



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

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July 6, 2026

Grace R. Graham, Deputy Commissioner  
Office of Policy, Legislation, and  
International Affairs  
U.S. Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993

**RE: Agency Information Collection Activities; Proposed Collection; Comment Request; National Youth Tobacco Survey; Docket No. FDA-2026-N-3070**

Dear Ms. Graham,

The undersigned state Attorneys General write to express our strong bi-partisan support for the National Youth Tobacco Survey (NYTS) and the FDA's proposal to increase its sample size to maintain scientific rigor.

On May 4, 2026, FDA announced an opportunity for public comment regarding the collection of information for the NYTS. The NYTS has been conducted since 1999, and has been published annually since 2011, reflecting tobacco usage by middle and high school students and enabling regulators and the public health community to identify trends in youth use of tobacco products, whether positive or problematic. For example, NYTS data showed a dramatic increase in current youth tobacco use to 23% of middle and high school students in 2019, driven by the wide availability and appeal of electronic cigarettes in kid-appealing flavors and the marketing of devices with features, such as games, that have youth as a primary audience. Data from the NYTS enabled local, state, and federal officials, including state Attorneys General, to recognize the crisis and take steps to address it. Since then, current youth tobacco use has dropped, though the nature of the tobacco market and rapidly emerging products that appeal to

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youth – such as flavored electronic cigarettes and nicotine pouches – make this data that much more important to our mission to protect children.

As FDA emphasizes, “the NYTS gathers information about youth tobacco use by means of rigorous scientific methods.” A key component of that scientific rigor is an appropriate sample size, and FDA has determined the need for an increase of 4,313 responses to “accommodate declining response rates for school based studies, in other words, the need to sample a greater number of students to get the same number of survey responses.”

The insights gained from the NYTS are incredibly valuable and empower state and federal tobacco control partners to protect the public more effectively and efficiently. However, the practical utility of the NYTS depends upon the public’s ability to rely upon the data. Failing to survey enough students might make the NYTS less representative of nationwide youth tobacco use trends, making it more difficult for people to rely upon its results. Providing for an adequate sample size ensures that the results of the NYTS remain representative and would allow state and federal tobacco control partners to continue relying upon the NYTS as FDA characterized it – “the gold-standard source of national estimates of youth tobacco use in the United States.” The value of the NYTS to the public far exceeds the increased burden estimated by the FDA, and the practical utility of the NYTS depends upon the public’s ability to rely upon its results.

In August 2025, a bipartisan coalition of 22 Attorneys General submitted a letter supporting continuation of NYTS, emphasizing that it “is a critical part of efforts by Attorneys General across the Nation to monitor the effectiveness of the Tobacco Master Settlement Agreement (MSA) and also informs our tobacco policy and enforcement efforts, including youth e-cigarette and nicotine pouch use.” State Attorneys General engage in diverse initiatives to limit youth exposure to tobacco and nicotine products, including engaging with film studios, creative guilds, and streaming platforms to curb tobacco imagery in popular media, entering into agreements with major retail chains to limit the accessibility and appeal of products to youth in the retail environment, and enforcing a range of state-specific tobacco control and consumer fraud laws. These efforts rely on the information provided to the States by the NYTS. The NYTS provides comprehensive data and insights regarding youth tobacco use among high school and middle school students, including product trends, prevalence rates, knowledge and attitudes about tobacco use, access to tobacco products, and risk factors influencing initiation and continued use. This provides unique insight into age groups not included in other national surveys.

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NYTS data is also used to help Attorneys General monitor youth smoking rates, as required by the MSA, and provides a reliable, public source of youth tobacco use data. The survey's extensive information on how and why young people use tobacco and nicotine products enables Attorneys General to focus their resources on the most effective policies and enforcement measures to address the constantly evolving retail market. Additionally, NYTS data has been crucial in alerting the States to emerging tobacco products and was the first national indicator of the youth e-cigarette epidemic.

It is essential that Attorneys General have continued access to reliable data collected in the rigorous fashion employed by NYTS to inform our efforts as we work to reduce youth tobacco use. We appreciate the opportunity to respond to the FDA's request for comments and look forward to FDA's ongoing conduct of the critical NYTS survey and publication of reports based on a scientifically-determined sample size. Thank you for your ongoing work on this important survey.

Respectfully submitted,



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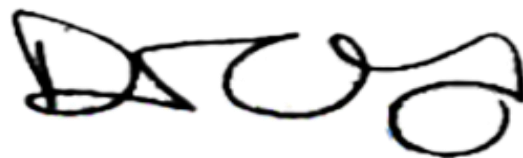
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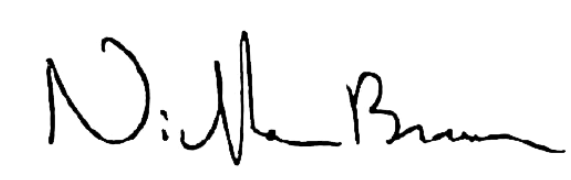


Peter F. Neronha  
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Handwritten signature of Charity Clark in blue ink.

Charity Clark  
Vermont Attorney General

Handwritten signature of Nick Brown in black ink.

Nick Brown  
Washington Attorney General