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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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June 20, 2007

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

Dear Dr. von Eschenbach:

Under 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 investigating the adequacy of the efforts of the Food and Drug Administration (FDA) to protect the safety of the Nation's food supply.

On February 6, 2007, the Committee sent you a written request asking you to provide all records created on or after January 1, 2005, relating to the proposed closure of FDA laboratories. As the investigation into the adequacy of the efforts of FDA to protect the safety of the Nation's food supply is ongoing, we are expanding this record request to include all records relating to the proposed reorganization. Please provide all records created on or after January 1, 2005, relating to the proposed reorganization, which have not already been provided to the Committee. This request includes, but is not limited to, all records created between February 6, 2007, and the current date, and all documents that will be created between the current date and August 1, 2007, relating to the proposed closure of FDA laboratories.

To further assist us in our investigation, please also furnish all records relating to contaminated spinach, lettuce, peanut butter, imported vegetable proteins, and imported seafood created since the requests on January 29, 2007; February 15, 2007; March 30, 2007; and May 25, 2007. Certain of these requests were made by Committee staff under the authority of these Chairman's letters. For example, the peanut butter investigation involves the product produced at the ConAgra plant in Sylvester, GA; hence, this updated request applies only to records related to actions involving that plant or its production—not all peanut butter produced in the United States.

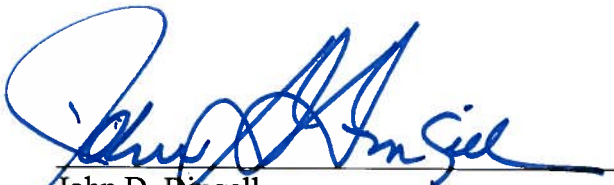
The Honorable Andrew C. von Eschenbach, M.D.

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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. After review of the records, we may require additional documents and/or staff interviews of or briefings by FDA personnel. Committee staff will make such subsequent requests, if necessary. Please treat requests within the scope of this letter as requests from us.

Please supply all requested documents no later than the close of business two weeks from the date of this letter. If you have any questions relating to this request, please contact us or have your staff contact David Nelson or Kevin Barstow with the Committee on Energy and Commerce staff 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

ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," or "relate" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.