

On the Food and Drug Administration's webpage, Commissioner Robert M. Califf asserts "a successful FDA is a critical factor for better public health in this changing world" and that the organization is "committed to strengthening programs and policies that enable the agency to carry out its mission to protect and promote public health."

Of course, if the promotion of public health is *the* mission goal of the agency, one wonders how the regulatory approach delineated in the deeming rules fosters tobacco harm reduction for adult consumers. Indeed, even a cursory read of the nearly 150-page document evinces little to believe the FDA is interested in hewing to a *consistent* or *rational* policy of health promotion.

The text informs us the deeming rules were drafted in order to "reduce the death and disease from tobacco products." Excellent. But the FDA's insistence that it classify electronic cigarettes alongside their vastly more harmful cousins is baffling in light of the later claim that the "FDA recognizes that completely switching from combusted cigarettes to [electronic cigarettes] may reduce the risk of tobacco related disease for individuals currently using combusted tobacco products."

Perhaps more shocking, however, is the following statement:

*Although FDA is not required to meet a particular public health standard to deem tobacco products, regulation of the newly deemed products will be beneficial to public health... Over time, since the "appropriate for the protection of the public health" standard involves comparison to the general tobacco product market, FDA believes the employment of the premarket authorities could create incentives for producers to develop products that are less dangerous when consumed, less likely to lead to initiation of tobacco use, and/or easier to quit.*

If you are rubbing your eyes in disbelief, stop. You read this correctly. The FDA here is claiming they've set no public-health standard when it comes to regulating e-cigarettes, among other things, preemptively. This renders the FDA's equivalency between all tobacco products contradictory. From a public health standpoint, the FDA's purposeful obscurantism is far worse; it's downright harmful.

In the absence of a standard, the crusade against tobacco products continues as long as the FDA wishes. While the tobacco giants and the thousands of small-business vape shops around the country have few public defenders, whenever the government justifies regulatory overreach on such slippery pretenses, it behooves all industries in America to step in and say something. Kicking around tobacco these days is fashionable; and the facility with which imprecise justification is used to strangle the industry is enticing for anyone looking to score easy points. Watch out Silicon Valley, you're next.