



Council for Responsible Nutrition

1828 L Street, NW, Suite 510 • Washington, DC 20036-5114
(202) 204-7700 • fax (202) 204-7701 • www.crnusa.org

November 14, 2011

Don Fox
Acting Director and General Counsel
Office of Government Ethics
1201 New York Avenue, NW
Suite 500
Washington, DC 20005-3917

RE: RIN 3209-AA04; Proposed Rule; Amendments

Dear Mr. Fox:

I am writing on behalf of the Council for Responsible Nutrition (CRN)¹, the leading trade association representing manufacturers and ingredient suppliers of dietary supplements, regarding the amendments to proposed rule (RIN 3209-AA04) published by the Office of Government Ethics (“OGE”) on September 13, 2011. We have concerns with respect to prohibiting federal employees from participating in widely-attended gatherings hosted by organizations that happen to be registered as lobbyists. CRN, like many other trade associations, frequent and hold widely-attended educational events that federal employees would be prohibited from attending if this rule were to be adopted.

Trade associations are among the many types of nonprofit organizations that sponsor programs of interest to government employees. They hold seminars, conferences, trade shows, webinars and other events on regulatory issues, science, education, and industry performance. Government employees tasked with promulgating regulations undoubtedly benefit from attending programs where they can learn about the latest scientific developments, see new products and ingredients on the market and understand how industries might be impacted by rulemaking and guidance. At the same time, trade association members have the opportunity to learn more about agencies’ interests and processes and are better prepared to comply with federal regulations.

¹ The Council for Responsible Nutrition (CRN), founded in 1973 and based in Washington, D.C., is the leading trade association representing dietary supplement manufacturers and ingredient suppliers. CRN companies produce a large portion of the dietary supplements marketed in the United States and globally. Our member companies manufacture popular national brands as well as the store brands marketed by major supermarkets, drug store and discount chains. These products also include those marketed through natural food stores and mainstream direct selling companies. In addition to complying with a host of federal and state regulations governing dietary supplements in the areas of manufacturing, marketing, quality control and safety, our 70+ manufacturer and supplier members also agree to adhere to additional voluntary guidelines as well as CRN’s Code of Ethics.

Educational and professional development programs conducted by trade associations are virtually indistinguishable from those conducted by the other types of organizations listed as exempt in the proposed rule. They offer the same benefits to government employees and should qualify for the same exclusion.

While CRN appreciates OGE's stipulation that government employees can accept free attendance at events where they are speaking or presenting information on behalf of the administration, the unbalanced treatment of trade association programs in the proposed rulemaking will likely discourage federal employees from availing themselves of these opportunities. Further, the implication in the proposed rule that trade associations use invitations to events as a means of cultivating access by registered lobbyists makes it unlikely federal employees would pay out of pocket to attend these types of programs and events, even if they would benefit from attending.

There are countless examples of legitimate, substantive trade association programming that intersect with the government's interests. Trade associations exist for every industry that the federal government regulates, from food and dietary supplements to energy and telecommunications, just to name a few. These organizations and the industries they represent want to work with the administration to grow the economy, reduce unemployment and protect America's standing and credibility in the world. In order to work together, we need the administration to recognize associations as something more than lobbying groups working to exert undue influence over federal agencies and their employees.

CRN fully supports OGE's mission to promote high ethical standards for executive branch employees, but believes the amendments to this proposed regulation go too far and will damage communication and knowledge sharing between the public and private sectors. Therefore, we urge OGE to allow federal employees to attend substantive educational and public programs and events held by trade associations.

Thank you for your consideration. If CRN can provide your office with additional information regarding these matters, please contact me at 202-204-7690 or by email at mgreene@crnusa.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Greene', with a long horizontal flourish extending to the right.

Mike Greene
Vice President, Government Relations