February 21, 2017

The Honorable Tom Price, M.D.
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Price:

Congratulations on your confirmation as Secretary of the U.S. Department of Health and Human Services. I look forward to working with you as Congress and the Trump Administration begin to unwind the previous Administration’s executive overreach that has expanded the size, scope, and cost of government.

One prime example of the federal government’s overreach is the U.S. Food and Drug Administration’s (FDA) deeming regulation of e-cigarettes. The burdensome rule threatens to stifle an entire industry and may potentially hurt the public’s health by making it more difficult for consumers to access products that are alternatives to smoking. The FDA’s regulation, which went into effect in August 2016, requires e-cigarette manufacturers to complete costly and time-consuming applications to get federal approval to sell e-cigarette products.¹ According to some estimates, these applications could cost e-cigarette manufacturers more than $1 million per product.² Many e-cigarette manufacturers, most of which are small businesses, cannot afford to complete this application process, and will be forced to shut down.³

In December 2016, Congressman Duncan Hunter and I wrote to Vice President Pence about this burdensome rule and urged the Trump Administration to consider repealing or suspending the FDA’s e-cigarette rule. I write to you today to reiterate my request to reign in this regulation. With your leadership, I am hopeful that the Administration can undo the FDA’s burdensome e-cigarette rule that threatens former smokers who have switched to vaping and job creators across the country.

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Thank you for your attention to this important matter.

Sincerely,

Ron Johnson
Chairman

cc: The Honorable Claire McCaskill
    Ranking Member