



October 11, 2019

The Honorable Michael C. Burgess
Energy & Commerce Committee
Subcommittee on Health, Ranking Member
2161 Rayburn House Office Building
Washington, DC 20515

Dear Ranking Member Burgess,

It has been announced that the Subcommittee on Health of the Committee on Energy and Commerce will hold a hearing on Wednesday, October 16, 2019, entitled, “Legislation to Reverse the Youth Tobacco Epidemic.” I am writing on behalf of the Texas Food and Fuel Association (TFFA) to express our *opposition* to the menthol cigarette ban within H.R. 2339 and to formally request that our *opposition* to this provision be preserved in the official Committee record and distributed to each member of the Health Subcommittee.

The TFFA represents 15,740 convenience retailers and petroleum marketers in the State of Texas. H.R. 2339 has drawn the attention and grave concern of our membership because we believe that the ban would produce troubling consequences for the small businesses our association represents, the working families depending on them, and their communities; while producing little public health benefit.

Convenience store retailers in Texas employ more than 250,000 individuals. We provide food in many areas where major grocery chains simply do not operate. A ban on menthol cigarettes could threaten many members’ very existence.

No one can disagree with the objective of reducing smoking and, in particular, working to keep cigarettes out of the hands of youth. The retailer members of Texas Food and Fuel Association work hard to that end. They are bound by contractual restrictions and take steps to ensure their clerks obey laws prohibiting sales to youth. Many of them participate voluntarily in training programs—such as We Card—which not only puts young people on notice that age-restricted products will not be sold to them illegally, but also provides training to team members on how to prevent underage sales.

This is why it is so concerning that members of Congress are once again seeking to eliminate the use of menthol in cigarettes and ban other tobacco products. The Food and Drug Administration acknowledged that eliminating menthol from combustible cigarettes does not reduce the inherent risk of smoking-related diseases, and certain smokeless and vapor products have the potential to move smokers down the continuum of risk to potentially less risky products.

A ban on menthol cigarettes would not prevent menthol sales. Rather, it will very likely drive many purchases to illicit markets where sellers are unconcerned about age-of-purchase laws and other efforts to prevent youth access the age-restricted products. The results could actually mean increased access to combustible cigarettes at a time when youth smoking rates are at an all-time low.

One thing is even more certain: the sudden removal from the market of products representing 35% of in-store cigarette sales—at a time when volumes are already declining—will strike a major blow to Texas Food and Fuel Association members. The impact on their top and bottom lines could result in layoffs or

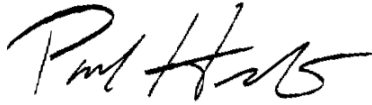
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reduced employment opportunities, especially for the people who rely on our member stores as a first step in their career path.

For all of these reasons, I encourage you to oppose H.R. 2339. Thank you for your support.

Best Regards,

A handwritten signature in black ink, appearing to read "Paul Hardin", with a stylized flourish at the end.

Paul Hardin, CAE
President/CEO