

TO: Members of the Energy and Commerce Health Subcommittee

FROM: Consumers for Safe CBD

DATE: January 14, 2020

RE: Tomorrow's hearing on "**Cannabis Policies for the New Decade**"

The National Consumers League (NCL) recently launched [Consumers for Safe CBD](#) in partnership with Consumer Federation of America (CFA) and Community Anti-Drug Coalitions of America (CADCA) to encourage FDA to take strong, effective, and prompt action to protect the public from the potential harms posed by unregulated cannabidiol (CBD). In advance of this week's hearing on "Cannabis Policies for the New Decade," we wanted to provide you with helpful materials on the rapidly growing and yet, to date, unregulated CBD market.

There are [many misconceptions](#) related to CBD and CBD products. Consumers assume the products sold in stores and online are regulated by the FDA, are "pure" CBD as they are often marketed, and pose no threat to their health. In reality, CBD products are often mislabeled and untested, and clinical trials show CBD is associated with potentially dangerous drug interactions and liver damage, or might be injurious to men's reproductive health.

Late last year, the FDA [announced](#) it "cannot conclude" that CBD is generally recognized as safe (GRAS) for its use in human or animal food "based on the lack of scientific information supporting the safety of CBD in food." While this determination by the FDA is critically important, we feel strongly that the agency must take additional steps to regulate consumers' cumulative daily consumption of CBD.

This sentiment has broad support. Consumers for Safe CBD recently released [public opinion research](#) conducted by Greenberg Quinlan Rosner finding that voters overwhelmingly – an 83 percent majority – support allowing the FDA to test and regulate CBD products. The research found that ensuring the safety and effectiveness of CBD grows even stronger among those who have used CBD products or describe themselves as very familiar with them.

As you discuss cannabis policies this week and in the coming months, we encourage you to consider FDA's recent actions and their impact on consumer decision-making and provide guidance to the FDA on what Congress believes needs to be done to protect consumers in a rapidly expanding yet unregulated CBD marketplace. Below are sample questions that we recommend should be addressed.

- Are you concerned consumers are buying approximately \$500 million annually worth of CBD products that may or may not be safe?
- What regulatory actions is the FDA considering to provide consumers with better information about the safety and efficacy of CBD products?
- Does the FDA need more Congressional authority to regulate this burgeoning marketplace where the long-term effects of CBD is largely unknown?
- Do you believe the FDA should enforce current laws against CBD and other products that make untested/unproven medical claims that pose a high risk to consumers?

- Do you believe the FDA should define safe concentration levels of CBD?
- Do you support further research for FDA-approved CBD treatments so that consumers can have more options and more trust in the marketplace?

Thank you for your interest in this consumer health issue. We are available as a resource on CBD and the impact on consumers at any time. Please do not hesitate to reach out to National Consumers League Executive Director Sally Greenberg at Sallyg@nclnet.org at any time.