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McCain 'revisiting' supplements reform Bill

By Shane Starling, 08-Mar-2010

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Arizona Republican Senator, John McCain, has indicated he may withdraw support for the Bill he sponsored in February that would have severely amended the way the US dietary supplements industry is regulated.

The Dietary Supplement Safety Act of 2010 was introduced to widespread industry criticism last month by McCain and Byron Dorgan, a Democratic Senator from North Dakota. But now longtime pro-dietary supplements campaigner, Republican Senator Orrin Hatch of Utah, is claiming McCain may be about to perform an about-turn.

Although some groups are claiming McCain has already withdrawn support for the Bill [s3002] and will work with Senator Hatch on some kind of 'DSHEA enforcement Bill', it remains listed on Thomas.gov, the online record of Bills introduced to Congress.

A spokesperson from Senator McCain's office said the Senator was "revisiting" aspects of the Bill after listening to some of the criticism that had come in from various corners of industry as well as meetings with Senator Hatch.

But there were no immediate plans to withdraw the Bill as it stands, the spokesperson said.

However a March 4 letter – which can be found [here](#) – written by Senator Hatch describes a positive meeting between the 1994 Dietary Supplements and Health Education Act (DSHEA) author and McCain.

"...I want to thank you for agreeing to withdraw your support for the provisions of [s3002] that I believe would do great harm to dietary supplements industry..." Hatch wrote.

McCain's Bill highlighted steroid contamination of sports supplements as a key motivator and sought to protect consumers with increased safeguards – something industry said already existed under DSHEA.

Assuming Senator McCain would withdraw his support for the Bill, Steve Mister, the president and CEO of the Council for Responsible Nutrition (CRN) congratulated the Senator for taking a, "more measured, constructive approach to address his concerns regarding outlier products that contain illegal substances."

"CRN appreciates Senator McCain's receptiveness to the industry's very real and very serious concerns about s3002 and our inability to support his bill. In addition, we think that FDA needs additional resources and CRN will work to support getting FDA additional resources to enforce the existing laws."

However Daniel Fabricant, PhD, the Natural Product Association's vice president for scientific and regulatory affairs, said it was not time to celebrate just yet.

"While the industry should be incredibly grateful and supportive of Senator Hatch, and his efforts in reaching out to Senator McCain on s3002, details of their working together have not yet been agreed to or specified, so much work still remains," he said.

Caution required

Similarly, Virginia-based food industry attorney, Jonathan W Emord, praised industry lobbying efforts in gaining the ear of the Senator, but cautioned against complacency.

"Until McCain acts to withdraw his bill, people should continue to clamor against it," said Emord. "If he withdraws it, consumers and industry must remain vigilant against attempts to revive or introduce a compromise version of it."

"Any effort to increase the regulatory authority of FDA on the pretext that it must act against supplements sold as steroids will invite FDA to harm the law-abiding because the law already prohibits the sale of supplements as steroids."

The Alliance for Natural Health-USA noted the effectiveness of grassroots industry-led campaigns that had seen more than 40,000 email flood Senator McCain's inbox since the Bill was launched at the beginning of February.

The Bill sought to amend the Federal Food, Drug, and Cosmetic Act, "to more effectively regulate dietary

supplements that may pose safety risks unknown to consumers”.

It can be found [here](#) .

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