

Although many people who work in natural medicine feel that our government is too restrictive already, changes are being proposed that could radically reduce our options.

The Traditional Medicines Congress is a cooperative of eight organizations that is working to increase regulation of herbs. They are working under the assumption that “The current regulatory system in the United States does not, adequately assure continued access to and safety of traditional medicines.”

This basic assumption is deeply flawed. We already have regulations such as the Dietary Supplement Health and Education Act (DSHEA) that give the federal government the power to restrict or remove access to any herb found to be unsafe. Even with this power, the FDA has removed very few herbs from the market. Given the well known bias the FDA has against herbs, this lack of action clearly demonstrates the time proven safety of herbs.

As we have seen in many other countries that have adopted models similar to that offered by the Traditional Medicines Congress, the results will be: restricting access to herbal products, creating regulatory challenges for practitioners, increasing costs, limiting healthcare options, standardizing herbal formulas so that herbalists have less flexibility,

Currently, the FDA must prove an herb unsafe before it can be taken away from the people as a choice. If herbs are classified as medicines, the onus will be on the herbal industry to prove that an herb is safe. This shift forces small companies out of business as they will not be able to afford the millions of dollars required for large scale clinical trials.

The European Union list of herbs that are prohibited or restricted is ten pages long. Although the TMC says that they would limit use of some herbs to professionals, they don't specify which herbs would no longer be available to everyone. This lack of specifics could open up a Pandora's box of limited access to many helpful herbs.

Proposed manufacturing and labeling standards will force small herb companies out of business because they are financially prohibitive to all but large companies. Even those companies that stay in business will not be able to blend their own formulas. They will be forced to use standardized criteria for ingredients and formulas that may differ from their own understanding of what is best for their clients.

The TMC would also define who would be legally qualified to dispense traditional medicine products. If your traditional herbalist who has learned by apprenticeship has not met the specific criteria this group thinks is appropriate, he or she would no longer be legally allowed to practice.

An industry advisory body would be formed to work within the federal government to establish guidelines. This group currently consists of two members each from the following organizations: Acupuncture and Oriental Medicine Alliance (AOMA), American Association of Naturopathic Physicians (AANP), American Association of Oriental Medicine (AAOM), American Herbal Products Association (AHPA), Council of Colleges of Acupuncture and Oriental Medicine (CCAOM), Medicinal Herb Consortium (MHC), National Ayurvedic Medical Association (NAMA), and the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). The American Herbalist Guild withdrew from the project in October of 2006 after controversy in the herbal community erupted.

Please note that many of these groups have already lobbied states to regulate acupuncture or naturopathic medicine. While state regulation may help support them in those areas, it would be disastrous for herbal medicine. If local herbalists can no longer legally practice, who will you be forced to go to for herbs? You would have to go to an acupuncturist or naturopathic physician. There is certainly a conflict of interest in giving acupuncturists and NDs the ability to set regulations that would limit access to their competition.

The federal regulatory model that these organizations are proposing is very similar to international directives that have damaged practitioners, consumers, and especially herbal medicine as a whole.

At the recent *Medicines From The Earth* conference, presenters spoke of traveling in Europe where regulations strictly limit who can make herbal medicinal products. At a farmers' market in France, a woman hid salves that she made under other products to prevent arrest or fine. Upon questioning by an American herbalist, she said that her family had made this recipe for generations but could no longer do so legally. Is this the kind of atmosphere we want in the United States?

The TMC says that some products should be limited to use by professional herbalists. Because health care licensure is regulated by the states not the federal government, each state could end up with a different definition of who can use what herbs in their jurisdiction.

Regulations such as those proposed start out reasonable. The intent is good. Everyone should be for protecting the public and helping be sure that herbalists can make claims for the herbs they use. Right? The problem is that the regulations will get stricter and stricter over time. In pharmacy, the rules get harder to follow every year. In massage therapy, the board has outlawed female therapists working on the chest of a male client. The same sort of erosion of the rights of an herbalist and the public who consume herbs will happen with this regulation. Please, help us stop it!

What can you do to stop the Traditional Medicines Congress?

Be informed. Read the regulations that are proposed at the following website:

<http://traditionalmedicines.info/TraditionalMedicines.doc>

Ask yourself if you want less access to safe, effective herbal medicines.

If you make herbal products read the proposed quality control guidelines for the European Union directive on traditional herbal medicinal products. These regulations are the type being proposed. You can read them at <http://traditionalmedicines.info/HerbalGramJosfBrinkman.doc>

Send a letter to the sponsoring organizations. You can contact the TMC through the American Herbal Products Association at mmcguffin@ahpa.org, and the National Certification Commission for Acupuncture and Oriental Medicine at bclark@nccaom.org and TMCongressFeedback@pobox.com.

Let these organizations know that you support our current freedom and herbal diversity. Tell them in no uncertain words that you don't agree with increasing our regulation to match the destructive European regulations.

Write to your Congressional Representatives and let them know that DSHEA protects consumers and to continue their support for this important law rather than creating more unnecessary regulations. Rep. Ron Paul, a Republican from Texas, introduced the Health Freedom Protection Act, HR 4282, in November of 2005. It has 15 cosponsors. It is a campaign to end FDA and FTC censorship regarding herbs. This bill will address some of the concerns the TMC has without increasing regulation of herbs. Encourage your Congressperson to support it.

Check out the TMC website www.traditionalmedicinescongress.com. They obviously have a different perspective on what they are trying to do than I have. Read what they have to say. To read correspondence between professional herbalists regarding this topic, check out <http://www.herbs.org/forum/TMC%20correspondence.htm>.

Keep in mind if regulations go forward, Congress will add many extra provisions to what the TMC recommends. Special interests groups such as the pharmaceutical lobbyists will pressure Congress to extend the recommendations to limit access to products that inexpensively compete with their drugs.

You can get more information about methods you can use to support an atmosphere wherein traditional medicines are not only safe but also still available to *everyone* at www.traditionalmedicines.info. Some of the information from this article was sourced from that site. Other information came from a workshop on new regulations by herbalists Cascade Anderson Geller and Cynthia Pileggi.