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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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February 11, 2008

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GREGG A. ROTHSCHILD, CHIEF COUNSEL

Mr. Rick Ray  
President and CEO  
New Era Canning Company  
4856 First Street  
New Era, MI 49446

Dear Mr. Ray:

Under Rules X and XI of the Rules of the U.S. House of Representatives, the Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are investigating the safety of the Nation's food supply. The recent recall of canned bean products produced by New Era Canning Company due to the risk of potential botulism poisoning is of particular interest in this investigation.

To assist us in this investigation, we request that you provide the following information, along with all related documents:

1. How and when did New Era first become aware that botulinum toxin might be in its products?
2. Where and when was the botulism contamination first detected?
3. When did New Era first notify, or when were they first notified by, Federal, State, and local officials of the contamination?
4. Please provide a list of all products that have been recalled due to potential botulism contamination.
5. Please provide the names of all companies to which New Era has shipped canned bean products in the last five years and the dates on which New Era notified those companies of any suspected contamination. Please provide copies of all correspondence with those companies pertaining to suspected contamination.


6. Please identify and describe the source of the contamination.
7. What steps has New Era taken to prevent further botulism contamination in its products?
8. When was the last time that New Era's production facility was inspected by the U.S. Food and Drug Administration and State and local food safety officials? Please provide the dates of such inspections and the names of the officials, as well as all documents associated with those and ongoing inspections.
9. Please provide all records relating to such inspections of New Era's processing facility for the five years prior to January 18, 2008.
10. Please provide copies of all New Era internal protocols and standards for monitoring and testing of its food products, including the dates and copies of the results of such monitoring and testing that tested positive for microbiological contamination for the 5 years prior to January 18, 2008.

Please supply all requested information no later than the close of business 10 days from the date of this letter. If you have any questions relating to this request, please contact David Nelson or Kevin Barstow with the Committee staff at (202) 226-2424.

Sincerely,



John D. Dingell  
Chairman



Bart Stupak  
Chairman  
Subcommittee on Oversight and Investigations

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

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