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FDA's Dereliction of Duty on CBD Regulation Continues

Agency's Latest News Release Shows No Meaningful Progress on Regulatory Path for Popular, Ubiquitous and Unregulated Ingredient

Washington, D.C. – Just months after FDA rejected NPA's extraordinary Citizens Petition on a CBD regulatory path and the submission of new scientific data from CBDMD for FDA examination, the agency today claimed it does not have appropriate authority to regulate the popular and widely-used ingredient that continues to proliferate markets across the country.

"This is an astonishing dereliction of duty, especially compared to the agility and professionalism the agency showed it was capable of during the pandemic. After more than a decade of promises, hearings, data sharing, market proliferation, and states filling the regulatory vacuum, the FDA's Dietary Supplement Division claims it cannot do what Congress authorized, which is to regulate dietary supplements under the law," said Daniel Fabricant, Ph.D., President, and CEO of the Natural Products Association.

"But it gets scarier. When you read between the lines of today's FDA statement, the agency appears to be saying that it would prefer to defy and attack DSHEA and develop different regulatory paths for ingredients at its own discretion. That could include requiring premarket approval, unnecessary testing, or who knows what. That is an especially dangerous precedent not only for CBD but for the entire natural products industry and ingredients like hemp that clearly fall under the agency's jurisdiction. We couldn't be more disappointed and will look for relief with every branch of government and will need the help of our members to right the wrong."