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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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October 2, 2008

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 its 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.

One area of continuing concern to the Committee is the safety of food imports from China. The recent outbreak in China involving contaminated milk products is particularly worrisome. To date, melamine-tainted milk products have poisoned more than 53,000 children in China, Macao, Hong Kong, and Taiwan, and are responsible for at least four deaths. Thus far, more than a dozen countries in Asia and Africa, as well as the European Union, have either banned the import of Chinese milk products or have taken precautionary steps to limit their consumption. In the last few days, the Committee has also learned that melamine contamination has spread to other countries including New Zealand and Australia where melamine was found in popular Chinese candies and Chinese-made Cadbury chocolates.

Most alarming to us, however, is the fact that melamine contamination might now also be a problem for the United States. In this country, instant coffee and milk tea products, as well as Chinese candies, have been recalled recently for fear of melamine contamination. Further, on Tuesday, the Canada Food Inspection Agency recalled a brand of cookies that were made in China and distributed by a United States importer. Thankfully, there have been no reported

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illnesses in the United States, but as reported this morning the Connecticut Consumer Protection Commission has found melamine in White Rabbit Creamy Candy, which is imported from China and sold in Connecticut.

Perhaps most shocking, however, is the fact that Chinese authorities might have been aware of this outbreak as early as March 2008. Despite repeated warnings, Chinese officials did nothing to prevent or stop this outbreak. This sobering tragedy once again calls into question the safety of food imports from China and FDA's ability to ensure the safety of that food.

As we learned last year when Chinese-made wheat gluten laced with melamine resulted in the deaths of thousands of American pets, melamine is an industrial chemical that is high in nitrogen and can be used to artificially inflate the protein levels of foods. Therefore, the risk of melamine contamination is not limited to foods containing milk products, but also extends to any food where protein levels are considered to be important.

To assist the Committee in its investigation of the safety of the Nation's food supply, we request that FDA provide a briefing to Committee staff, within two weeks from the date of this letter, regarding its efforts to ensure that Chinese-made food products contaminated with melamine do not enter this country. Please provide all records relating to any FDA proposal or action intended to identify and test food products whose value is a function, at least in part, of its protein content. Additionally, please provide all records relating to efforts by FDA to ensure the safety of food imports coming from China. For both of these requests, please supply all records dating from January 1, 2007, to the present, no later than the close of business two weeks from the date of this letter.

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.


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,



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John D. Dingell  
Chairman



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Bart Stupak  
Chairman  
Subcommittee on Oversight and Investigations

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Attachment

cc: The Honorable Joe Barton, Ranking Member  
Committee on Energy and Commerce

The Honorable John Shimkus, 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.