

# *Bakery, Confectionery, Tobacco Workers and Grain Millers International Union*

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DAVID B. DURKEE  
INTERNATIONAL PRESIDENT

October 24, 2013

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

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

Dear Sir or Madam:

The Bakery, Confectionery, Tobacco Workers and Grain Millers International Union (BCTGM) submits this document in response to the agency's advance notice of proposed rulemaking related to the potential regulation of menthol in cigarettes.

The BCTGM represents approximately 85,000 members in the United States and Canada including nearly 4,000 workers employed in cigarette manufacturing, leaf processing and various other sectors of the U.S. tobacco industry.

The BCTGM strongly opposes any ban or prohibition on menthol cigarettes. A very significant portion of the cigarette market (nearly 25 percent) is menthol and such a ban would result in severe job loss for our members employed in the U.S. tobacco industry.

Each of the cigarette manufacturing employers with which the BCTGM has collective bargaining agreements would be adversely impacted by a menthol ban or restrictions. With respect to one of those companies, Lorillard Tobacco Company, the jobs impact would be catastrophic as menthol accounts for nearly 95 percent of that company's production. The BCTGM represents more than 1,000 members at Lorillard.

Our tobacco industry members are good, hardworking men and women who earn strong wages and excellent benefits. Theirs are the American middle-class jobs that President Obama, members of Congress and other elected officials often describe as the "cornerstone" of a successful local, regional and national economy. As such, these workers, our members, are an economic linchpin of the communities in which they live. In recent public remarks on "Jobs for the Middle Class," President Obama stated, "So we should be doing everything we can as a country to create more good jobs that pay

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good wages. Period.” The BCTGM agrees wholeheartedly with President Obama on this matter. Banning menthol cigarettes is completely inconsistent with the public policy goal of creating and preserving middle-class jobs in the United States.

The BCTGM encourages the Food and Drug Administration (FDA) to give adequate consideration in its deliberations to the reality of cigarette contraband and the burgeoning market for illicit tobacco products. According to analysts, the fastest growing segment of the global tobacco industry is in counterfeit and illicit market products.

Should the FDA ban or severely restrict the production and legal sale of menthol cigarettes, menthol consumers will simply turn to other, likely illegal, sources for the menthol products they desire. Consumer demand for the product will be met. The marketplace will not be free of menthol products.

The tobacco industry is highly globalized. Most manufacturers have the capability to shift production out of the United States to facilities in countries around the globe. In fact, many manufacturers have been doing so for over a decade in part to take advantage of low-wage workforces around the world and to avoid onerous government tobacco policies.

The result has been that many thousands of our members employed in the U.S. tobacco industry have lost their jobs causing extreme hardship for themselves, their families and their communities. A ban on menthol cigarettes would cause more job loss and hardship and accomplish nothing to further the goals of the Family Smoking Prevention and Tobacco Control Act.

The BCTGM appreciates the FDA’s consideration of our position on this important public policy issue.

Sincerely,



David B. Durkee  
International President

DBD:kfh

cc: International Secretary-Treasurer Steve Bertelli  
International Representative Randy Fulk  
Principal Officers of BCTGM U.S. Tobacco Locals  
AFL-CIO President Richard Trumka  
The Honorable Kathleen Sebelius, Secretary, U.S. Department of  
Health and Human Services