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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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January 17, 2008

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GREGG A. ROTHSCCHILD, CHIEF COUNSEL

Mr. Paul Bulcke
Executive Vice President
Nestlé USA, Inc.
800 North Brand Boulevard
Glendale, CA 91203

Dear Mr. Bulcke:

Under Rules X and XI of the Rules of the U.S. House of Representatives, the Committee on Energy and Commerce and the Subcommittee on Oversight and Investigations are investigating the use of the chemical bisphenol A (BPA), particularly in products intended for use by infants and children.

We have learned that BPA may be contained in the material used to line cans that contain infant formula and that BPA from this lining may leach into the formula itself, thereby exposing babies to BPA. We are interested to know how often BPA is used in such lining, whether the companies that produce the infant formula are aware that BPA is being used in this manner, and if they have tested their product for the presence of BPA.

Therefore, we ask that you provide written responses to the following questions:

1. Does your company use BPA in the lining of metal cans used to hold liquid infant formula? Please provide the specific names of which brands do or do not use BPA in their can lining.
2. Have you ever tested your infant formula for BPA?
3. If you did test your infant formula for BPA, what was the specific methodology used (e.g., gas chromatography-mass spectrometry, liquid chromatography-mass spectrometry, high performance liquid chromatography, or enzyme-linked immunosorbent assay, etc.) and what was the detection limit for the assay used?

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4. If you tested your infant formula for BPA, what were the specific results for each test given the methodology used?

Please respond to this request no later than two weeks from the date of this letter. Please note that for the purpose of responding to this request, the terms “record” and “relating” should be interpreted in accordance with the attachment to this letter. After review of your response, we may require additional records and/or staff interviews with company officers and/or employees.

In addition to Nestlé USA, Inc., this letter has been sent to the following companies: Ross Products Division, Abbott; Wyeth Nutrition; PBM Products; Mead Johnson & Company; Hain-Celestial Group, Inc.; and Solus Products, LLC.

Thank you for your prompt attention to this matter. If you have any questions related to this request, please contact us or have your staff contact John F. Sopko or Paul Jung of the Committee staff at (202) 226-2424.

Sincerely,



John D. Dingell
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

Attachment

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable John Shimkus, Ranking Member
Subcommittee on Oversight and Investigations

ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," or "relate" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.