

Cause for Optimism

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Bryan Haynes and Agustin Rodriguez, partners in Troutman Pepper Locke’s Tobacco + Nicotine industry group, were quoted in the February 19, 2026 *Convenience Store News* article, [“Cause for Optimism.”](#)

From the legal perspective, two partners specializing in tobacco at the national law firm of Troutman Pepper concur there is cause for optimism, albeit cautious.

Agustin Rodriguez told *CSNews* that he was impressed with the FDA director acknowledging a continuum of risk and noting there are products deemed safer than combustible cigarettes. “The speech that he gave was helpful and in contrast to the previous administration that avoided discussing that,” he said. Rodriguez also praised the FDA’s pilot program for nicotine pouch PMTAs, which results in more frequent interaction between the agency and manufacturers undergoing the PMTA process.

Bryan Haynes agrees with his partner that the FDA’s pilot program has shown to be a more efficient process with more frequent and less formal communications with applicants. He specifically cited the on! PLUS authorizations — which occurred “at lighting speed,” as he put it — as a very encouraging sign.

Still, this is just a start. “The proof is in the pudding and the pudding is on the table, but the agency needs to serve it up,” quipped Rodriguez. “There needs to be more PMTA marketing orders in the pouch sector moving forward.”

Haynes agrees. “The proof is in the pudding. The pilot program is working as intended for this authorization (on! PLUS). And for a lot of our clients, they saw applications actually getting processed, ones that had languished for a number of years. We want to see a lot more of this,” he said. “My hope and expectation is that it will occur this year.”

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“The absence of category-killing regulations — like the menthol ban in cigarettes, a flavor ban in cigars, nicotine caps, and more — those are positive things not happening that seemed likely to happen under the Biden Administration,” Haynes explained. “So, the absence of things that are bad are a positive right now as well.”

He also reported that there’s buzz that some flavored ENDS (electronic nicotine delivery systems) may begin to get PMTA market authorizations. “It’s another area where the proof will be in the pudding,” Haynes told *CSNews*.

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“There’s a very real situation where retailers are wanting to sell what consumers are wanting to purchase, but there’s also a cloudy situation with wanting to stay compliant,” explained Rodriguez of Troutman Pepper.

“It matters for c-store retailers that authorizations are presumably coming, but I don’t think clarity exists right now for a fully regulated marketplace,” Haynes added.

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