



August 17, 2023

VIA EMAIL: CBD@mail.house.gov, CBD@help.senate.gov

The Honorable Cathy McMorris Rodgers
2188 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Bernie Sanders
332 Dirksen Building,
Washington, D.C. 20510

The Honorable Frank Pallone
2107 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Bill Cassidy, M.D.
520 Hart Senate Office Building
Washington, DC 20510

Re: Bipartisan Request for Information Regarding FDA-Regulation of CBD

Dear Members of Congress,

The National Consumers League (NCL) is America’s pioneering consumer advocacy organization, representing consumers and workers on marketplace and workplace issues since our founding in 1899. Our goal is to provide government, businesses, and other organizations with the consumer’s perspective on concerns including child labor, food safety, and medication information. NCL appreciates the opportunity to respond to this request for information regarding the FDA’s regulation of CBD.

In 2019, in response to the proliferation of unreviewed and untested CBD products, NCL identified the need for greater education among consumers about CBD and better enforcement of regulations in the CBD marketplace. NCL created Consumers for Safe CBD to address the need, champion the rights of consumers, and call on government and industry to do better – to ensure safety and promote a pathway for new products through clinically tested scientific research. Since then, action has been taken on the state and federal levels to increase access to cannabinoids beyond CBD. In response, NCL expanded our educational campaign and established [Cannabis Consumer Watch](#).

Today’s unregulated CBD marketplace creates too much space for consumers to be misled by bad marketing practices and egregious medical claims and put at unnecessary risks as products are often mislabeled or may be tainted with contaminants.

According to a [2022 study](#), a host of companies continue to find ways to falsely claim that their products can improve or mitigate health conditions including chronic pain, autism, AIDS, mental health, cancer, and much more. One company even touts their products' ability to [stop childrens seizures](#) despite never going through the proper FDA approval process (i.e., randomized clinical trials to prove safety and efficacy).

These claims could be incredibly dangerous for consumers who may already be taking other medications; without knowledge of drug-to-drug interactions, the consumer could experience negative side effects.

Further, the unregulated marketplace has allowed companies to exploit loopholes in the 2018 Farm Bill and flood the market with intoxicating hemp products (i.e., Delta-8 THC) that pose significant risks to consumers. Existing threats facing consumers in this market call for a comprehensive approach to regulation. Not one that addresses only certain segments of the existing hemp market.

Even “pure CBD” products have been found to have high levels of THC despite no mention of this on the label. CBD products may contain enough THC to cause impairment, impact drug tests, and more. An FDA report to Congress found that [nearly 20 of the top CBD products](#) the agency tested contained THC.

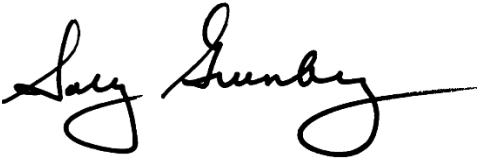
Many of these products have also been found to have significantly higher amounts of cannabinoids than advertised. For example, out of over 140 CBD products studied by the FDA, more than half were mislabeled and nearly 40 of those products had more than 120% of the CBD level listed.

And independent testing of the 240 top-selling CBD products found that [70 percent](#) were contaminated with substances including lead, arsenic, herbicides, pesticides, and toxic mold. We have highlighted some of these issues in our [infographic linked here](#).

We agree with the FDA's concerns that current pathways for foods and dietary supplements are insufficient. Regulating CBD as a food and/or supplement is not a realistic approach to protecting consumer safety. CBD poses real risks to consumer wellbeing. Protecting consumer safety should remain the top priority. Strong labeling standards, rigorous quality control, responsible CBD content limits, addressing unsubstantiated therapeutic claims, and robust enforcement are each critical components of regulating the hemp market if we are to adequately protect consumers. We must also continue to encourage consumers to do their due diligence and [educate themselves about CBD](#).

NCL appreciates the opportunity to comment on this request for information. We hope to continue to serve as a resource for leaders in Congress as you navigate this complex landscape.

Sincerely,

A handwritten signature in black ink, reading "Sally Greenberg". The signature is written in a cursive style with a long horizontal flourish extending to the right from the end of the name.

Sally Greenberg
Chief Executive Officer
National Consumers League