are particularly pleased to see questions surrounding menthol use and cigar use, as well as the questions regarding other tobacco products. Questions to adults about these products are particularly helpful, as more and more evidence shows that young adults in the 18-25 year age range are using these products.^{2,6} Legacy's comments here focus on questions regarding the various cigar products, and little cigar and cigarillo (LCC) products in particular.

Currently, there are no national prevalence estimates for LCC products specifically. Most state and national surveillance surveys collect cigar data inconsistently or do not ask questions specific to LCC's, limiting our understanding of the prevalence, profiles and patterns of use of LCC products.^{2,3} That is further complicated by the fact that according to the federal tax definition, cigarillo products are considered large cigars.⁴

Sales data suggest that the LCC market may be growing more rapidly than big cigars. Between 1995 and 2008, sales of little cigars and cigarillos increased by 316% and 255%, respectively, while large cigar sales increased by



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only 17% during that same period.⁵ Yet we cannot currently track prevalence estimates separately for these products. Legacy applauds NATS for including some brand names in their survey as part of the descriptions of these products, and suggests that it may be beneficial to list more brand names in the questions regarding little filtered cigars and cigarillos. A recent analysis using 2002-2008 NSDUH data showed that the top 5 cigar brands smoked by respondents (Black & Mild, Swisher Sweets, Phillies, White Owl, and Garcia y Vega) include cigarillos and little cigar products. Yet, the authors were unable to determine whether respondents were smoking large cigars or LCCs due to the grouping together of cigar and LCC questions.⁶ This illustrates why it would be helpful if other survey instruments, such as NATS, were more specific in their questions regarding LCCs and asked separately about each of the products.

As cigarette consumption has declined, LCC sales rates have increased dramatically.⁷ The increase in LCC sales is often attributed to higher taxes on cigarettes relative to cigars,^{8,9,10} as well as differences in product regulation, industry marketing practices and, possibly, the increased availability of a variety of flavors for LCC's.^{8,11,12} In addition, due to the 2009 federal excise tax increase on little cigars equal to cigarettes at \$1.00 per pack some companies have increased slightly the weight of their little cigar products equaling the weight of large cigars.^{13,14,15} However, to the consumer the cigars look the same and are used in the same manner.

Evidence also suggests that LCC product use may be more common among young adults, males and African Americans.^{6,16,17} Further, some emerging evidence indicates that LCC users engage in different patterns of multiple product use compared with cigarette users. At least two studies have found that LCC users are more likely to use cigarettes concurrently.^{15,17}

LCC users may view these products as less harmful than cigarettes,¹¹ despite the fact that cigars can be just as addictive and risky.¹⁸ Data show that some LCC users smoke these products differently than large cigars, inhaling more deeply. If inhaled like cigarettes, LCCs have the potential to be particularly addictive, given that a cigar typically contains more nicotine than a cigarette.^{16,19,20}

For these reasons and those explained below, it is important that we better understand the prevalence and patterns of use of LCC-specific products. Therefore, Legacy suggests amending the NATS survey in the following ways:

- 1) **Include better descriptions of each product in the questions about these products.** Research indicates that LCC users may not recognize these products as cigars or even as tobacco products.^{21, 22} Including descriptions could help respondents correctly identify the products and answer questions accordingly. While there are descriptions available to respondents if they ask for help, it may provide more accurate information if the descriptions were automatically read as part of the question.



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- 2) **Ask questions about cigarillos and little filtered cigars separately.** As we have stated above, it is sometimes difficult to tease out the different use patterns for the various products, and lumping together cigarillos and little filtered cigars may contribute to this difficulty.
- 3) **Ask more questions about usage patterns.** We need more information about how these products are actually used. For example, we noticed that the survey did not ask about how many times a day respondents smoked cigars. It is also important ask about what users are doing when they use these products. For example, most users do not inhale the smoke of typical large cigars. However, it is possible, especially in the case of the little filtered cigars, that these products are being inhaled, and used as substitutes for cigarettes, due to their flavorings, price and similarity to cigarettes. Also, there is some evidence in the case of cigarillos, that users sometimes share the product, rather than smoking it all themselves.²³ Asking questions about whether or not users have attempted to quit using these products would also be helpful information. Finally, the question regarding intentions for use (Question 28: Do you think you will smoke a cigar, hookah or water pipe, or another type of pipe within the next year) lumps several products together. It is important to ask this question separately for each product in order to get a better picture of respondent's intentions.
- 4) **Ask about flavored individual products.** We applaud CDC for including a question about flavored tobacco products. (Question 34: ...In the past 30 days were any of the tobacco products that you smoked flavored to taste like menthol, mint, clove, spice, candy, fruit, chocolate, or other sweets?) However, this question is not specific to any type of tobacco product and may not be as helpful in determining which flavored products adults may be using. This is especially important with regard to cigars, since flavored cigarettes (except for menthol) were banned by the Tobacco Control Act. Considering that cigarettes and little cigars are often substituted for each other, it is important to have information about flavored cigar products. It also may be helpful to know what flavors respondents used, for example, asking them to indicate from a list which flavors they have used. In addition, the FDA does not currently regulate cigars – flavored or not.²⁴ Having specific information about flavored cigars, particularly among young adults, may be useful should FDA assert jurisdiction over cigars.



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We thank CDC and OMB for considering these suggestions. Please contact Diane Canova, Vice President of Government Affairs, at dcanova@legacyforhealth.org or 202-454-5559 if you have any questions or need further information.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. J. Dobbins', with a long horizontal flourish extending to the right.

David Dobbins
Chief Operating Officer



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- ¹ Danaei G, Ding EL, Mozaffarian D, et al. The preventable causes of death in the United States: comparative risk assessment of dietary, lifestyle, and metabolic risk factors. *PLoS Med.* Apr 28 2009;6(4):e1000058.
- ² Delnevo C. Smokers' Choice: What Explains the Steady Growth of Cigar Use in the U.S.? *Public Health Reports.* 2006;121:116-119.
- ³ Terchek J, Larkin, EMG., Male, ML., Frank, SH. Measuring cigar use in adolescents: Inclusion of a brand-specific item. *Nicotine and Tobacco Research.* 2009;11(7):842-846.
- ⁴ U.S. Department of Treasury, Alcohol and Tobacco Tax Trade Bureau. Tobacco: Federal Excise Tax Increase and Related Provisions. Available at: http://www.ttb.gov/main_pages/schip-summary.shtml.
- ⁵ Maxwell JC. *The Maxwell Report: Cigar Industry in 2009.* Richmond, VA 2010.
- ⁶ Cullen J, Mowery P, Delnevo C, et al. Seven Year Patterns in U.S Cigar Use Epidemiology among Young Adults aged 18-25: A Focus on Race/Ethnicity and Brand *American Journal of Public Health.* 2011, In Press.
- ⁷ Kozlowski LT, Dollar, K.M., Giovino, G.A. Cigar/Cigarillo Surveillance: Limitations of the U.S. Department of Agriculture System. *American Journal of Preventive Medicine.* 2008;34(5):424-426.
- ⁸ Delnevo CDF, J.; Hrywna, M. Trading Tobacco: are youths choosing cigars over cigarettes? *American Journal of Public Health.* 2005;95(12):2123.
- ⁹ Delnevo CDHM. Cigar use before and after a cigarette excise tax increase in New Jersey. . *Addict Behav.* 2004;29:1799-1807.
- ¹⁰ Ringel JS, Wasserman J, Andreyeva T. Effects of public policy on adolescents' cigar use: evidence from the National Youth Tobacco Survey. *Am J Public Health.* Jun 2005;95(6):995-998.
- ¹¹ Jolly DH. Exploring the use of little cigars by students at a historically black university. *Preventing Chronic Disease.* 2008;5(3):1-7.
- ¹² Smith SY, Curbow, B., Stillman, F.A. Harm perception of nicotine products in college freshmen. *Nicotine & Tobacco Research.* 2007;9(9):977-982.
- ¹³ Kesmodal, D. Close and It Is a Cigar: Tobacco Manufacturers Are Accused of Exploiting a Tax Loophole to Boost Sales. *The Wall Street Journal.* September 23, 2010. <http://online.wsj.com/article/SB10001424052748703399404575505670223138144.html>. Accessed October 12, 2011.
- ¹⁴ Government Accountability Office. Illicit Tobacco: Various Schemes Are Used to Evade Taxes and Fees. GAO-11-313. March 2011. <http://www.gao.gov/new.items/d11313.pdf>. Accessed October 12, 2011.
- ¹⁵ Delnevo CD. "A Whole 'nother smoke" or a cigarette in disguise: how RJ Reynolds reframed the image of little cigars. *American Journal of Public Health.* 2007;97(8):1368-1375.
- ¹⁶ Borawski E, Brooks, A., Colabianchi, N., Trapl, ES, Przepyszny, KA., Shaw, N., Danosky, L. Adult use of cigars, little cigars, and cigarillos in Cuyahoga County, Ohio: A cross-sectional study. *Nicotine and Tobacco Research.* 2010;12(6):669-673.
- ¹⁷ Richardson A et al. "Primary and Dual Users of Cigars and Cigarettes: Profiles, Tobacco Use Patterns and Relevance to Policy." *Nicotine and Tobacco Research,* January 17, 2012
- ¹⁸ National Cancer Institute. *Cigars: Health Effects and Trends. Smoking and Tobacco Control Monograph No. 9.* Bethesda, MD: U.S. Department of Health and Human Services, Public Health Service, National Institutes of Health;1998.
- ¹⁹ Delnevo CD. "A Whole 'nother smoke" or a cigarette in disguise: how RJ Reynolds reframed the image of little cigars. *American Journal of Public Health.* 2007;97(8):1368-1375.
- ²⁰ Henningfield JE, Fant, RV., Radzius, A.; Frost, F. Nicotine Concentration, smoke pH and whole tobacco aqueous pH of some cigar brands and types popular in the United States. *Nicotine and Tobacco Research.* 1999;1(2):163-168.
- ²¹ Page JB, Evans, S. Cigars, Cigarillos, and Youth: Emergent Patterns in Subcultural Complexes. *Journal of Ethnicity in Substance Abuse.* 2003;2(4):63-76.



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²² Yerger VP, C., Malone, M.E. When is a cigar not a cigar? African American youths' understanding of cigar use. *American Journal of Public Health*. 2001;91(2):316-317.

²³ Jolly DH. Exploring the use of little cigars by students at a historically black university. *Prev Chronic Dis* 2008;5(3). http://www.cdc.gov/pcd/issues/2008/jul/07_0157.htm. Accessed March 6, 2012

²⁴ Family Smoking Prevention and Tobacco Control Act, Pub. L. No. 111-31 (2009).

CDC Response to Public Comment #2

Selected comments were incorporated into a revision of the NATS questionnaire.