November 29, 2011

Division of Dockets Management (HFA—305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

Re: Approaches to Reducing Sodium Consumption; Establishment of Dockets; Request for Comments, Data, and Information (Docket No. FDA-2011-N-0400)

The National Association of Manufacturers (NAM) is pleased to submit these comments to the Food and Drug Administration (FDA) as the agency considers approaches to reduce sodium consumption. The comments represent the concerns of manufacturers over a proposal to regulate the manufacturing of food products as a means to control the level of sodium intake by consumers.

The NAM is the nation’s largest industrial trade association, representing 11,000 manufacturers in every industrial sector and in all 50 states. Manufacturing has a presence in every single congressional district providing good, high-paying jobs. The food manufacturing industry provides over 1.44 million jobs and there are 29,000 food manufacturing establishments in the U.S.

The agency’s request for comments follows the release of recommendations by the Institute of Medicine (IOM) in its report entitled, Strategies to Reduce Sodium Intake in the United States, calling for a regulatory regime to force decreased levels of sodium in manufactured foods. As articulated in the FDA request for comments, the position of the agency is that the “reduction in sodium consumption in the United States involves reduction in the sodium content of food in the U.S. marketplace.” The agency asserts that the combination of industry efforts, regulatory actions concerning labeling, dietary guidelines and educational campaigns for consumers have not reduced the amount of sodium consumed. Consequently, the IOM recommends the FDA modify the generally recognized as safe (GRAS) status of salt, allowing agencies to regulate the production of foods to reduce salt levels and ultimately change the taste preferences of consumers.

The NAM strongly urges the FDA to halt any consideration of regulations on the sodium content of food. The impact of regulations governing the salt content in manufactured foods will be substantial and negatively affect the entire food industry including supply chains, production and retail. The suggested regulatory framework will force companies to spend scarce capital to reformulate products and alter production processes at a time they can least afford it and without clear benefits. Nearly 90 percent of food manufacturing establishments employ fewer than 100 workers. Many small- and medium-sized manufacturers within the food production supply chain will be unable to remain in business as these facilities cannot devote the resources necessary to reformulate products and remain competitive.
Current industry initiatives concerning healthy food and current federal guidelines provide consumers with information needed to make the best possible food choices. The IOM’s proposal would greatly exceed Congressional intent. Furthermore, the science concerning the health impacts of sodium intake—particularly the long-term health effects associated with reduced sodium intake—has not been settled and does not support a regulatory regime that would cost workers their jobs in the hopes of changing consumer preference. Congress has specified that voluntary dietary guidelines be “based on the preponderance of the scientific and medical knowledge which is current at the time the report is prepared.” Modifying the GRAS status of salt and issuing prohibitive regulations on manufactured food would be reckless. As a result, the proposed regulatory regime would cause irreparable harm to the U.S. economy as businesses close and jobs within the entire food production sector—from the field to the shelf—are lost. Companies able to reformulate products will be forced to choose between laying off workers or investing in research and development to meet prohibitive government guidelines.

Comments Submitted by:

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\[^iii\] Approaches to Reducing Sodium Consumption; Establishment of Dockets; Request for Comments, Data, and Information, 76 Fed. Reg. 57050 (2011).