



January 4, 2021

Dear Member of Congress:

As the leading trade association for the dietary supplement industry, the Natural Products Association (NPA) thanks you for your willingness to serve the public. We look forward to working with you in the 117th Congress.

We wanted to take a moment to introduce you to the dietary supplement industry and outline issues faced by our organization and member companies. In the United States, dietary supplements are a more than \$50 billion dollar industry and is expected to reach \$230.73 billion by 2027¹. Additionally, more than three in four Americans consume supplements. Dietary ingredients include vitamins, minerals, herbs or other botanicals, and amino acids. Studies have shown that supplements like vitamin-D play a powerful role in defending our immune system, promoting energy, and a host of other benefits².

During the COVID-19 crisis, the dietary supplement supply chain has grown even more important. Dietary supplement manufacturers are specifically referred to as essential in the latest CISA guidance (version 4.0). It will be critical for health for stores and manufacturers serving the supplement supply to remain operating in order for millions of Americans who use dietary supplements to stay healthy. Their continued access is very important, especially at a time when health is so important.

In 1994, Congress passed the Dietary Supplements Health and Education Act (DSHEA), an important piece of legislation which provided a regulatory framework to assure the safety of dietary supplements and the accuracy of information provided. DSHEA granted the United States Food and Drug Administration (FDA) abundant authority to ensure consumers that the supplements they use are safe, properly manufactured, and labeled accurately.

As vaccines across the world become more readily available, we as Americans must continue to examine our own lifestyles and health. Improving nutrition across America is clearly one of the low-cost, high-benefit public policies we should embrace. This is why we are calling on all members of Congress to support Senator Kevin Cramer's legislation that would modernize Flexible Spending Accounts (FSAs), Health Reimbursement Accounts (HRAs), and Health Savings Accounts (HSAs) by allowing nutritional and dietary supplements to be reimbursable. At a time when Americans are exploring additional measures to ensure their health, expanding access to vitamins through the modernization of these programs would be a low-cost high reward measure. This measure would grant vitamins the same tax preferences that sunglasses, Botox, and bandages currently enjoy.

Unfortunately, there are instances, when the FDA has not used their current authorities to properly regulate the industry. Two instances that NPA and our member companies find troubling relate to cannabidiol (CBD) and counterfeit products entering the United States. In both instances, the Agency has had ample opportunities to issue their full authorities on

¹ Grand View Research- Dietary Supplements Market Size Worth \$230.7 Billion by 2027

² Vitamin Effects on the Immune System: Vitamins A and D take Centre Stage



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

(202) 223-0101, Fax (202) 223-0250

products purported to contain CBD as well as counterfeit products entering the United States. Dietary supplement marketing, manufacturing, labeling, and advertising are all covered by regulations enforced by the FDA and the Federal Trade Commission (FTC). Under the provisions of DSHEA, the manufacturer of a dietary supplement or dietary ingredient is responsible for ensuring that the product is safe before marketing. Once a product has reached the U.S. market, FDA is responsible for monitoring and has the authority to remove any unsafe dietary supplement product. However, our industry has experienced several occasions where the FDA has failed to act despite the fact, they have publicly expressed the desire to receive more authorities.

We look forward to working with you and your staff on issues affecting the dietary supplements industry and offer our services and resources to answer any questions you have or provide additional information.

We also encourage you to join the Congressional Dietary Supplements Caucus, co-chaired by Senators Tim Scott (R-SC) and Martin Heinrich (D-NM) and Representatives Tony Cardenas (D-CA-29) and Andy Harris (R-MD-01). This bicameral, bipartisan caucus works to ensure that your constituents continue to have access to the dietary supplements they use daily. Again, thank you for your service, and please do not hesitate to contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Dan Fabricant". The signature is written in a cursive, flowing style.

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