



COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Crow Nation • Eastern Shoshone Tribe
Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation • Navajo Nation • Northern Arapaho Tribe
Oglala Sioux Tribe • Rosebud Sioux Tribe • Sisseton Wahpeton Sioux Tribe
Shoshone Bannock Tribes • Spokane Tribe • Ute Indian Tribe • Walker River Paiute Tribe

COLT Chairman Echoes Senate Alarm on Foreign Illicit Tobacco Threats Amid FDA Prohibitory Rulemakings on Menthol and Nicotine in Cigarettes

July 24, 2023

Browning, MT - The Coalition of Large Tribes, an intertribal organization representing the interests of the more than 50 tribes with reservations of 100,000 acres or more, echoes the U.S. Senate concerns raised by Senators Cassidy, Rubio, Budd and Hagerty in their letter today Commissioner Califf of the Food and Drug Administration, sounding the alarm over the Biden administration's plans to restrict tobacco products for Americans, potentially creating opportunities for foreign cartels to profit from illegal tobacco on the black market. [Ranking Member Cassidy, Colleagues Sound... | Senate Committee on Health, Education, Labor and Pensions.](#)

COLT is also concerned about FDA's proposed rules¹ because they will no doubt create illicit markets for menthol and nicotine-containing products, gaps that will be filled by foreign criminal interests and directly and negatively impact public safety on remote rural Indian reservations like those of COLT member tribes.

As with other forms of prohibition, unregulated supply chains will take over once legal pathways to adult consumers are closed off. Banning the legal sale of menthol and nicotine-containing cigarettes will cede control of the market to illicit producers. "Tribes are painfully aware from our experience with the fentanyl crisis that criminal interests in China, the Middle East and Mexico already use various channels to traffic drugs through and concentrate drugs on our reservations, where the jurisdictional maze and chronic underfunding of tribal law enforcement leaves a persistent gaps for public safety. The Rules will strain already overburdened tribal law enforcement," said COLT Chairman Marvin Weatherwax, a member of the Blackfeet Tribal Business Committee, quoting COLT's June 2, 2023 Resolution #03-2022 (WR-Las Vegas), Calling for Pause in FDA Rulemaking on Tobacco to Allow for Tribal Consultation and Protection of Tribal Ceremonial Uses and Public Safety.

"Many of COLT member tribes' citizens are cigarette smokers, including myself and my wife. We are very concerned that illicit markets borne from the FDA's forthcoming Rules -- Native American smokers who obtained such products will have no idea what foreign illicit cigarettes might be laced with -- just like certain foreign drugs today are routinely laced with fentanyl," said

¹ [FDA Proposes Rules Prohibiting Menthol Cigarettes and Flavored Cigars to Prevent Youth Initiation, Significantly Reduce Tobacco-Related Disease and Death | FDA; FDA Announces Plans for Proposed Rule to Reduce Addictiveness of Cigarettes and Other Combusted Tobacco Products | FDA.](#)



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OJ Semans, COLT Executive Director. “As a career tribal police officer, I can tell you that the risks of FDA’s prohibitions on menthol and nicotine are huge for Indian Country.”

In addition to intensive public safety concerns, COLT is also dismayed that the FDA has not consulted with tribes at all on the Rules, despite the strong policies of the Biden Administration and numerous Executive Orders. COLT is also concerned that tribal tobacco manufacturers could be severely impacted by both Rules, and that tribal ceremonial use of tobacco could be severely restricted, infringing on tribal cultural and religious practices.

Consequently, COLT has called upon FDA to pause its rulemakings, engage in appropriate, required tribal consultation, and fully assess the Rules’ impacts to tribal economies and tribal public safety. COLT urges Congress to continue to shine light on the risks of the FDA’s rulemakings.

Media Contacts:

COLT Chairman Marvin Weatherwax - (406) 845-5477, mweatherwax@blackfeetnation.com
COLT Executive Director OJ Semans - (605) 828-1422, tateota@hotmail.com