

1 A CONCURRENT RESOLUTION urging the United States Food and Drug  
2 Administration to withdraw its proposed standard for NNN levels on ingredients and  
3 constituents in smokeless tobacco products.

4 WHEREAS, the United States Food and Drug Administration (FDA) is proposing,  
5 in 21 C.F.R. Pt. 1132, a limit of N-nitrosornicotine (NNN) in finished smokeless  
6 tobacco products; and

7 WHEREAS, 1,200 farmers in the United States grow the dark tobacco that makes  
8 up the main ingredient of smokeless tobacco products. These farmers, the majority of  
9 them residing in Kentucky, raise approximately 24,000 acres of the crop with an  
10 estimated cash value of approximately \$173 million per year; and

11 WHEREAS, almost all the dark tobacco grown in the entire United States is raised  
12 within a 50-mile radius of Hopkinsville, with some of the leaf grown in bordering areas  
13 of Tennessee; and

14 WHEREAS, significant manufacturing of smokeless tobacco products is done in  
15 Hopkinsville and in Owensboro. Current plans call for two additional projects in  
16 Christian County totaling \$42 million in further investments; and

17 WHEREAS, the proposed rule would establish a limit of NNN in finished  
18 smokeless tobacco products. Under the proposed rule, no person may manufacture,  
19 distribute, sell, or offer for distribution or sale within the United States a finished  
20 smokeless tobacco product that is not in compliance with FDA standards; and

21 WHEREAS, NNN in tobacco is naturally occurring and can be formed during  
22 growing, curing, manufacturing, and even while the products sit on retail shelves; and

23 WHEREAS, tobacco farmers and manufacturers have worked for years to limit  
24 NNN levels; and

25 WHEREAS, despite these efforts, agronomic variability, including the weather, is  
26 the largest contributor to NNN formation in dark tobacco on the farm; and

27 WHEREAS, the FDA's proposed standard for NNN levels in smokeless tobacco is

1 technically unachievable; and

2 WHEREAS, the impact of a final rule would be far-reaching and onerous because  
3 of the negative impact on agriculture and on manufacturing jobs in Kentucky;

4 NOW, THEREFORE,

5 *Be it resolved by the House of Representatives of the General Assembly of the*  
6 *Commonwealth of Kentucky, the Senate concurring therein:*

7 ➔Section 1. The General Assembly urges the United States Food and Drug  
8 Administration to withdraw the proposed NNN rule because it is technically unachievable  
9 and because doing so would ultimately preserve hundreds of American farming and  
10 manufacturing jobs.

11 ➔Section 2. The Clerk of the House of Representatives shall send a copy of this  
12 Resolution and notification of its adoption to the Secretary of the United States  
13 Department of Health and Human Services, the Commissioner of the United States Food  
14 and Drug Administration, each member of Kentucky's delegation to the United States  
15 Congress, the two United States Senators representing Tennessee, and the United States  
16 Representatives representing House Districts 6 and 7 in Tennessee.