



NHF Lobbyist's Report

By Lee Bechtel
National NHF Lobbyist

PROTECTION OF HEALTH FREEDOMS IN THE BALANCE

The biggest threat to Americans' health freedom continues to unfold with the ongoing government-run, national health-insurance legislative debate in Congress. The NHF is closely following this and asks NHF members to register their opposition to the current plans being considered in Congress. There are other Congressional "health" bills on the NHF lobbying docket. Some are good and others bad for the ability of Americans to exercise their health-freedom choices.

FDA Codex Compliance

For over ten years the U.S. Food and Drug Administration (FDA) has ignored its own Federal law by refusing to publish regulations exempting dietary supplements from the Codex Alimentarius international food-harmonization standards. The NHF and its President and Legal Counsel, Scott Tips, have a long record of protecting supplements against Codex, and with presenting NHF views and concerns before the Codex commission and committees. The NHF is now participating in a joint lobbying effort with the National Health Freedom Coalition (NHFC) and Sunshine Health Freedom Foundation (SHFF) to force the FDA to put an end to yet another long-standing FDA abuse of how it can regulate supplements and other vitamins and minerals products. The NHF and SHFF are actively engaged in getting legislative language passed that would force the FDA to follow U.S. law forbidding harmonization with Codex standards. The vehicle for change is the FDA 2010 funding bills, which have passed the House and the Senate, and are currently in a conference committee to resolve differences between the bills before being passed again by both chambers. SHFF and NHF lobbyists have met with several appropriate Congressional Members and staff but no final decisions have been made.

The FDA failure to fully implement in regulation the requirements of the 1997 Modernization Act (PL 105-115) for over ten years is a serious oversight that needs to be corrected. Consumers are concerned that international food regulations, which are in conflict with existing US law, may be harmonized by the FDA. Without new legislative direction against the FDA, there will continue to be no FDA transparency or accountability to Congress nor to the public when FDA Codex representatives violate U.S. law by participating and agreeing with what their international counterparts at Codex want to implement.

Food Safety

As previously shared with NHF members, the House passed H.R.2749, the so-called Food Safety Enhancement Act of 2009. The NHF opposed the bill, which was rushed through and passed under a "closed rule" preventing any amendments or even any thoughtful debate. Unfortunately, with complete control of the House of Representatives, the Democratic leadership in the House consistently uses legislative procedures to shut out opposing points of view as well as expression of concerns held by average Americans about the direction of our country. Contrary to what voters in the last election had hoped for, the Pelosi/Waxman/Dingell leadership has turned our democratic legislative process into one that is more like a Banana Republic. The House bill is currently in the Senate, and can still be defeated when Congress reconvenes in September. More information is available on the NHF website at http://www.thenhf.com/government_affairs_federal.html.

Federal Food Safety Agency

The legislation of Representative Rosa DeLauro (D-CT) to create a new Food Safety Administration (FSA) within

the Federal Department of Health and Human Services, extending Federal control over foods and supplements (H.R. 875), and a companion Senate bill, are effectively dead for the remainder of this year. However, this does not mean that this issue cannot come back in 2010. The NHF is opposed to this bill.

Health Freedom Bills


In the August NHF e-Newsletter to its members, six bills sponsored by Congressman Ron Paul (R-TX) were highlighted: (1) H.R.3394, the Freedom of Health Speech Act, to amend the Federal Trade Commission Act concerning the burden of proof in false advertising in cases involving dietary supplements and dietary ingredients; (2) H.R.3395, the Health Freedom Act, to amend the Federal Food, Drug, and Cosmetic Act concerning claims about the effects of foods and dietary supplements on health-related conditions and disease; (3) H.R.3396, the Congressional Responsibility and Accountability Act, to prohibit Federal agencies from enforcing rules until they are actually enacted by Congress; (4) H.R.778, allowing interstate transport of unpasteurized milk; (5) H.R.2629, the Coercion is Not Health Care Act, to protect people's ability to make their own health-care decisions; and (6) H.R.2630, the Protect Patients & Physicians Privacy Act, to ensure that patients are free to opt out of a federally-mandated electronic system for maintaining health-care information where shared. More information on these bills is available on the NHF website under the Support column at http://www.thenhf.com/government_affairs_federal.html.

Congress Pushes FDA on Supplement Exemption

In the Winter 2008 issue of *Health Freedom News* (Vol.26:4), the Lobbyist's Report commented on the FDA's published "Notice of Comments for Proposed Rulemaking" on whether the interstate transportation of dietary supplements should or should not be exempted from the definition of prohibited food products subject to illegal interstate commerce. This is yet another attempt by the FDA to regulate supplements as *conventional* food products or as drugs, which the NHF opposes. The NHF has consistently opposed any FDA efforts to exercise command and control over people's rights to exercise their own independent judgments on health freedom of care choices. In the 2010 Senate USDA/FDA spending bill, just passed by the Senate, the Senate actually directed the FDA to explain why it would even consider this course of regulatory action when supplements are clearly regulated under the Dietary Supplement Health and Education (DSHEA) section of the Food, Drug, and Cosmetic Act (FDCA).

The NHF does not support any legislative or regulatory efforts to increase control over supplements and nutritional foods. They are already regulated enough. This Congressional request to force the FDA to explain why it is taking this action could help to resolve this issue now and in the future, after more than one year of FDA foot dragging. Unless the FDA acts in the coming months, the Agency will have to explain its position to circumvent the DSHEA law to Congress and regulate the interstate transport of supplements like illegal conventional foods or food ingredients. This would negatively impact supplement manufacturers, distributors, and people who use supplements and consume nutritional foods. The NHF is closely monitoring this issue and will further inform members as events unfold.

More FDA Taxpayer Waste

Also included in the Senate's FDA spending bill was the following tidbit in the bill report accompanying it. In 2004, the FDA contracted with an outside Human Resources company to do its hiring. A 2008 audit by the Federal government's Office of Personnel Management (OPM) found that the contract company had not been performing its services, and its authority to hire individuals from outside the Government was suspended. The FDA then made the decision to contract with another company, but has continued to pay the suspended company for a service that is not being provided. How many taxpayer dollars have been wasted? The OPM audit suggests at least 20 million dollars. The spending approved for the FDA for fiscal year 2010 will be around \$2.9 billion. In government-spending terms, especially in the current government spending spree, \$20 million in wasted taxpayer dollars for FDA mismanagement is just a drop in the bucket. But it's still *our* money – wasted. 

I predict future happiness for Americans if they can prevent the government from wasting the labors of the people under the pretense of taking care of them. —Thomas Jefferson

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