

form encephalopathy have now been diagnosed in cats in Britain and one suspects that dogs and other pets might be likely next victims, given the propensity of the disease to cross species barriers.

Clearly, more definitive preventive measures are needed, but these must await a better understanding of the epidemiology of these diseases, better diagnostic methods, and a more comprehensive understanding of the nature of the causal agent and how to inactivate it. A strong research agenda should be high priority.

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CIGARETTE TAXES

Michael Grossman, PhD, and Frank Chaloupka, PhD, in the July/August issue of *Public Health Reports*, provide updated information on the single

most valuable tool available to address youth tobacco use—the cigarette excise tax. This study comes at a time when the public health community is evaluating an agreement between the tobacco industry and state Attorneys General to settle lawsuits filed to recoup Medicaid expenditures for tobacco-related disease. These talks were initiated by Mississippi Attorney General Mike Moore, who outlined his efforts in the May/June 1996 issue of *Public Health Reports*. It is of critical concern to the American Lung Association that the cigarette excise tax was not included in Mr. Moore's original outline of issues and that it is not a part of the recent settlement agreement. The American Lung Association has opposed the settlement agreement, in part, because it far exceeds the authority of the state Attorneys General and sets many unsatisfactory precedents.

The American Lung Association believes the settlement is premature and wrong. Its public health protections are too weak to compensate for the benefits afforded to the tobacco industry. Given the tobacco companies' dismal record of lies, manipulation, and bad faith, we certainly cannot trust them to abide by this latest set of promises they have negotiated for themselves. The settlement would grant legitimacy to an industry whose behavior we find reprehensible. In vindicating this industry, accepting a deal now tells the public that all is forgiven and tobacco use is an appropriate and safe behavior.

The American Lung Association has carefully analyzed the settlement document. We believe the agreement falls considerably short of protecting the public's health. We are especially wary of provisions that would weaken the ability of the Food and Drug Administration to regulate tobacco products by requiring a lengthy, formal rulemaking process for any future action. Settlement provisions would also raise the judicial standard to "substantial evidence" for regulatory efforts to reduce nicotine in tobacco products and to "a preponderance of evidence"

for eliminating nicotine in tobacco products. The settlement also provides the tobacco industry with several forms of immunity from future legal action.

Interestingly, the settlement does not discuss excise taxes on tobacco products. While it purports to provide "landmark" public health protections for our children, it fails to utilize this key tool. Grossman and Chaloupka found that a 10% increase in the price of tobacco products would reduce the number of teenagers who smoke by 7% and reduce consumption among smokers by 6%. The settlement agreement uses a series of financial penalties against the industry—all untested—to achieve its promised reductions in youth tobacco use.

I had the honor of representing the American Lung Association on the Advisory Committee on Tobacco and Public Health, co-chaired by former Surgeon General C. Everett Koop and former FDA Commissioner David Kessler. The Committee was organized at the request of a bipartisan group of Members of Congress. Its goal was to develop a comprehensive and rational public health policy toward tobacco to be used as a benchmark against which future public and private actions can be measured. The Committee's recommendations are being finalized as this is written. Among the recommendations unanimously adopted is a significant increase in excise taxes for tobacco products indexed to inflation. The American Lung Association will urge our nation's leaders to adopt the recommendations of the Koop/Kessler panel—including higher tobacco excise taxes—instead of the loophole-filled tobacco industry settlement. The American people cannot and should not live with a deal that so clearly serves the best interests of tobacco at the expense of the public's health.

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