



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

PAT McCrory
GOVERNOR

September 11, 2013

Food and Drug Administration
Division of Dockets Management (HFA-305)
5630 Fishers Lane, rm. 1061
Rockville, MD 20852

RE: Docket No. FDA-2013-N-0521

Commissioner Hamburg,

I am writing with regard to the pending inquiry of the Food and Drug Administration (FDA) into the manufacture and sale of mentholated cigarettes. Any prohibition or overly restrictive federal regulations would have an adverse effect on both the citizens and the economy of the State of North Carolina.

Since the Tobacco Control Act of 2009, this state has closely monitored the FDA's implementation and has worked to support efforts to promote and protect public health and awareness. However, I believe that unreasonable regulations, including a ban, would result in significant unintended consequences. An FDA ban of menthol in cigarettes would greatly expand the already thriving illicit trade market which would be targeted at some of the most vulnerable of our population. Unregulated cigarettes would fall into the hands of young smokers and members of lower income groups who overwhelmingly indicate a preference for menthol cigarettes, potentially causing significant, harmful public health effects. These products contain unregulated ingredients and are often manufactured in unregulated overseas countries. This has been well documented by many federal and state agencies.

If menthol in cigarettes is banned, our state would be forced to shoulder the enforcement burden to prevent illicit tobacco trade. This large-scale, state-funded enforcement effort would likely require additional state resources and dilute efforts of our law enforcement officials to protect the welfare of the North Carolina citizens.

Additionally, a ban or overly restrictive regulations on menthol cigarettes would be devastating for the economy of North Carolina, as thousands of workers in agriculture, processing, manufacturing and wholesale and retail business could face job uncertainty or loss. North Carolina ranks first in the U.S. in the production of tobacco, and every stage of production from tobacco growing to final product manufacture is located in North Carolina.

I encourage the FDA to take science-based actions to address the public health impact from smoking. However, your actions have real economic and enforcement consequences for our state. To that end, I strongly urge you not to take any negative actions on menthol cigarettes that would be harmful to North Carolina.

Very truly yours,

A handwritten signature in black ink, appearing to read "Pat McCrory".

Pat McCrory
Governor of the State of North Carolina