



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

APR 18 2007

The Honorable John D. Dingell
Chairman
Committee on Energy and Commerce
House of Representatives
Washington, D.C. 20515-6115

Dear Mr. Chairman:

Thank you for your letter dated January 29, 2007, co-signed by Ranking Member Joe Barton, Chairman Bart Stupak, Subcommittee on Oversight and Investigations, and Ranking Member Ed Whitfield, regarding the Committee's investigation into the adequacy of the Nation's food supply. Your letter requests a briefing on the Food and Drug Administration's (FDA or the Agency) efforts to protect the food supply. FDA briefed your staff on February 23, 2007. In addition, your letter states that, after the briefing, the Committee may need records. You asked FDA to provide certain information and documents relating to the foodborne illness outbreak associated with Salmonella in peanut butter. Your staff has confirmed that you are requesting this documentation in your capacity as Chairman and under the authority of the Committee.

Please be advised that these documents contain trade secret, commercial confidential, or other information protected from public disclosure under the Freedom of Information Act (Title 5, United States Code [U.S.C.], section 552), the Trade Secrets Act (Title 18, U.S.C., section 1905), and/or FDA regulations. The Committee should not publish or otherwise make public such information. We would be glad to discuss with the Committee staff the protected status of any specific information. We have made just a few redactions to protect personal privacy.

You requested 483s and EIRs from January 1, 2003, relating to the ConAgra plant in Sylvester, Georgia. We have provided inspection records for all inspections dating back to 2003 with the exception of recent inspections conducted due to the outbreak. As the investigation is ongoing, we are not providing records for the recent inspection.

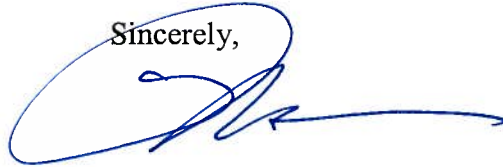
Here is the list of documents provided:

- A report dated 2/13/04 of a follow-up investigation of a consumer complaint regarding labeling. The complaint led to a limited inspection of the Con Agra plant.
- Forms dated 4/21/04 that reflect an inspection conducted by state personnel under contract with FDA; and
- Establishment Inspection report with a start date of 2/23/05.

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Thank you again for contacting us regarding this matter. If you have further questions, please let us know. A similar letter has been sent to the co-signers of your letter, however, without enclosures.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Mason', with a long horizontal flourish extending to the right.

Stephen R. Mason
Acting Assistant Commissioner
For Legislation

Enclosures