

Cyndie Martel

From: Jaime Rojas <jaime@rojaspublicaffairs.com>
Sent: Tuesday, November 11, 2025 2:24 PM
To: Cyndie Martel
Subject: [EXTERNAL] Public Testimony Letter - City Council Mtg - Agenda Item #11
Attachments: NATO letter to Ross CA Town Council (November 2025).pdf

Good Afternoon,

Please find attached a letter for public testimony for Thursday's City Council meeting regarding agenda item #11. Should you have any questions, please feel free to contact me.

Thank you for your time and consideration.

Regards,

Jaime Rojas
NATO
Legislative Consultant



INLAND EMPIRE - HQ
6782 Plum Way
Rancho Cucamonga, CA 91739
(213) 400-8664

[Website](#) | [Services](#) | [Our Team](#) | [Water Issues](#)

NOTICE: This email is covered by the Electronic Communication Privacy Act, 18 U.S.C 2510-2521 and may be legally privileged. The information contained in this email is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please immediately notify us by sending an email to info@rojaspublicaffairs.com, and destroy the original message.



November 12, 2025

Mayor Julie McMillan
Members of the Ross Town Council

Re: Amendments Banning Sale of All Tobacco Products

Dear Mayor McMillan and Councilmembers:

The National Association of Tobacco Outlets (NATO) is a national trade association of over 66,000 members. NATO urges you to oppose Item Number 11 on your November 13, 2025, agenda, banning the sale in Ross of all tobacco products. Although the marketplace has determined that there are currently no tobacco retailers in Ross, and consequently this amendment does not directly affect any retailer, it does prohibit new retail businesses that sell these products from locating in Ross in the future. The amendment discourages economic development in the Town should a retailer, for example, a convenience store or small market, wish to provide services to Ross residents but cannot make it economically feasible to do so if it is prohibited from selling one class of products that make up the total market basket of its customers.

Given that the Town currently has no retailers, it is hard to see why the Town thinks it necessary to prohibit all lawful sales as no lawful sales are currently occurring. Ross residents can and no doubt do freely obtain tobacco products in other jurisdictions and use them in Ross, and that situation will continue. There cannot be any concern about youth purchases of tobacco products in Ross. There is, therefore, no basis for the Ordinance's finding that the Ordinance "is appropriate to protect the health, safety, and welfare of our residents."

To the contrary, the Ordinance prohibits the sale of products that the FDA has found, and which it will find in the future, are "appropriate for the protection of the public health." The FDA recognizes that "the health risks for different tobacco products exist on a spectrum," the "continuum of risk," with combusted products such as cigarettes as the most harmful, but non-combusted products, including electronic tobacco products, being at lower risk. The FDA also states that electronic tobacco products and nicotine pouches, for example, "can generally be a lower-risk alternative for adults who smoke cigarettes . . . Adults who smoke who fully switch from cigarettes to a lower-risk alternative can generally reduce their health risk and exposure to toxic and cancer-causing chemicals." The Relative Risks of Tobacco Products, <https://www.fda.gov/tobacco-products/health-effects-tobacco-use/relative-risks-tobacco-products>

Before a new tobacco product may be marketed in the country, the manufacturer must apply to the FDA for authorization. The FDA applies rigorous science-based tests to determine whether marketing the product would be "appropriate for the protection of the public health." If it concludes that the product meets that standard, it is authorized for marketing. To meet this standard, the FDA must determine if the product reduces harm and the risk of disease to individual users *and benefits the health of the population as a whole*.

To date, the FDA had authorized marketing of 81 tobacco devices products, having found that the marketing of these products was “appropriate for the protection of the public health.” (Some of these products are flavored and may not be sold in California.) Applications for many other electronic tobacco products are in various stages of review.

We respectfully suggest that the Town of Ross simply does not have the resources of the FDA in this field, nor has it applied any rigorous, science-based tests to tobacco products, and therefore is in no position to make the blanket statement in the Recitals that banning all sales “is appropriate to protect the health, safety, and welfare of our residents.” Moreover, there is no connection between the ability to purchase tobacco products either within the Town limits or elsewhere and the “health, safety and welfare” of Ross residents. Unless the Town opposes public health benefits, there is no logic to prohibiting the sale of these products from any Ross retailer that wishes to sell them in the future.

Youth usage is also not a significant issue. The 2023-2024 California Healthy Kids Survey of 11th Graders in the Tamalpais Union High School District shows:

- o 75% never smoked a cigarette; 88% were not current smokers (at least once in the previous 30 days.)
- o 86% never used smokeless products; 93% were not current users.
- o 68% never used tobacco vape products and 87% were not current users.

By contrast, 62% currently used alcohol or drugs, including 27% who reported heavy alcohol use and 17% heavy drug use. Tobacco product use is not the primary substance issue for Ross 11th graders; is Ross doing anything about rampant alcohol and marijuana use by youth?

Please oppose this prohibition on the sale of all tobacco products.

Thank you for considering the concerns of Ross retailers.

Sincerely,

David Spross

NATO Executive Director

Alessandra Magnasco, Senior Director, Government Affairs

California Fuels and Convenience Alliance

Sanjiv Patel, Chairman

American Petroleum and Convenience Store Association