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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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May 25, 2007

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

VIA EMAIL & FAX

Dear Commissioner von Eschenbach:

The Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce has been conducting an investigation into the adequacy of the efforts of the Food and Drug Administration (FDA) to assure the safety and security of the Nation's food supply. As part of that inquiry, Committee staff are seeking your cooperation in obtaining critical FDA documents and information pertinent to our inquiry.

Your office has arranged for the staff to meet with FDA personnel in Atlanta, San Francisco, and New York City. During the course of these meetings, staff may request inspection reports, laboratory analysis results, and similar documents relating to food establishments and imports. In addition to this material, Committee staff would also appreciate your assistance in obtaining the following records:

1. The Establishment Inspection Report of Menu Foods prepared in the Kansas City District Office;
2. All records since January 1, 2001, relating to the import or attempted import into the United States of seafood packed in an atmosphere containing carbon monoxide, contaminated with metals such as mercury, and rejected as unfit for human consumption.

3. All records since January 1, 2001, relating to inspections of firms that process or distribute fresh, leafy greens, that have resulted in VAI (voluntary action indicated) or OAI (official action indicated).
4. A report on the status of the inspection of establishments that import vegetable proteins subject to the Import Alert dated April 27, 2007, and the inspection of establishments that process such proteins into human or pet food or animal feed including, but not limited to, the nationwide assignments issued by the Agency on or about April 30, 2007. This report should include the number and types of inspections by District and the number of samples processed by FDA, State, university, and private laboratories. In addition, it should include the names and contract information for each laboratory, together with the cost to FDA for the processing of samples in non-FDA labs. For private labs whose sampling work is paid by the importer, please provide the audits that FDA has performed on each of those labs since January 1, 2006.
5. Copies of all drafts of fiscal year 2007 and 2008 budget proposals for imported and domestic food-related related activities performed or programmed by FDA. This includes all internal estimates of the need and cost of inspections, laboratory work, regulatory efforts, and administration. Please break down the salaries and full-time staff equivalents for each fiscal year of Headquarters, Regional, and District level personnel by assigned office or laboratory. This report should also include, but not be limited to, all plans to cope with the growth of imported food, all declassified documents that detail funding for security threats from imported food, as well as the number of inspections, samples, and Oasis entries planned for each fiscal year.

All records (as defined in the attachment) specified herein and all documents identified by the Committee staff and not furnished at the time requested, must be delivered to the Committee offices in Room 316 of the Ford House Office Building no later than the close of business on Friday, June 8, 2007.

The Honorable Andrew C. von Eschenbach, M.D.
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If you have any questions regarding this request, please contact us or have your staff contact David Nelson, Senior Investigator with the Committee on Energy and Commerce, 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 Ed Whitfield, Ranking Member
Subcommittee on Oversight and Investigations