

Dear \_\_\_\_\_,

As your constituent, I urge you to oppose any efforts by your fellow Senators to pass SB722, the so-called Dietary Supplement "Safety" Act, recently introduced by Senator Richard Durbin. I am deeply concerned that rather than passing this new act, which would unnecessarily expand the authority of the Food and Drug Administration \_ Congress should instead investigate and oversee ways in which the Food and Drug Administration can make full use of its current and more \_than\_adequate authority as granted by the Dietary Supplement Health and Education Act of 1994. A genuine oversight hearing needs to be held in regards to the amendment to SB 830, FDA Modernization Act of 1997 that was supposed to exempt dietary supplements from this biased laws and harmonization to the restrictive pharmaceutically biased unscientific studies on dietary supplements of the CODEX/European Union Vitamin Directive. Congress whitewashed the last hearing on the Amendment to SB 830/Codex Oversight Hearing on March 20, 2001. It angers me that the FDA is allowed to ignore the amendment as well as Congress. The will of the people and the will of Congress was clearly expressed via Senator Hatch in his statement in the Conference Report on this legislation, but the FDA has found a loophole in the legal language of this amendment. See web site: [iahf.com](http://iahf.com) - Questions for Yetley and L.Robert Lake

I have read that the Durbin bill, despite its title, would allow no more consumer protection than current law provides. It does, however, contain new and discretionary enforcement powers that would significantly undermine many of the freedoms that American consumers of dietary supplements like myself hold dear.

If adopted, this bill would subject nearly all vitamins, minerals, herbal products and other supplements to a level of scrutiny that is both unwarranted and unnecessary. Products that have been used safely and beneficially for hundreds\_\_and in some cases, thousands\_\_of years would be subject to clinical evaluation using standards that are at the complete discretion of the FDA. Costly, unnecessary regulatory burdens would be put small to medium dietary supplements out of business. This would leave only the large pharmaceutically controlled companies. I find this very unsettling when the issue is not "safety of dietary supplements" but, to further perpetuate the multi\_billion dollar pharmaceutical "business with disease" leaving only unsafe, unproven pharmaceutical drugs.

I am concerned that this bill, by questioning the safety of any dietary supplement that receives even one complaint, will result in potentially hundreds of products being removed from the marketplace. Why aren't properly researched, regulated, prescribed and properly used drugs being more closely regulated by the FDA for "public safety and health" instead? According to the Journal of the American Medical Association (AMA)(web site: [ama.com](http://ama.com) & Safety of Dietary Supplements, web site: [infor@nahs.co.uk](mailto:infor@nahs.co.uk)) there are 90,000 to 160,000 deaths per year. 46 people die every day from Aspirin alone in the USA but this isn't being considered either for tighter regulations. Why? The Center for Disease Control (CDC) records show dietary supplements have averaged less than 5 confirmed deaths per year over the past 25 years in the USA. Most of those relate to a single batch of genetically engineered tryptophan introduced in the late 1980s. Under this new legislation, the FDA has complete discretion to make this determination, regardless of whether the product was used under conditions cautioned against by the manufacturer on the label. By almost every measure, and by a wide margin, dietary supplements can be used more safely than conventional foods and OTC drugs. For instance, the AMA figures show every day 46 people die from the OTC drug Aspirin. Yet this legislation exempts foods in these product categories from being classified as stimulants. Specifically, the bill unfairly excludes the most common "stimulant" ingredient in foods\_\_caffeine.

I ask you to oppose this extreme and unnecessary legislation and instead take the opportunity to encourage and support the FDA in fully utilizing its enforcement powers as granted by DSHEA and have a genuine oversight hearing in regards to the amendment to SB 830, FDA Modernization Act of 1997.

I look forward to hearing your thoughts on this important matter.

Sincerely,