

The Faltering Promise of FDA Tobacco Regulation

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Abstract:

The Tobacco Control Act was passed in 2009, giving the FDA the authority to regulate tobacco products for the first time. During the remaining years of the Obama Administration, the FDA's use of its newfound regulatory powers was limited and largely disappointing to public health advocates. Though even less was expected during the Trump Administration, the FDA made the surprising announcement in 2017 that it was considering a regulation to reduce nicotine in cigarettes to minimally-addictive or non-addictive levels. At the same time, the FDA shifted its posture towards e-cigarettes and other nicotine products, becoming more receptive to "tobacco harm reduction" approaches. This paper examines the prospects for a nicotine reduction rule and what it means for the FDA to embrace the concept of "tobacco harm reduction."