



**Statement of the
Consumer Brands Association
presented by
Dr. Betsy Booren, senior vice president, regulatory and technical affairs
for the hearing entitled:
“Cannabis Policies for the New Decade”
Subcommittee on Health
Committee on Energy & Commerce
United States House of Representatives
January 15, 2020**

Thank you, Chairwoman Eshoo and Ranking Member Burgess, and members of the subcommittee for the opportunity to submit this statement for the record on behalf of the Consumer Brands Association. The Consumer Brands Association represents the \$2 trillion consumer packaged goods industry and the 20 million jobs it supports. Consumer Brands advocates for smart regulatory policies that protect public health and open pathways for industry innovation and growth. Our member companies are committed to demonstrating shared values with American consumers on health and supporting standards that bolster consumer confidence in the products we all use every day.

One of the two primary cannabis derivatives, cannabidiol (CBD), has gone mainstream. Almost overnight, CBD products seem to be for sale everywhere — from gas stations and strip malls to grocery stores and online retailers.

Despite the robust market for CBD, few consumers know much about the ingredient. Law enforcement must contend with conflicting guidance about which products are legal and government regulators are resource-challenged as they work to protect consumers from misleading marketing and potentially unsafe products.

Lacking clear federal oversight, a patchwork of inconsistent, often contradictory, state and local regulations has emerged, generating profound consumer confusion. Consumers are unclear or mistaken about what CBD is, what it does and whether all products made with CBD are safe to consume or apply.

Consumer demand for CBD products has skyrocketed since hemp was legalized in the 2018 federal Farm Bill. To understand what is motivating consumers, we conducted a national survey of 2,000 adults across the United States, probing their awareness and overall knowledge of CBD and CBD products. We were surprised by our findings:

- One-in-three Americans report using CBD.
- Four-in-ten Americans who have heard of CBD believe it's another name for marijuana.
- More than half think it has the potential to cause a high sensation.
- Seventy-seven percent assume CBD is regulated at the federal level, including 51 percent who rest easy thinking the Food and Drug Administration (FDA) oversees CBD's safe use and marketing.

As the market continues to grow, the lack of federal regulations around CBD will continue to cause several issues.



First, product safety and quality. Consumers must be assured that the products they're buying are high-quality and safe. But today, without the research needed to show CBD products are safe — or assurances that CBD products have been produced under applicable good manufacturing practices — consumers have no idea if they're purchasing safe products or whether they have been produced to consistently contain a certain amount of CBD, if any.

Second, without rigorous testing requirements, consumers have no idea if they're purchasing pure CBD, CBD with trace amounts of THC or just olive oil with a new name and package.

Finally, there isn't any guarantee of safety despite myriad ailments CBD claims to alleviate. Right now, CBD is approved for one thing only — the treatment of epilepsy as an active ingredient in the drug Epidiolex. Just last month, FDA sent another round of warning letters to companies who were claiming their CBD products could treat a range of health conditions including schizophrenia, cancer, diabetes, arthritis, acne, alcoholism, bipolar disorder, fibromyalgia, irritable bowel syndrome, Parkinson's, PTSD, multiple sclerosis, glaucoma and high cholesterol.

Given the "Wild West" CBD environment, it's important that we look toward developing the critical science and the appropriate regulatory structure so that good actors are provided the opportunity to ensure consumer safety and deliver a product that consumers are clearly demanding. That's why we are calling for a two-pronged approach to clarifying the CBD marketplace.

First, Congress must ensure there is adequate funding for federal research on the health and safety of CBD products. It is important that Congress works to ensure scientific gaps are filled so that our regulators can make informed decisions. As Dr. Peter Grinspoon of the Harvard Medical School explained, "Without sufficient high-quality evidence in human studies we can't pinpoint effective doses, and because CBD is currently mostly available as an unregulated supplement, it's difficult to know exactly what you are getting."

Second, Congress should ensure FDA has the resources necessary to continue its market surveillance and enforcement activities, which include sampling and testing of available CBD products to root out egregious activities and protect consumers. Ultimately, our government regulators must establish a clear, consistent regulatory framework that settles this chaotic market.

Americans support this approach. Our research indicates nearly eight-in-ten (79%) Americans believe CBD should be regulated at the federal level, or federally in concert with the states. The FDA has pledged to act, but the agency estimates it could take five years to establish federal CBD regulations. It is our hope that, by working with Congress, the process can be expedited.

Consumers want FDA to have a regulatory program in place underpinned by sound, risk-based science so they can make smart choices about CBD products. Law enforcement deserves clear guidelines about what's legal and illegal. And America's most trusted brands want to work with Congress to assist FDA in achieving a regulatory framework every consumer can have confidence in.