



May 19, 2020

The Honorable Nita Lowey
Chairwoman
House Committee on Appropriations
H-307 The Capitol
Washington, D.C. 20515

The Honorable Kay Granger
Ranking Member
House Committee on Appropriations
1036 Longworth House Office Building
Washington, D.C. 20515

The Honorable Sanford Bishop
Chairman
House Appropriations Subcommittee on
Agriculture, Rural Development, FDA and
Related Agencies
2362A Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jeff Fortenberry
Ranking Member
House Appropriations Subcommittee on
Agriculture, Rural Development, FDA and
Related Agencies
1016 Longworth House Office Building
Washington, D.C. 20515

The Honorable Rosa DeLauro
Chairwoman
House Appropriations Subcommittee on Labor,
Health and Human Services, Education and
Related Agencies
2358B Rayburn House Office Building
Washington, D.C. 20515

The Honorable Tom Cole
Ranking Member
House Appropriations Subcommittee on Labor,
Health and Human Services, Education and
Related Agencies
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Chairwoman Lowey, Ranking Member Granger, Chairman Bishop, Ranking Member Fortenberry, Chairwoman DeLauro and Ranking Member Cole:

In the past two years, the market for cannabidiol (CBD) consumer products has grown exponentially in size and significance, as have consumer concerns regarding the safety and quality of these products. At the same time, a majority of Americans incorrectly believe the U.S. Food and Drug Administration (FDA) already regulates CBD products.¹ When they learn that CBD products are not currently regulated by the FDA, 82 percent of Americans are concerned – and rightly so.

Instead of confusion and a regulatory vacuum, American consumers need and deserve smart, consistent regulations and federal oversight of the CBD market. We are presently very concerned about consumer safety given that the majority of CBD products on the market are not

¹ "The Urgent Need for CBD Clarity," Consumer Brands Association. https://consumerbrandsassociation.org/wp-content/uploads/2019/11/ConsumerBrands_CBD_Clarity.pdf

regulated. We are planning to lead collaborative conversations regarding this issue with key stakeholders in a variety of venues, including an intergovernmental summit in Washington, D.C. later this year. We believe multi-faceted solutions must include baseline premises of:

1. Federal regulatory pathways and oversight
2. Resources/funding for surveillance and enforcement
3. Resources/funding for scientific research – we need to have intelligence to make informed decisions

Whether running the Drug Enforcement Administration, the Boston Police Department, serving as the mayor of Oklahoma City and president for the U.S. Conference of Mayors, or serving as a watchdog for our nation's consumers, we make up a voluntary advisory board to the Consumer Brands Association and support its call for federal regulation of the CBD market and increased appropriations in two high-priority areas: intensified surveillance and enforcement of the rapidly expanding CBD consumer product market and scientific research into CBD itself. Today, too many CBD products pose serious concerns about safety, ingredients and quality. FDA must be able to oversee CBD products so that the American public will have confidence in the products on the market. Because of FDA's many responsibilities, it cannot do that without additional resources for this task.

Greater focus on CBD surveillance and enforcement, while FDA works to develop new regulatory policies on CBD, is the right thing to do and protects consumers. With these appropriations, FDA will have an easier task identifying and warning about CBD products making false and misleading claims, including disease claims.

Heightened surveillance and enforcement will also help FDA target resources in areas of the greatest concern, for instance, products that are promoted for use by the elderly or to people suffering from chronic disease in lieu of legitimate approved therapies. While FDA and the Federal Trade Commission (FTC) have made good progress in identifying irresponsible marketing of CBD products, we remain concerned that the sheer volume of new CBD products on the market outstrips FDA's ability to keep up, thus weakening effective surveillance and enforcement.

The recent report and investigation by the Digital Citizens Alliance² demands we all increase the urgency of this conversation. Consumers, communities and law enforcement all need clarity.

We also believe that as this market expands, scientific research on CBD must expand as well to assist FDA as it examines regulatory options that are protective of public health. Both consumers and FDA deserve the best and most accurate scientific understanding of CBD. Therefore, we also endorse the Consumer Brands Association's proposed language for the House Committee on Appropriations' spending bill and accompanying report for the National Institutes of Health (NIH).

Taken together, these appropriations will help FDA and NIH respond to the growing and urgent demand among the public for accurate information on CBD, an appropriate regulatory structure and strong scientific evidence regarding the safety of CBD. These are necessary steps towards the smart regulation of CBD products.

² "CBD Confusion: How Consumers Can Be Misled and Why the Market Needs Adult Supervision Now," Digital Citizens Alliance. https://www.digitalcitizensalliance.org/clientuploads/directory/Reports/DCA_CBD_Confusion_Report.pdf

Sincerely,

Karen Tandy
Former Head of U.S. Drug Enforcement Administration (DEA)

Ed Davis
Former Commissioner, City of Boston Police Department

Tom Galvin
Executive Director, Digital Citizens Alliance

Mick Cornett,
Former Mayor, Oklahoma City, and Former President, U.S. Conference of Mayors