

Testimony of
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On Behalf of
NSF International
Before the
U. S. House of Representatives
Committee on Government Reform
Regarding
Regulation of Dietary Supplements
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Welcome

Good afternoon Mr. Chairman and members of the Committee. I want to thank you for the opportunity to appear before you today to discuss NSF International's involvement in Dietary Supplements, Sports Nutrition Products and Functional Foods and the independent role we play in the evaluation and certification of these products.

About NSF

NSF was founded at the University of Michigan School of Public Health in 1944 to address the emerging need for national standardization of foodservice equipment and to provide product certification. NSF International is an independent, not-for-profit, 501(c)3 organization that develops national standards, and tests and certifies products that have the potential to impact public health, primarily through the food we eat and the water we drink. As part of its mission, NSF also provides education and training and conducts basic research at NSF International laboratories.

NSF standards development and product certification programs are fully accredited by the American National Standards Institute (ANSI), and NSF also has been designated as a World Health Organization Collaborating Centre for Food and Water Safety. NSF currently employs approximately 450 professionals, comprised of chemists, microbiologists, toxicologists, and food scientists.

About NSF Standards

NSF develops consensus standards according to the ANSI process, with the participation of federal agencies. NSF standards development follows OMB Circular A-119 requirements for federal agency participation in consensus standards and third-party certification. All NSF standards are reviewed and approved by an independent, external Council of Public Health Consultants, which is comprised of representatives from public health, academia and the regulatory communities with no ties to industry. Using this Council as the final oversight body in the standards development process assures that NSF standards remain protective of public health.

Product Certification

The product categories we test and certify include among many others, foodservice equipment, drinking water treatment chemicals and system components, water filters, bottled waters, plumbing products, and more recently, dietary supplements. Product certification at NSF is

based on formulation disclosure, review of potential health concerns by toxicologists, facility inspections, product sampling, product testing, and signing of a binding certification contract.

Dietary Supplement Standard NSF/ANSI 173

Using this same approach, NSF International worked with key stakeholders, including the Food and Drug Administration (FDA), to develop a U.S. national standard for Dietary Supplements, known as NSF/ANSI 173. The NSF certification program based on this standard allows consumers to identify compliant products and helps them make informed purchasing decisions. It should be noted that neither this standard nor the product certification address product efficacy in any way.

NSF/ANSI 173 covers manufacturing, packaging, and labeling of supplements. Companies seeking product certification against this Standard are involved in a five-step process:

1. An application is filed and certification contract signed.
2. Formulations and labels are evaluated by toxicologists for safety and accuracy.
3. Manufacturing facilities are audited against Section 8 of NSF/ANSI 173 for GMP compliance (based on the 1997 FDA Advance Notice of Proposed Rulemaking -ANPR).
4. Products are tested for identity, quantity and contaminants such as heavy metals, pesticides, mycotoxins, bacteria and adulterants.
5. Follow up product plant inspections and product testing are conducted annually.

As specified in NSF/ANSI 173, products and ingredients deemed a hazard to public health or safety by a regulatory agency having jurisdiction shall be excluded from certification.

The NFL/NFLPA Supplement Certification Program

Because of NSF's experience in dietary supplement certification, the National Football League (NFL) and the National Football League Players Association (NFLPA), requested NSF assistance in developing and administering the NFL/NFLPA Supplement Certification Program. In addition to meeting the requirements of NSF/ANSI 173, NSF tests each lot of product to ensure the absence of any substances banned by the NFL/NFLPA. We believe this program effectively addresses one aspect of the banned substances problem in sport.

The NSF Athletic Banned Substances Certification Program

NSF is now introducing its Athletic Banned Substances Certification Program. By building on the principles of the NFL program and the NSF dietary supplement certification expertise, we hope this new program will meet the growing demands from athletes and coaches, regulators, and

parents who are concerned about banned substances in sports supplements. Recently Major League Baseball and the MLB Players Association have expressed support for, and recommend, this new program. Through the NSF Athletic Banned Substances Certification Program, we stand ready to work with this committee, with manufacturers and with the sports community as a whole to create a level playing field for all professional, amateur and youth athletes who are dedicated to fair play in sports.

Proven Benefits

Once a product achieves certification, the product is required to bear the NSF Mark. When a consumer sees the NSF certification mark on a product, it sends a clear message that the contents of the product matches what's on the label and that it is not adulterated or contaminated. An additional benefit is that the NSF program is international in scope, and that its worldwide inspection capabilities permit the evaluation of domestic and imported products.

Summary

In summary, NSF was established to serve the public and help protect public health, and the NSF Dietary Supplement Certification Program was designed to provide consumers, regulators and manufacturers with reliable information to facilitate informed purchasing decisions. We agree with the committee that there is much more work to do when it comes to addressing the safety of supplements and the education of consumers. To fulfill our public health mission, we reach out to consumers through our consumers' affairs office and consumer web site and provide free consumer Fact Kits, free Listings and other educational materials.

As this House Committee continues to examine the issue of dietary supplement safety, NSF is ready to help. It's our goal to provide objective, reliable information about dietary supplements, and all categories of products we independently test and certify, so that purchase, use and regulation decisions can be based on reliable information.

Thank you to you Mr. Chairman and the entire committee for the opportunity to address this important issue today. I would be pleased to answer any questions that you may have.

Attachments

1. NSF Banned Substances Certification Process Flow Chart
2. NSF Dietary Supplements Website – Frequently Asked Questions
3. NSF Dietary Supplements Website – Sample Listings
4. Financial Disclosure of Federal Funding (2003-2005)
5. NSF/ANSI Standard 173: Dietary Supplements (separate)