

Congress of the United States

Washington, DC 20510

October 17, 2003

The Honorable Tommy Thompson
Secretary
Department of Health and Human Services
200 Independence Ave., S.W.
Washington, D.C. 20201

Dear Secretary Thompson:

This week, California became the third state to enact a ban on the sale of dietary supplements containing the potent stimulant ephedra, following Illinois and New York. Now, three of the most populous states in the nation -- representing 65 million people -- and scores of counties and cities have acted to protect their citizens from this dangerous product.

Not only have a growing number of states and local governments acknowledged the danger ephedra poses to the public, but our nation's largest drugstores have acted to protect their customers as well. As of September 1, 2003, Walgreens, CVS, Eckerd, Rite Aid, and Walmart, collectively representing more than 17,300 stores nationwide, have pulled all ephedra-containing dietary supplements from their shelves.

GNC, the largest specialty retailer of nutritional supplements in the country, which has 5,300 stores nationwide, pulled ephedra off its shelves in June.

Mr. Secretary, how many states will have to enact legislation and how many stores will have to pull this product before you use your authority to ban ephedra and protect the rest of America?

On March 5, 2003, the FDA reopened the comment period on the proposed rule on dietary supplements containing ephedrine alkaloids. Since that time, your Department has been absolutely silent on the issue.

Waiting any longer before taking action is unnecessary and will prolong the public's exposure to this dangerous product. We repeat our call to take immediate action on this issue.

Sincerely,



Richard J. Durbin
Ranking Member
Senate Subcommittee on Oversight of
Government Management, the Federal Workforce
& the District of Columbia



Henry Waxman
Ranking Member
House Committee on
Government Reform