

July 9, 2015

Dear CEO:

We are writing regarding recent reports in the *New York Times* that “the U.S. Chamber of Commerce and its foreign affiliates have become the hammer for the tobacco industry, engaging in a worldwide effort to fight antismoking laws of all kinds.”¹ This follows on the heels of the Chamber’s relentless opposition to addressing climate change and its support of “dark money” in politics.

Although your company holds a seat on the U.S. Chamber of Commerce’s (U.S. Chamber or “the chamber”) Board of Directors, “the principal governing and policymaking body of the U.S. Chamber ... [that] determines the U.S. Chamber's policy positions on business issues and advise[s] the U.S. Chamber on appropriate strategies to pursue,”² the U.S. Chamber’s work on behalf of tobacco companies does not appear to serve the interests of American business in general or your company in particular. Earlier this week, CVS Health, resigned from the Chamber, noting the company’s “surprise” at the group’s pro-tobacco lobbying.³

We are writing to you so we can fully understand the U.S. Chamber’s support for the tobacco industry, the decision-making process that resulted in this support, and the role of your company and other board members in this process.

The *Times* describes a number of extraordinary interventions by the U.S Chamber or its international affiliates to curtail efforts to reduce tobacco use and eliminate abusive marketing practices. According to the *Times*,

[T]he chamber has ... undertak[en] a three-pronged strategy in its global campaign to advance the interests of the tobacco industry. In the capitals of far-flung nations, the chamber lobbies alongside its foreign affiliates to beat back antismoking laws. In trade forums, the chamber pits countries against one another. The Ukrainian prime minister, Arseniy Yatsenyuk, recently revealed that his country’s case [seeking to weaken tobacco regulations in] Australia was

¹ New York Times, *U.S. Chamber of Commerce Works Globally to Fight Anti-Smoking Measures* (June 30, 2015) (http://www.nytimes.com/2015/07/01/business/international/us-chamber-works-globally-to-fight-antismoking-measures.html?_r=0).

² U.S. Chamber of Commerce, *Leadership: Board of Directors* (accesses July 1, 2015) (<https://www.uschamber.com/about-us/leadership>).

³ New York Times, *CVS Health Quits U.S. Chamber Over Stance on Smoking* (July 7, 2015) (http://www.nytimes.com/2015/07/08/business/cvs-health-quits-us-chamber-over-stance-on-smoking.html?emc=edit_tnt_20150707&nid=68586528&tntemail0=y).

prompted by a complaint from the U.S. Chamber. And in Washington, Thomas J. Donohue, the chief executive of the chamber, has personally taken part in lobbying to defend the ability of the tobacco industry to sue under future international treaties, notably the Trans-Pacific Partnership.

To single out one industry for such an extraordinary dedication of U.S. Chamber resources seems quite remarkable, but to choose to lobby for tobacco is even more difficult to understand. These lobbying activities in support of the leading cause of preventable death worldwide⁴ run directly contrary to the stated interests of the Chamber's members, which have identified among their chief health-care concerns that "American patients are increasingly suffering from costly and often deadly chronic diseases that are many times preventable."⁵

Given this contradiction and the potential adverse public health consequences of the U.S. Chamber's pro-tobacco advocacy efforts, we want to provide members of the Board of Directors an opportunity to clarify where they stand on these activities. As such, we request a response from you within three weeks regarding the following questions.

- 1) What is your company's position regarding the efforts of the U.S. Chamber and its international affiliates to fight globally against anti-smoking laws, regulations, and other efforts or policies?
- 2) Did your company's representatives on the U.S. Chamber's Board of Directors receive information that describes this campaign and the activities of the U.S. Chamber and its international affiliates? If so, please describe the information and when it was received?
- 3) Did the U.S. Chamber have a process for your company's representative to provide approval for the pro-tobacco activities or provide an opportunity to express your company's views on these activities?
- 4) Has your company informed its stockholders of the actions and role of the U.S. Chamber in support of the tobacco industry internationally?

Please contact Brian Cohen of Sen. Warren's staff (Brian_Cohen@warren.senate.gov), Lauren Jee of Sen. Blumenthal's staff (Lauren_Jee@blumenthal.senate.gov), Jennifer DeAngelis (Jennifer_DeAngelis@whitehouse.senate.gov) of Sen. Whitehouse's staff, or Ali Nouri

⁴ CDC, *Smoking & Tobacco Use* (accessed July 1, 2015)
http://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/

⁵ U.S. Chamber of Commerce, *Health Care* (accesses July 1, 2015)
(<https://www.uschamber.com/Health-Care?type=280>)

(ali_nouri@franken.senate.gov) of Sen. Franken's staff if you have any questions about this letter.

Sincerely,