

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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April 4, 2016

Mr. Tony Clark
Executive Director
12 East 49th Street
24th Floor
New York, NY 10017

Dear Mr. Clark:

As the 2016 season begins, I write to strongly urge you to support banning the use of smokeless tobacco in all parts of Major League ballparks, including on the field and in the dugout.

Smokeless tobacco use is widely known to be hazardous to health and can lead to nicotine addiction. The U.S. National Toxicology Program has established that smokeless tobacco is a “known human carcinogen.”¹ According to the National Cancer Institute, smokeless tobacco contains at least 28 cancer causing chemicals², and is associated with numerous health problems, including oral, pancreatic, and esophageal cancer³, as well as tooth decay, gum disease, and heart disease. It is also important to note that smokeless tobacco contains more

¹ National Toxicology Program, Department of Health and Human Services (HHS), *Report on Carcinogens, Thirteenth Edition* (Oct. 2014) (online at <http://ntp.niehs.nih.gov/ntp/roc/content/profiles/tobaccorelatedexposures.pdf>).

² National Cancer Institute (NCI), National Institutes of Health (NIH), *Smokeless Tobacco and Cancer* (Oct. 25, 2010) (online at <http://www.cancer.gov/about-cancer/causes-prevention/risk/tobacco/smokeless-fact-sheet#r1>).

³ National Cancer Institute and Centers for Disease Control and Prevention (CDC), *Smokeless Tobacco and Public Health: A Global Perspective*, Bethesda, MD: HHS, CDC and NIH, NCI, NIH Publication No. 14-7983, 2014

nicotine than cigarettes.⁴ In fact, holding an average-sized dip in your mouth for 30 minutes can deliver as much nicotine as smoking three cigarettes.⁵

Unfortunately, since 1970, smokeless tobacco has gone from a product used primarily by older men to one used predominantly by young men and boys.⁶ Recently, the Centers for Disease Control and Prevention (CDC) found that high school athletes who play on sports teams are almost 80 percent more likely to use smokeless tobacco than non-athletes.⁷ Further, from 2001 to 2013, use of smokeless tobacco among high school athletes increased.⁸ According to CDC, “The higher use of smokeless tobacco suggests athletes may perceive these products as harmless, socially acceptable, or perhaps even as a way to boost athletic performance.”⁹ More concerning is the fact that smokeless tobacco has led to use of other tobacco products. Adolescent males who use smokeless tobacco products have been found to have a higher risk of becoming cigarette smokers within four years.¹⁰

Professional baseball and baseball players have long been seen both on the field and in the dugout chewing tobacco. And as you well know, professional baseball players have not been immune to the devastating health effects associated with the use of smokeless tobacco. After a long battle with salivary gland cancer, former San Diego Padres player and Hall of Famer, Tony Gwynn died in June 2014. Gwynn attributed this cancer to his longtime use of smokeless tobacco. Only months later, former pitcher Curt Schilling announced he had oral cancer, which he also attributed to smokeless tobacco use:

I do believe without a doubt, unquestionably that chewing is what gave me cancer . . . It was an addictive habit. I can think of so many times in my life when it was so relaxing to just sit back and have a dip and do whatever, and I lost my sense of smell, my taste buds for the most part. I had gum issues, they bled, all this other stuff. None of it was enough to ever make me quit. The

⁴ HHS, *Nicotine Addiction and Your Health* (online at <http://betobaccofree.hhs.gov/health-effects/nicotine-health/#smokeless>).

⁵ *Id.*

⁶ CDC, *Surveillance for Selected Tobacco-Use Behaviors—United States, 1900-1994*, MMWR 43(SS-03) (Nov. 18, 1994) (online at <http://www.cdc.gov/mmwr/preview/mmwrhtml/00033881.htm>).

⁷ CDC, *High school athletes using smokeless tobacco more than non-athletes* (Sept. 3, 2015) (online at <http://www.cdc.gov/media/releases/2015/p0903-athlete-tobacco.html>).

⁸ *Id.*

⁹ *Id.*

¹⁰ Scott L. Tomar, Is use of smokeless tobacco a risk factor for cigarette smoking? The U.S. experience, *Nicotine & Tobacco Research* 5(4):561-569, August 2003.

pain that I was in going through this treatment, the second or third day it was the only thing in my life that had that I wish I could go back and never have dipped.¹¹

It is encouraging that many players have voluntarily stopped use of smokeless tobacco, but the MLBPA can and should play a much more active role in protecting current and future Major League players from facing devastating health battles by finally supporting a prohibition on smokeless tobacco in Major League baseball.

Restrictions around tobacco use in professional baseball are already in place. In the Major League, Clubs are prohibited from distributing tobacco products in clubhouses and strongly encouraged to prohibit Club personnel from buying tobacco products on behalf of Club personnel, including players.¹² Further, Club personnel are prohibited from smoking when in uniform or in view of spectators, from having tobacco tins in their uniform pockets, and from conducting televised interviews while using smokeless tobacco.¹³ However, the current tobacco policy for Major League players is not consistent with the policy in place for Minor League players. Thirteen years ago, Major League Baseball (MLB) banned the use and possession of all tobacco products by Minor League club personnel, including players, in the ballpark and during team travel. Further, each Minor League contract requires players to acknowledge the policy and agree to its provisions. Implementation of this policy has had no adverse impact on the game or its players.

Importantly, city governments in five cities have taken action on the use of smokeless tobacco in ballparks. When the first games are played in Boston, Los Angeles and San Francisco, players will be restricted from using chewing tobacco. Similar restrictions in Chicago and New York will go into effect later this season. Letters from the MLB and MLBPA posted in every clubhouse during spring training have notified players that they are expected to comply with the new laws. This is a first in the Major Leagues, and a welcome change, but we must change the culture of baseball at all levels, and that should start with the Major Leagues.

It has been argued that professional players are adults and the use of chewing tobacco is a personal choice. But, these players are role models and their behavior and habits trickle down to youth players. At an April 2010 hearing held on smokeless tobacco use in Major League

¹¹ *Curt Schilling Reveals He Was Diagnosed with Mouth Cancer in February, Believes Chewing Tobacco Was the Cause*, Boston.com (August 20, 2014).

¹² Testimony of Robert D. Manfred, Jr. before the House Committee on Energy and Commerce, Subcommittee on Health, *Hearing on Smokeless Tobacco: Impact on the Health of our Nation's Youth and Use in Major League Baseball* (April 14, 2010) (online at <https://www.gpo.gov/fdsys/pkg/CHRG-111hhrg76022/pdf/CHRG-111hhrg76022.pdf>).

¹³ *Players find tobacco habit hard to shake*, Boston Globe (March 7, 2014) (online at <https://www.bostonglobe.com/sports/2014/03/06/tobacco-chewing-nasty-habit-still-kicking-mlb/nZDZK9LOFDlr0MFj9X1WkO/story.html>).

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Baseball by the House Committee on Energy Commerce, David Prouty, the MLB Players Association's Chief Labor Counsel, agreed that the players' status as role models means that their use of smokeless tobacco influences the children and young adults that are fans of the game.¹⁴ Baseball has long been America's pastime, and MLB players serve as inspiration and role models to generations of fans. Any change to the use of tobacco products by Major League players cannot be done unilaterally. That is why I would urge you to continue to serve as valuable role models to future generations of fans and finally support a ban of smokeless tobacco in the impending collective bargaining agreement between the MLB and the MLBPA.

Thank you for your consideration.

Sincerely,



Frank Pallone, Jr.
Ranking Member
House Energy and Commerce Committee

cc: Mr. Robert D. Manfred, Jr., Commissioner, Major League Baseball

¹⁴ Testimony of Robert D. Manfred, Jr. David Prouty before the House Committee on Energy and Commerce, Subcommittee on Health, *Hearing on Smokeless Tobacco: Impact on the Health of our Nation's Youth and Use in Major League Baseball* (April 14, 2010) (online at <https://www.gpo.gov/fdsys/pkg/CHRG-111hrg76022/pdf/CHRG-111hrg76022.pdf>).