NATURAL PRODUCTS ASSOCIATION

440 1st St. NW, Ste. 520, Washington, D.C. 20001

Chair Patty Murray
United States Senate
154 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Richard Burr
United States Senate
217 Russell Senate Office Building
Washington, D.C. 20510

June 6, 2020

Dear Chair Murray and Ranking Member Burr -

The Natural Products Association (NPA) is the oldest and largest trade association representing the dietary supplement industry. We advocate for our members who supply, manufacture, and sell ingredients or finished products for consumers. NPA united over 700 diverse members accounting for more than 10,000 locations of retailers, manufacturers, wholesalers, and distributors of dietary supplements. NPA has taken a leadership role in promoting quality standards and developed proactive certification programs. NPA was the first organization to offer a third-party good manufacturing practices (GMP) certification program to manufacture dietary supplements and ingredients. NPA's GMP standards include all of the FDA's GMP requirements of 21 C.F.R. Part 111 and specific requirements that exceed Part 111 or reflect best industry practices. Our oversight programs and regulatory guidance have created a high level of confidence among retailers and consumers. On behalf of the NPA, I am writing to urge you to urge you to drop the dietary supplement section and re-direct the authorized spending to higher priority challenges faced by the Center for Food Safety and Applied Nutrition (CFSAN).

Since the Dietary Supplement Health and Education Act (DSHEA), health and wellness have played a significant role in Americans' lifestyles. Recent estimates have shown nearly 80% of Americans safely use at least one dietary supplement as part of their health routine.

As the former Director of the Division of Dietary Supplement Programs and now an industry executive, I write to you with grave concerns about the FDA Safety and Landmark Advancement Act (FDASLA) and its inclusion of dietary supplement provisions. In the history of the user-fee reauthorization, dietary supplements have never been included, and rightfully so. Dietary supplements are not prescription drugs, generic drugs, biosimilars, or medical devices, which the reauthorization has always been intended to cover. Additionally, our industry has never paid user fees.

I can tell you during my time as the chief regulator for dietary supplements, when we had some of the most impactful enforcement actions in the program's history, we had more than adequate tools to find a specific problem with a product or ingredient; this is why NPA has opposed the Dietary Supplement Listing Act of 2022 and the provisions in the FDASLA.

The Committee has made it quite clear to the public it is frustrated with FDA's inaction across several different streams, including the most recent baby formula crisis. So it begs the question as to why Congress would support providing an Agency with new regulatory authorities and $33 million through this ill-advised proposal when the Center for Food Safety and Applied Nutrition is incapable of efficiently using its current sources?

The NPA strongly urges the committee to drop this section and re-direct the authorized spending to higher priority challenges faced by CFSAN. The FDASLA provides the FDA with an excessive administrative burden that exceeds the current scientific safety evaluation for FDA when companies wish to introduce a new supplement into the market. Providing the FDA with authority to decide administratively what is to be listed will only be abused, causing extreme economic harm. Additionally, as administrative

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disagreements do arise (i.e. CBD, NAC etc.) between the industry and the FDA on the ingredient's status rather than a scientific rendering, should this become law, it will eliminate a product from a listing and the marketplace purely on their biases and do so administratively, without any due process.

The current laws are more than sufficient to balance consumer access and consumer protection and we strongly urge you to strike in its entirety the dietary supplement section of the FDASLA.

Thank you,

Daniel Fabricant, Ph.D.
President and CEO
Natural Products Association