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August 4, 2005

Honorable Michael O. Leavitt
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Mr. Secretary:

I am writing to ask why addressing the nation's leading cause of preventable illness and death — tobacco — is missing from your list of priorities as Secretary of Health and Human Services.

Recently, you released a "500-day plan" to provide "direction to the daily leadership and management of the Department," as well as a longer-term 5,000-day vision for the Department. Yet tobacco and the nearly 440,000 deaths it causes each year are not mentioned once in either the plan or the vision. Tobacco is mentioned only once — in passing — in all of your speeches indexed on the Department's website, and it is not mentioned at all in the highlights of your Department's budget. You have not supported legislation to authorize FDA regulation of tobacco products. In fact, you have not even supported your Department's own expert recommendations on promoting access to tobacco cessation programs.

From our nation's leading health official, this silence is stunning. It is also dangerous: on your watch, smoking rates among youth are poised to rise for the first time in nearly a decade.

I urge you to reconsider your agenda. Prioritizing tobacco control could prevent millions of serious illnesses and save hundreds of thousands of lives each year.

Background on Tobacco

Tobacco use is the leading cause of preventable death in the United States today.[1] The Centers for Disease Control and Prevention (CDC) estimates that 438,000 Americans die

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[1] U.S. Department of Health and Human Services, *The Health Consequences of Smoking: A Report of the Surgeon General* (May 24, 2004) (online at

prematurely each year from smoking and exposure to secondhand smoke.[2] The lost productivity associated with these deaths exceeds $90 billion annually.[3] Annual smoking-related healthcare costs exceed $75 billion.[4]

Every year, tobacco kills Americans through a range of diseases and conditions. The major causes of death include oral, laryngeal, esophageal, throat, and lung cancers (an estimated 139,957 deaths per year), ischemic heart disease (86,801 deaths), chronic lung diseases (75,074 deaths), and strokes (17,436).[5] Tobacco also causes death through pneumonia and influenza (10,872 deaths), aortic aneurysm (9,249 deaths), pancreatic cancer (6,509 deaths), bladder cancer (4,818 deaths), stomach cancer (2,652 deaths), acute myeloid leukemia (1,090 deaths), and many other lethal illnesses.[6] Parental smoking can cause sudden infant death syndrome (376 deaths).[7]

This toll can be reduced substantially. The Cessation Subcommittee of the Department's Interagency Committee on Smoking and Health was created in 2002 to identify and recommend the best means to promote tobacco use cessation.[8] Based on its work, the Subcommittee developed a national action plan to promote cessation. The 2003 plan recommended an initiative consisting of practical, evidence-based steps that would take effect by fiscal year 2005.[9] The

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http://www.surgeongeneral.gov/library/smokingconsequences/); Centers for Disease Control and Prevention, *Office on Smoking and Health, Summary 2004* (accessed on July 1, 2005) (online at http://www.cdc.gov/tobacco/overview/oshsummary2004.htm).

[2] Centers for Disease Control and Prevention, *Annual Smoking-Attributable Mortality, Years of Potential Life Lost, and Productivity Losses — United States, 1997-2001*, Morbidity and Mortality Weekly Report, 625-628 (July 1, 2005).

[3] *Id.*

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] *Id.*

[8] Centers for Disease Control and Prevention, Tobacco Information and Prevention Source (TIPS). *The Interagency Committee on Smoking and Health, An overview* (accessed on June 30, 2005) (online at http://www.cdc.gov/tobacco/ICSH/cesssub.overview.htm).

[9] Centers for Disease Control and Prevention, Tobacco Information and Prevention Source (TIPS). *The Interagency Committee on Smoking and Health, Introductory Meeting* (October 1, 2002) (online at http://www.cdc.gov/tobacco/ICSH/cesssub.meeting.sum.Oct1.02.htm).

Subcommittee explained that if implemented, these action steps would help 5 million smokers quit tobacco use within one year and would save approximately 3 million lives.[10]

Your Priorities

Despite the serious consequences of tobacco use and the potential for a cessation initiative to save lives, you have done and said little about the leading cause of preventable death in the United States.

Recently you released your 500-day plan for the Department of Health and Human Services. The Department website describes this plan as "a management tool to guide [Secretary Leavitt's] energies" and a personal expression of priorities that "provides direction to the daily leadership and management of the Department."[11] The website also states that you will spend at least half of your time on the priorities named in the 500-day plan.[12]

Your 500-day plan includes expressing a clear vision of health information technology, promoting self-sufficiency and state flexibility in the reauthorization of Temporary Needy Assistance to Families, and supporting emerging democracies with health diplomacy.[13] Yet there is no mention of addressing tobacco and its consequences.

The priorities named in your 500-day plan are presented as stemming from a broader, long-term vision. The plan states that looking ahead 5,000 days, you envision a nation in which "consumers are better informed and have more choices," medicines "are chosen based on the patient's personal characteristics," and sexual abstinence outside of marriage is a value "taught to future generations."[14] Your 5,000-day vision also does not mention reducing the death and disease that result from tobacco.

Since your confirmation, you have given sixteen major speeches. You have spoken on health information technology, medical liability reform, and the need for cuts in Medicaid

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[10] Interagency Committee on Smoking and Health, *Preventing 3 Million Premature Deaths, Helping 5 Million Smokers Quit: A National Action Plan for Tobacco Cessation*, Subcommittee on Smoking Cessation, (Feb. 13, 2003) (online at http://www.ctri.wisc.edu/Researchers/NatActionPlan%2002-04.pdf).

[11] U.S. Department of Health and Human Services, *500-Day Plan Information* (accessed on June 30, 2005) (online at http://www.os.dhhs.gov/500DayPlan/).

[12] *Id.*

[13] *Id.*

[14] *Id.*

spending.[15] In a speech to pharmacists in Denver, you called for reform of the Social Security system, which is not even under the jurisdiction of your Department.[16] Yet you mentioned tobacco only once in all of your speeches, then only in a passing reference.[17] Not one of your speeches proposes action on tobacco.

On February 7, 2005, you spoke about the highlights of the Department's budget. Your priorities included promoting health savings accounts, supporting abstinence education, and allocating $1 billion for healthy marriages.[18] There was no mention of tobacco.

Between your confirmation and July 14, 2005, the Department has issued 61 press releases.[19] Only one of these releases — issued on "World No Tobacco Day" — quotes you on tobacco.[20]

You have also failed to support key tobacco control policies. You have not endorsed FDA regulation of tobacco, a critical step in keeping cigarettes out of the hands of youth. You have not announced any major cessation initiatives, nor even endorsed the basic findings of the Subcommittee on Cessation. You have not called for towns, cities, counties, and states to adopt laws to protect against secondhand smoke. You have not endorsed government support of the Legacy Foundation's successful campaign against youth smoking. You have not urged the President to send the Framework Convention on Tobacco Control, the world's first public health treaty, to the Senate for ratification.

In fact, I am not aware of any initiative on tobacco that you have launched since your confirmation.

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[15] U.S. Department of Health and Human Services, *2005 Speeches by Mike Leavitt* (accessed on July 16, 2005) (online at http://www.hhs.gov/news/speech/).

[16] U.S. Department of Health and Human Services, *Denver Pharmacy School* (Apr. 19, 2005) (online at http://www.hhs.gov/news/speech/2005/050419.html).

[17] U.S. Department of Health and Human Services, *Secretary's Remarks to the NIEHS/NIH Conference on Environmental Solutions to Obesity in America's Youth* (June 1, 2005) (online at http://www.hhs.gov/news/speech/2005/050601.html).

[18] U.S. Department of Health and Human Services, *Secretary's Remarks on the HHS Proposed Budget for FY 2006* (Feb. 7, 2005) (online at http://www.hhs.gov/news/speech/2005/050207.html).

[19] U.S. Department of Health and Human Services, *2005 Press Releases* (accessed on July 27, 2005) (online at http://www.hhs.gov/news/press/2005.html).

[20] U.S. Department of Health and Human Services, *HHS Encourages All Smokers to Quit on "World No Tobacco Day"* (May 31, 2005) (online at http://www.hhs.gov/news/press/2005pres/20050531.html).

Conclusion

Your silence on the leading cause of preventable death in the United States is incomprehensible. On April 1, CDC reported that prevalence rates for tobacco use and cigarette smoking among middle school and high school youth have not significantly changed from 2002 to 2004.[21] This plateau, which follows five years of falling rates, means we are no longer winning the battle to reduce youth tobacco use.[22] In fact, many experts believe that the rates could soon begin to rise.[23] This would be a terrible legacy.

Every 200 days, you update your 500-day plan. When you do so, I urge you to end your silence and make tobacco control one of your top health priorities. Your attention to the harm caused by cigarettes and smokeless tobacco could save hundreds of thousands of lives and prevent millions of children from addiction and disease. Your leadership on global tobacco control could save millions of people around the world.

As you reassess your agenda, I stand ready to work with you to pursue these worthy goals.

Sincerely,

Henry A. Waxman
Ranking Minority Member

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[21] Centers for Disease Control and Prevention, *Tobacco Use, Access, and Exposure to Tobacco in Media Among Middle and High School Students — United States, 2004.* Morbidity and Mortality Weekly Report, 297-301 (Apr. 1, 2005).

[22] Centers for Disease Control and Prevention, *Tobacco Use Among Middle and High School Students — United States, 2002.* Morbidity and Mortality Weekly Report, 1096-1098 (Nov. 14, 2003).

[23] Centers for Disease Control and Prevention, *Effects of Ending an Anti-tobacco Youth Campaign on Adolescent Susceptibility to Cigarette Smoking — Minnesota, 2002-2003.* Morbidity and Mortality Weekly Report, 301-304 (Apr. 16, 2004).