

Every New Congress, CRN Advances the Dietary Supplement Industry Further

By Mike Greene, senior vice president, government relations, CRN

Despite kicking off 2019 with the longest-ever federal government shutdown, CRN has been working hard to start its new year off strong.

A new year, in combination with a new Congress, presents important and unique opportunities for the dietary supplement and functional food industry. We're prepared. Are you?

Before engaging with the freshman lawmakers of the 116th Congress, I would like to underscore the historic nature of this new group of legislators. It is the most demographically diverse class in history. There will be more women, women of color, openly LGBT members and Millennials serving in the House of Representatives than ever before. This diversity represents great progress and change, and it also means new perspectives and fresh viewpoints on important issues. Many of these newly elected officials have been influenced by a culture of health and wellness, and understand the need for dietary supplements, all thanks to the passage of the Dietary Supplement Health and Education Act (DSHEA) 25 years ago. Because of this, CRN believes engaging with this freshman class is imperative. Above all, we will show that dietary supplements are well-regulated.

Fewer than 8 percent of current Senators and Representatives were in office when DSHEA passed in 1994. Therefore, we have committed to meeting with each of the 100-plus new members of Congress in 100 days (by the end of April), to convey the basic regulatory truths that those of us in the industry may take for granted—but that our critics are very quick to point out. You may think it is aggressive to get in front of the new members of Congress so soon, especially when many of them still have unpacked boxes in corners of their new offices. Trust me, newly elected legislators must hear the facts about dietary supplement regulation early and often. It's paid off in the past. We see fewer and fewer detractors each Congress, and this has been the trend since we began our freshman education effort back in 2013 with the 113th Congress.

In addition to educating Congress on the regulations that exist, here is what's on CRN's policy agenda for the year ahead:

1. Increasing FDA's Resources and Identifying a Legal Path to Market for CBD

Since the Office of Dietary Supplement Programs (ODSP) was elevated from a Division in December 2015, its operating budget has not increased. Meanwhile, the dietary supplement industry has continued its steady growth with sales. We are calling for increased funding for ODSP so that the

agency has the resources it needs to fully enforce the law. We're also looking for a legal pathway for hemp-derived cannabidiol (CBD), an ingredient already making huge inroads into our industry, but which the FDA has clearly continued to say is unlawful as a dietary or food ingredient.

2. Lowering Health Care Costs and Increasing Access to our Products

For those of you who did not participate in a State of the Union watch party (an inside-the-Beltway tradition), you may have missed the president's emphasis on lowering the cost of health care in our country. Every corner of the health care industry, including ours, has a role to play in this huge quest to lower costs. We are speaking with members of Congress about legislation that would allow dietary supplements to be considered deductible expenses for Medical Savings Accounts, such as HSAs and FSAs.

Our regulated industry is built upon the idea that all consumers should have access to our products. As we know from government research, Americans are not getting all the nutrients they need from diet alone, which is why we will be advocating for legislation to increase access to dietary supplements for those in greatest need of filling nutrient gaps.

3. Protecting the Reputation of Sports Nutrition and Other Legitimate Products

When I began working at CRN in 2000, our industry was focused on the science behind ephedra and determining its safety and place in the market. Here we are 19 years later and although ephedra is off the market, regretfully there are still harmful ingredients posing risks to consumers. One in particular is known as selective androgen receptor modulators (SARMs), which is increasingly used as an illegal ingredient in adulterated sports nutrition products. Last year, we were able to get S. 2742, the SARMs Control Act of 2018, introduced in the Senate, which would give DEA authority to remove illegal products containing SARMs from the market as controlled substances. And this year, we're looking to move this policy objective further with companion legislation in the House of Representatives and continued efforts to pass this legislation and raise concerns about this illegal ingredient.

4. Growing the Dietary Supplement Caucus

One of the many goals of our meetings with freshmen members of Congress is to



ascertain the member's level of interest in dietary supplements. If there is even the slightest interest in our products—personal or professional—we encourage them to join the Dietary Supplement Caucus. We hope to grow the Caucus to an all-time high of 54 members, or 10 percent of Congress. The bicameral, bipartisan Dietary Supplement Caucus was reformed quickly this year, and we're really excited about its new leadership. In the House of Representatives, Rep. Tony Cardenas (D-CA), Rep. John Curtis (R-UT) and Rep. Andy Harris, MD (R-MD) will be co-chairs, and in the Senate, Sen. Tim Scott of (R-SC) and Sen. Martin Heinrich (D-NM) will be co-chairs. The DSC remains the best way to stay in touch with members of Congress and staff, who are interested in dietary supplement and functional food issues.

In 1994, Congress heard loudly and clearly, from a large number of Americans in favor of DSHEA. It was the largest letter writing campaign sent to Capitol Hill, second only to the Vietnam War, which had received the most. Twenty-five years later, our consumer base is bigger and stronger than ever. But we must remain ever vigilant, maintaining our grassroots and being ready to act if there is anything that would restrict consumers from using and benefitting from the products they love. Whether a quarterly Dietary Supplement Caucus briefing or CRN's annual Day on the Hill, the industry is presented with many opportunities to work with this new Congress. If you're interested in joining us and witnessing the historic changes taking place on Capitol Hill, buy yourself a pair of comfortable shoes and join CRN sometime in Washington. We'd love to have you.



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