DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

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

OCT 31 2007

Dear Mr. Chairman:

This is in further response to your letter of May 25, 2007, co-signed by Representative Bart Stupak, Chairman, Subcommittee on Oversight and Investigations, requesting information related to the adequacy of the efforts of the Food and Drug Administration (FDA) to assure the safety and security of the nation's food supply.

We are providing additional documents responsive to request number two of your letter, which is re-stated below. 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. This information should not be published or otherwise made public. We would be glad to discuss the protected status of any specific information with you or your staff.

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.

Response: Pursuant to an e-mail from your staff to Matthew Lyons of FDA's Office of Legislation, dated June 29, 2007, the request was clarified to cover documents related to the refusal of entry for imported seafood determined to be unfit for human consumption, for any reason, that was packed in an atmosphere containing carbon monoxide (CO).

Enclosed are documents related to refusals of seafood imports due to the appearance of adulteration in FDA's Southwest Import District, Seattle District and Florida District. The documents include FDA entry records, Customs and Border Protection forms, bills of lading, labeling, and laboratory analytical reports.

Documents from other FDA districts are being collected and will be forwarded as soon as possible.

Thank you again for your interest in this matter. A similar response without enclosures is being sent to Chairman Stupak.

Sincerely,

Stephen R. Mason
Acting Assistant Commissioner
for Legislation

Enclosures