Mr. William L. Brown
President
ABC Research Corporation
3437 S.W. 24th Avenue
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Mr. Grant Michelson
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6280 Chalet Drive
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Mr. Martin Mitchell
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200 Express Street
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Mr. Amir A. Jalaeikhoo
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2550 N.W. 72nd Ave., Suite 316
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Mr. Supat Sirivicha
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Mr. J. Trevor Boyce
President and CEO
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Mr. Kevin Buck
President and CEO
The National Food Laboratory, Inc.
6363 Clark Ave.
Dublin, CA 94568

Ms. Rebecca A. Pfundheller
President
Analytical Food Laboratories, Inc.
865 Greenview Dr.
Grand Prairie, TX 75050-2439

ONE HUNDRED TENTH CONGRESS

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

JOHN D. DINGELL, MICHIGAN
CHAIRMAN

May 1, 2008

Dear :

Under Rules X and XI of the Rules of the United States 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 critical role that private laboratories play in ensuring the safety of our Nation's food supply is of particular interest in this investigation.

Under the Food and Drug Administration's (FDA) Import Alert rules, private laboratories are responsible for analyzing the most dangerous imported food products entering this country. Products under Import Alert are only allowed to enter commerce after a private laboratory has determined they are safe—a responsibility of great consequence. It is clear that private laboratories have been entrusted to play an integral part in our Nation's food safety system.

During our investigation, however, we have become increasingly concerned with the actions of private laboratories that test food products under Import Alert. At a recent hearing on February 26, 2008, regarding the safety of our Nation's food supply, we learned that it is routine practice for private laboratories to discard violative test results at the direction of the importer. When this occurs, the importer will then instruct the same private laboratory to test the product repeatedly until a clean result is obtained or the importer will hire another private laboratory to test the product. This repeated testing is done without alerting FDA that potentially dangerous food has been imported into this country—a practice which we find deplorable.

In order to assist the Committee in its investigation of the safety of the Nation's food supply, we request that you provide the Committee with the following information:

1. For each of the previous six years, 2002 through 2007, please provide the number of samples of food products you tested that were under Import Alert.

2. For each of the previous six years, 2002 through 2007, please provide the number of violative test results you found.

3. For each violative test result, please provide a list of each that includes the name of the importer, the product found to be violative, the amount of product that was imported, the reason for the violative result, whether FDA was notified of the violative result, and whether that product was eventually released into commerce.

4. All other records relating to violative test results, including but not limited to, any communications between your laboratory and the importer.

Please note that, for the purpose of responding to the above request, the terms "records" and "relating" should be interpreted in accordance with the attachment to this letter. We ask that you supply all requested information no later than the close of business one week 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