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June 9, 2026

Hon. Ken Paxton
Office of the Attorney General
State of Texas
Austin, TX
by e-mail

Dear Attorney General Paxton:

As the president and CEO of the Natural Products Association (NPA), I am requesting a meeting with your office to discuss your industry-wide investigation announced on June 8 into manufacturers of protein powder, prompted by concerns about heavy metals in popular protein powders.

Founded in 1936, NPA is the nation's oldest and largest trade association dedicated to the natural products industry. As president and CEO, I bring direct regulatory experience to this role. From 2011 to 2014, I led the Division of Dietary Supplement Programs at the United States Food and Drug Administration (FDA), where I oversaw the very manufacturing and safety standards now at issue.

Our members sell protein powders marketed as either dietary supplements or conventional food. These products are manufactured in accordance with federal regulations adopted and enforced by the FDA. The current good manufacturing practices (cGMPs) in 21 CFR Part 111 establish rigorous, science-based requirements ensuring that products meet established specifications for identity, purity, strength, and composition; carry enforceable limits on contaminants, including heavy metals; and are manufactured, packaged, labeled, and stored under conditions designed to prevent adulteration. These are not voluntary industry commitments; these are federal obligations.

Similarly, our members manufacture food-labeled protein powders in accordance with the food regulations in 21 CFR Part 117. These regulations cover cGMPs, hazard analysis, and risk-based preventive controls to protect human health.

We share your commitment to consumer safety and take the risks of heavy metal exposure seriously. That shared concern, however, counsels caution about the evidentiary foundation for this investigation. The third-party testing data cited by your office, generated by the Clean Label Project, does not account for the robust safeguards our members implement throughout their manufacturing process, nor does it reflect the scientific consensus of the federal agencies that Congress has charged with regulating dietary supplements. Critically, the Clean Label Project has a documented history of withholding its full testing methodologies, which substantially undermines its reliability as an authoritative source.

As the FDA has long recognized, trace levels of environmental contaminants such as arsenic, lead, mercury, and cadmium can appear in food products because these elements occur naturally in soil, water, and air. California's Proposition 65 thresholds, which appear to inform some of the alarming headlines surrounding this issue, are set far below levels that current science has established as harmful to human health. Applying California's outlier standards to a nationwide industry investigation risks misleading consumers and causing unjustified harm to manufacturers.

More importantly, our members routinely test their protein powders for heavy metals and microbial contaminants to meet cGMP requirements and ensure the ingredients are not harmful to human health. This includes rigorous testing of protein ingredients for identity, purity, and safety, using state-of-the-art methods validated by accredited third parties.

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The importance of grounding regulatory action in sound science is illustrated by a cautionary precedent. For instance, on Feb. 3, 2015, the New York Times reported an investigation by New York Attorney General (NYAG) Eric Schneiderman into four major retailers selling herbal supplements. Botanical experts later concluded that the source of the findings — DNA barcoding — was not fit for purpose for testing herbal extracts.

The investigation was prompted by an earlier article in the Times that cited 2013 research at the University of Guelph on herbal supplements. The research found that many products did not contain the plants listed on their labels. However, the research paper was later retracted following criticism from organizations, for failing to confirm the results using established scientifically valid methods required by FDA.

Those unfortunate missteps could have been avoided if the NYAG had followed our advice and consulted with relevant experts in the field regarding the industry's best practices, proper testing methods, and applicable federal regulations.

We are committed to working constructively with your office and stand ready to provide detailed information about our members' manufacturing practices, quality control systems, and testing protocols. I respectfully request a meeting at your earliest convenience to discuss your concerns, the FDA's cGMP framework, and the steps our members take to ensure their products are safe for consumers.

Thank you for your time and consideration of this matter,

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