440 1st St. NW, Ste. 520, Washington, D.C. 20001
(202) 223-0101, Fax (202) 223-0250
www.npanational.org

Statement for the Record of Dr. Daniel Fabricant, Ph.D.
CEO and President
Natural Products Association
Submitted to The Subcommittee on Health of the Committee on Energy and Commerce
"Building Consumer Confidence By Empowering FDA To Improve Cosmetic Safety"
December 3, 2019

More and more, consumers are turning to natural alternatives for personal care products. Consumers have a right to know what is in the products they use every day and that those products are manufactured at the highest quality. NPA was instrumental in developing manufacturing standards for nutritional supplements and the NPA Natural Seal has been a symbol for consumers looking for quality natural products for more than 10 years.

The Natural Standard for Personal Care Products requires companies be transparent, and fully disclose their ingredients. Companies using the Natural Seal must maximize their use of recyclable and post-consumer recycled content in packaging and not conduct animal testing. Companies must also provide verifiable information regarding all company personal care products to confirm that 60 percent of the personal care products in that brand line meet the NPA Natural Standard requirements.

The Natural Products Association (NPA) was founded in 1936 to promote and protect the unique values and shared interests of retailers and suppliers of natural nutritional foods and natural products, including conventional foods, medical foods, dietary supplements, and foods for special dietary use. Today, many of our members manufacture, distribute, or sell cosmetics, and NPA launched the NPA Natural Seal program for personal care products and ingredients in 2008.

Good Manufacturing Practices

Congress gave FDA the authority to develop good manufacturing practices with the Dietary Supplement Health and Education Act of 1994. While it took until 2007 for the industry to receive a final rule on supplements, NPA had created an industry-wide GMP certification standard by 1998. Many elements in this standard were used as the basis for FDA's proposed and final GMP rules for supplements.

NPA was the first organization to offer a third-party GMP certification program for the manufacturing of dietary supplements and dietary ingredients. NPA established GMP standards for dietary supplements in 1999 and updated the standards in 2000. In June 2007, the FDA published the final GMP regulation specific to dietary supplements.

Unlike dietary supplements and ingredients, there is no formal rule or legislation requiring cosmetics to go through GMPs. NPA is supportive of legislative efforts to elevate good manufacturing practices in the cosmetics industry. In the past NPA has supported legislation to amend the Federal Food, Drug, and Cosmetic Act by introducing measures to regulate ingredients, monitor adverse reactions to cosmetics, and establish good manufacturing practices.

NATURAL PRODUCTS ASSOCIATION

440 1st St. NW, Ste. 520, Washington, D.C. 20001
(202) 223-0101, Fax (202) 223-0250
www.npanational.org

Defining Natural

Currently, there is no definition of the term natural, leaving the door open to false-advertising class action lawsuits in the cosmetics space. Once FDA defines the term "natural," it will alleviate the current backlog of congestion in the courts and future potential lawsuits from the plaintiff's bar over use of the term and how it is perceived by consumers.

NPA believes better clarity over the term "natural" will be positive for the cosmetic industry and consumers and strongly urges the Committee and Congress to push for the FDA, under the Trump Administration, to finally define the term in personal care products.

Natural Seal

NPA developed a natural seal standard for personal care products and ingredients in 2008. Since then, more than 1,300 products and ingredients have been certified under the NPA Natural Seal. NPA believes that our over 10 years of experience on defining "natural" for personal care products would be valuable to the Committee and to the FDA.

State Pre-emption

NPA believes the federal standard on cosmetic GMPs and labeling should dictate one clear voice for the industry to follow, and one clear standard for consumers. This is in line with recent policy for both Toxic Substances Control Act (TSCA), and Genetically Modified Organisms (GMO) laws passed by congress. A federal labeling standard for cosmetics would prevent a patchwork of labeling laws in all 50 states. It is impractical to impose 50 different labeling requirements on manufacturers wishing to sell products in the United States when a federal standard would resolve confusion and reduce the cost for both the manufacturer and consumer. Failure to adopt pre-emption will result in a patchwork of rules to navigate from the states, and consumer confusion.