



July 22, 2021

The Honorable Ron Wyden
Chairman
United States Senate Committee on Finance
221 Dirksen Senate Office Building
Washington, D.C., 20510

RE: S. 1698 The Hemp Access and Consumer Safety Act

Dear Chairman Wyden:

A uniform regulatory framework for cannabidiol (CBD) to protect consumers and ensure fair national market access for consumer packaged goods (CPG) businesses is needed now. The Consumer Brands Association (Consumer Brands) supports your efforts to elevate the need for a uniform regulatory framework for CBD through S.1698, the Hemp Access and Consumer Safety Act.

We believe a federal regulatory framework for CBD products, in addition to that which exists for CBD-containing pharmaceuticals, is needed now to protect consumers; ensure product safety and transparency; establish guardrails for legal product innovation and distribution in interstate commerce; and provide the clarity needed for manufacturers of these products. Consumer Brands supports the establishment of uniform national regulations for CBD as a food ingredient that empower federal regulators to:

- Establish the infrastructure and processes to review safety data and allow the lawful marketing of CBD-containing ingredients that are safe.
- Ensure products are made in adherence to existing and applicable manufacturing, processing, distributing and product claim requirements.
- Provide guardrails to protect trademark and intellectual property.

Consumer Brands champions the industry whose products Americans depend on every day, representing more than 1,700 iconic brands. From household and personal care to food and beverage products, the CPG industry plays a vital role in powering the U.S. economy, contributing \$2 trillion to U.S. GDP and supporting more than 20 million American jobs.

Consumer Brands advocates for uniform regulatory frameworks that are founded on current, risk-based science, promote choice and build consumer trust across the sectors we represent.

The current "Wild West" CBD market has been allowed to proliferate and the ubiquitous nature of the ingredient in products is likely driving the misconception among consumers that the Food

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and Drug Administration (FDA) is regulating CBD. A recent [poll](#) conducted by Consumer Brands found that 74% percent of American consumers either incorrectly assume or have no idea if CBD is regulated.

The market is growing and Americans are using products without FDA oversight — and without a good understanding of CBD. In the same Consumer Brands poll, when asked to rate their knowledge of CBD on a scale of one to ten, consumers rated themselves an average of 3.3. The widespread availability of CBD-containing products, coupled with this knowledge gap and the lack of federal regulation should create urgency for FDA to engage. American consumers deserve to know that the products they are using are manufactured using best practices and are safe for their intended use.

Absent federal leadership, state legislatures are putting their own policies for CBD-containing products in place. There are currently 135 proposals in 38 states which threaten to further confuse the disparate regulations already on states' books for these products. Some states, like New York, have promulgated very robust regulatory requirements. Unfortunately, well-intentioned state CBD regulations have created a confusing, conflicting regulatory patchwork that fails to establish uniform requirements for the safe formulation, production, labeling and marketing of these products.

Federal inaction has led to inconsistent state laws, caused consumer confusion, fueled markets for adulterated ingredients, undermined public health and created an environment with the potential to damage brand integrity. Earlier today, Consumer Brands urged the FDA's Acting Commissioner Dr. Woodcock to act now in regulating CBD products for the CPG industry and asked the following from the agency:

1. **Publish a research roadmap.** The FDA should provide an update to stakeholders on the current state of scientific data needed to determine the safety of CBD products and prepare a research roadmap that highlights current data gaps relative to the safety of CBD.
2. **Review the safety of CBD.** The FDA should establish a regulatory framework where CPG companies should notify the agency of CBD-containing products and provide safety data for FDA review so consumers can have confidence the products on the market are safe.
3. **Provide an update on progress.** Stakeholders are unsure as to whether the FDA is making progress establishing a federal regulatory framework for CBD products. FDA should provide a progress update and solicit stakeholder insights on FDA's plans.
4. **Provide technical assistance to Congress.** There is growing bipartisan interest in finding workable solutions and ensuring the timely development of a federal regulatory framework for CBD products. The FDA should inform such discussions.



5. **Take necessary enforcement actions.** The FDA, with its federal partners, must continue to take enforcement actions against bad actors to remove unsafe CBD containing products and those with misleading claims from today's marketplace.
6. **Establish a plan of action for transitioning currently marketed CBD-containing products to the new regulatory framework.** While the new regulatory framework is being developed, we urge FDA to work with stakeholders to develop a plan that can be implemented to make certain those products currently on the market are subject to the new regulatory framework.

American consumers need and deserve smart, consistent regulations to govern the CBD market. Consumer Brands believes that S. 1698 is a big step in the right direction and we look forward to working with you to establish uniform regulations for CBD as a CPG ingredient.

Sincerely,

Jen Daulby
Senior Vice President, Government Affairs