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April 8, 2015

Dr. Stephen Ostroff  
Acting Commissioner  
U.S. Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993

Dear Dr. Ostroff:

Thank you again for your continued efforts to protect the public from excessive Ultraviolet (UV) radiation from tanning beds. I strongly supported the agency's decision last June to reclassify UV tanning lamps as Class II medical devices and, as you know, believe additional steps are warranted to protect minors from the risks of tanning beds. In response to a letter<sup>1</sup> I wrote to Dr. Hamburg calling for the FDA to prohibit minors from using tanning beds, the FDA indicated<sup>2</sup> that further protections were under consideration. Additional restrictions on minors' use of tanning beds would be another welcome step in the fight against skin cancer and melanoma. I request an update on where the agency stands on developing those additional measures.

As you know, indoor tanning increases the risk of melanoma by 59 percent, and the American Cancer Society estimates that 9,940 Americans will die from melanoma just in 2015. These troubling figures urge swift action to address the swelling public health crisis of skin cancer. Indeed, a 2014 study published in *Mayo Clinic Proceedings* found that incidence of skin cancer for women had increased 24-fold between 1970 and 2009.<sup>3</sup>

I applaud FDA's final order in June 2014 to re-classify UV tanning lamps as Class II medical devices, and impose additional controls on their use including a black-box warning for those under 18 years old. This announcement was a strong first step to stem the alarming growth in skin cancer and melanoma.

Yet, I remain concerned about the use of tanning beds by young Americans, and particularly young women. In spite of widely available information on the dangers of UV tanning lamps, American adolescents continue to use these dangerous products at high

<sup>1</sup> <http://maloney.house.gov/media-center/press-releases/citing-cancer-risks-maloney-calls-for-nationwide-tanning-bed-ban-for>

<sup>2</sup> <https://maloney.house.gov/sites/maloney.house.gov/files/documents/health/skincancer/FDA%20Response%20U18%20Tanning.pdf>

<sup>3</sup> [http://www.mayoclinicproceedings.org/article/S0025-6196\(13\)00878-1/abstract](http://www.mayoclinicproceedings.org/article/S0025-6196(13)00878-1/abstract)

rates. According to the CDC, 20.2 percent of female high school students used tanning devices in 2013, and the rate climbed to 27.2 percent for 12th-grade female students.<sup>4</sup> However, evidence from the states shows that laws to restrict the use of tanning for minors reduce this dangerous behavior, particularly among female high school students.<sup>5</sup>

I welcomed FDA's response, dated November 17, 2014, which indicated that the Agency was developing proposed restrictions on indoor tanning lamps. Can you please provide me an update on when the agency plans to move forward with this proposal and submit a rule for review and comment? This critical public health issue requires continued attention and further action. I look forward to hearing more about FDA's efforts.

Thank you again for your attention to this important health concern.

Sincerely,



**CAROLYN B. MALONEY**  
**Member of Congress**

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<sup>4</sup> <http://www.cdc.gov/mmwr/pdf/ss/ss6304.pdf>

<sup>5</sup> <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2013.301850>