



Forging a partnership between farmers and consumers
• Working together for Ohio's farmers •

April 2, 2008

The Honorable George Voinovich
United States Senate
524 Hart Senate Office Building
Washington, D.C. 20510-3504

Also Sent to The Honorable:

Sherrod Brown	Jean Schmidt
John Boehner	Zack Space
Michael Turner	Charles Wilson

Dear Senator Voinovich:

It is come to our attention that the House Energy and Commerce Subcommittee on Health may soon mark-up H.R. 1108, the Family Smoking Prevention & Tobacco Control Act. In light of this news, we are writing to share with you our concerns regarding a couple of the bill's provisions.

H.R. 1108 would grant the U. S. Food & Drug Administration authority to regulate tobacco products and will most certainly impact Ohio's tobacco farmers -- located in Adams, Brown, Gallia, Clermont, Highland, Lawrence, Monroe, Pike, Ross, Scioto and Warren counties -- in some way. Our policy position regarding FDA regulation of tobacco is as follows: "We oppose FDA regulations at the farm level."

The Ohio Farm Bureau Federation (OFBF) has not taken a formal position on H.R. 1108, or its companion bill S. 625, but a couple of provisions in the bill are troubling and need to be corrected in the event Congress undertakes a serious effort to enact the proposed legislation.

H.R. 1108 contains language that would shield some tobacco farmers from direct FDA regulation. However, the bill also contains an exception to this provision that would subject a tobacco farmer "controlled" by a tobacco product manufacturer to FDA regulation in the "capacity of a manufacturer." If this language is construed to apply to tobacco farmers who grow tobacco under contract, H.R. 1108 would essentially grant FDA the authority to regulate tobacco production at the farm level. Furthermore, this language would appear to enable FDA employees to come onto a tobacco farmer's farm without written consent.

Because a vast majority of tobacco produced in southern Ohio is grown under contract, the negative impact of this exception would be felt throughout this 11-county area. To ensure H.R. 1108 does not subject Ohio's tobacco farmers to the burdens of FDA regulation, we strongly urge you to work with your colleagues to either strike this exception from the proposed legislation or clarify the language to ensure contract tobacco farmers are not subject to FDA regulation.

We appreciate your consideration of these concerns and welcome any effort to improve H.R. 1108 as it is formally considered in the Energy and Commerce Committee. If you need additional information about this issue, please contact Adam Sharp (614-246-8278 or asharp@ofbf.org) or David White (614-246-8261 or dwhite@ofbf.org).

Sincerely,

John C. Fisher
Executive Vice-President