The Premium Cigar Association (PCA) represents over 3,000 traditional retail tobacconists across the United States. Our average consumer is over 40 years old, so by most accounts, T21 does not impact our financial bottom line. Our interest is strictly to ensure that regulatory and enforcement are pursued in a reasonable manner, given that we are the front line for T21 implementation.

T21's significance is not in limiting consumer access to tobacco products but in breaking the bridge between adults and teens who associate as peers in school. The entire regulation is based on managing risk at the point of sale. We appreciate that the U.S. Food and Drug Administration (FDA) has acknowledged–in its enforcement guidance–that traditional tobacconists, and specifically premium cigars, are the lowest enforcement priority given the lack of appeal to youth. Therefore, you would think that the FDA would have been eager to seek input from the traditional tobacco retail sector on how best to develop this regulation, public announcements, and best practices that support implementation. Yet, nothing could be further from the truth.

As the Reagan Udall Foundation uncovered, the FDA's Center for Tobacco Products is driven by political goals, not scientific ones. To date, it has been the retail industry–not the regulator–that has independently worked to develop mechanisms to notify the public and ensure that youth cannot access tobacco products. The FDA has cavalierly ignored the statutory mandate to promulgate this rule for the past four years. This is a shame, as millions of tax dollars are wasted to appease activists rather than develop policies that address public health needs in a concrete and measurable way.

During this time, the FDA has prioritized expanding the scope of the Tobacco Control Act, something that was legally questionable even before the Supreme Court's ruling in *Loper v. Raimondo*. One only needs to review the FDA's failures in defending its tobacco regulations in court to see that this path has caused significant harm to taxpayers, small businesses, and the economy.

Therefore, it is necessary to note that the FDA's authority to issue a Final Rule on T21 is statutorily limited to updating part 1140 to change references from "18" to "21" and to require that retailers check ID for purchasers under 30. By law, the Final Rule should address no other subject and not touch any subpart of part 1140 other than subpart B.

Like stakeholders on all sides of this issue, we agree that fulfilling Congress' statutory requirements for this regulation is long past due. We hope that it also marks an opportunity for the Administration to instruct the agency to correct its cultural bias favoring activist groups that distract the agency from its statutory obligations. To be credible with the public, the FDA must shed practices that appear to skirt the ethical boundaries that any federal agency should have with organizations that lobby it.

To improve performance, the FDA should consider including industry representatives, specifically specialty tobacco retail experts, on its advisory panels. This would allow the FDA to better understand the industry and guide the implementation of regulations that affect it.