

United States Senate

WASHINGTON, DC 20510

March 10, 2010

The Honorable Tom Harkin, Chairman
The Honorable Michael B. Enzi, Ranking Member
Senate Committee on Health, Education, Labor, and Pensions
418 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Orrin G. Hatch
104 Hart Senate Office Building
Washington, DC 20510

Dear Senators Harkin, Enzi and Hatch:

Thank you for working with us to ensure the safety of dietary supplements for the nearly 150 million Americans who consume them. As you know, we introduced legislation last month to establish a framework through which the Food and Drug Administration (FDA) can identify and act upon safety concerns associated with dietary supplements. This legislation is supported by many different groups including Consumers Union, the United States Anti-Doping Agency and the American College of Obstetricians and Gynecologists.

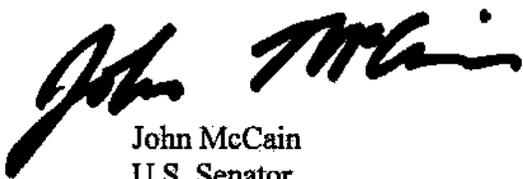
We understand that you had concerns with S. 3002, the Dietary Supplement Safety Act. However, we were pleased to find common ground on some of the provisions included in the bill and that you are committed to working with us to incorporate those areas of agreement into S. 510, the FDA Food Safety Modernization bill. The four concepts where we found agreement are as follows:

- (1) Requiring all dietary supplement manufacturing, processing and holding facilities to register with the Secretary of Health and Human Services (as included in Section 102 of S. 510 and Section 2 of S. 3002);
- (2) Ensuring the Food and Drug Administration has the authority to issue a mandatory recall order if there is a reasonable probability that any dietary supplement is adulterated or misbranded or the use of such supplement could cause serious adverse health consequences such as death (as included in Section 207 of S. 510 and Section 2 of S. 3002);

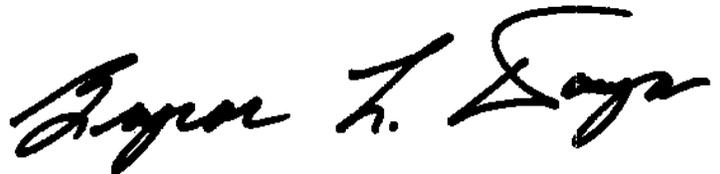
- (3) Requiring the Commissioner of the Food and Drug Administration to publish guidelines on new dietary ingredients as soon as possible; and,
- (4) Mandating that the FDA notify the Drug Enforcement Administration when a new dietary ingredient premarket notification is rejected because the product contains a synthetic anabolic steroid.

Again, thank you for your leadership on this important issue. We feel strongly that these additional safeguards are necessary to protect those who take dietary supplements and will provide them with the information necessary to make more educated decisions regarding their health. We look forward to working with each of you to incorporate these principles into S. 510.

Sincerely,



John McCain
U.S. Senator



Byron L. Dorgan
U.S. Senator