ONE HUNDRED TENTH CONGRESS

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

JOHN D. DINGELL, MICHIGAN
CHAIRMAN

March 30, 2007

The Honorable Andrew C. von Eschenbach, M.D.
Commissioner
U.S. Food and Drug Administration
Department of Health and Human Services
5600 Fishers Lane
Rockville, MD 20857

Dear Dr. von Eschenbach:

We are greatly concerned about the numerous news reports of deaths of cats and dogs resulting from contaminated pet food. One recent news report indicates that more than 100 pets have died of acute kidney failure associated with eating contaminated pet food, with some authorities estimating that the number is actually much greater. As a result, a Canadian company, Menu Foods, Inc., which manufactures pet food under some 95 different brand names, has initiated a recall involving millions of cans and packages of dog and cat food.

The Food and Drug Administration (FDA) is responsible for ensuring that pet foods are safe. The Food, Drug, and Cosmetic Act requires that pet foods, like human foods, be pure and wholesome, contain no harmful or deleterious substances, and be truthfully labeled. For that reason, we wish to know what the FDA has learned about the current pet food crisis, what steps are being taken to prevent further deaths and injury, and what steps are being taken to ensure the safety of pet food manufactured for sale and consumption in the United States.

Therefore, pursuant to Rules X and XI of the Rules of the United States House of Representatives, the Committee on Energy and Commerce and the Subcommittee on Oversight and Investigations are conducting an investigation into the recent contamination of pet food and the adequacy of FDA efforts to protect the safety of the Nation's pet food. Accordingly, we hereby request that you respond to the following questions and produce copies of the records requested below:

1. When did the FDA first become aware of the current outbreak of pet food contamination, and how did it learn of the contamination? Please provide copies of all records of how the FDA became aware of the contamination.

2. How many complaints of acute kidney failure in cats and dogs has the FDA received since February 20, 2007? Please provide copies of all summaries, analyses, memoranda, and reports the FDA may have prepared regarding those complaints.

3. How many times has the FDA inspected Menu Foods, Inc. pet food processing facilities over the past five years? Please provide a list of all Menu Foods pet food processing facilities, including their locations, and all records of any such inspections.

4. What steps has the FDA taken to identify the source of the contamination in the current outbreak?

5. Has the FDA conducted in-house laboratory analyses of the suspect pet food to determine the nature of the contamination? If so, please provide copies of the laboratory analyses. If not, why not?

6. Has the FDA obtained any laboratory analyses or other reports from State agencies or private organizations regarding the nature of the contamination? If so, please provide copies of all such records.

7. A recent Associated Press (AP) report, which appeared in the web edition of Newsweek on March 21, 2007, quoted David Elder, director of the FDA's Office of Surveillance and Compliance, Center for Veterinary Medicine, as saying that inspections of pet food processing facilities are "based on risk." Moreover, the AP report states that the Emporia, Kansas, processing plant where some of the contaminated food was manufactured has never been inspected by the FDA. If true, this indicates a very serious shortcoming in the FDA's approach to ensuring the safety of pet food. Has the Emporia, Kansas, food processing plant ever been inspected by the FDA? If so, please list all dates of inspections and provide copies of all records pertaining to the inspections. This should include all inspections up to the date of this letter.

8. Are inspections of pet food processing facilities based on risk? If so, please provide copies of the risk analysis used by the FDA prior to February 20, 2007, in determining when, where, and how such inspections are carried out.

9. Please list all pet food manufacturing facilities inspected by the FDA for 2001 through 2006. For each of these inspections, please indicate whether the inspection was routine or whether it was conducted for cause. For inspections conducted for cause, please indicate the cause.

We very much appreciate your cooperation in this important investigation. Please deliver your responses to the foregoing questions and copies of the requested records to the Subcommittee on Oversight and Investigations, Room 316, Ford House Office Building, no later than 14 days from the date of this letter. Please note that for the purpose of responding to this request, the terms "records" and "relating" should be interpreted in accordance with the attachment to this letter. After review of your responses and the records, we may require additional records and/or staff interviews of FDA personnel.

Should you or your staff have any questions regarding this request, please have your staff contact John Arlington, Senior Investigative Counsel, at (202) 226-2424, or Alan Slobodin, Minority Chief Counsel for Oversight, at (202) 225-3641, of the Committee on Energy and Commerce.

Sincerely,

John D. Dingell
Chairman

Joe Barton
Ranking Member

Bart Stupak
Chairman
Subcommittee on Oversight
and Investigations

Ed Whitfield
Ranking Member
Subcommittee on Oversight
and Investigations

Frank Pallone, Jr.
Chairman
Subcommittee on Health

Nathan Deal
Ranking Member
Subcommittee on Health

Attachment