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Congress of the United States
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COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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March 26, 2007

Andrew C. von Eschenbach, M.D.
Acting Commissioner
Food and Drug Administration
5600 Fishers Lane, Room 15-47
Rockville, MD 20857

Dear Dr. von Eschenbach:

Over 425 persons have become ill in the current outbreak of salmonella in peanut butter.[1] In connection with the Committee's ongoing oversight of our nation's food safety system, we are writing to request information relevant to this outbreak.

In a briefing to Committee staff on March 8, Food and Drug Administration (FDA) officials stated that only jars of peanut butter purchased after May 2006 were affected by this outbreak; this information was consistent with FDA's previous public advisories.[2] The day after this briefing, FDA extended the recall back to October 2004—nearly tripling the time period of the recall.[3]

FDA officials also informed our staff that the Con Agra plant involved in this outbreak had been inspected in February 2004 and February 2005, with no enforcement action stemming from those inspections. Specifically, they reported that the 2005 visit had resulted in no significant findings of violations. In light of this information, the new recall date suggests that

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[1] Centers for Disease Control and Prevention, *Salmonellosis-Outbreak Investigation, February 2007* (Mar. 7, 2007).

[2] Briefing by FDA staff to House Committee on Oversight and Government Reform staff (Mar. 8, 2007); FDA, *Update on Salmonella Outbreak and Peter Pan Peanut Butter and Great Value Peanut Butter* (Feb. 16, 2007); FDA, *FDA Warns Consumers Not to Eat Certain Jars of Peter Pan Peanut Butter and Great Value Peanut Butter* (Feb. 14, 2007).

[3] FDA, *FDA Update on Peanut Butter Recall*, (Mar. 9, 2007).

contaminated products may have been released and sold to consumers before, during, and after an FDA inspection.[4]

To enable us to better understand this outbreak, the Committee requests that the Food and Drug Administration provide the following documents:

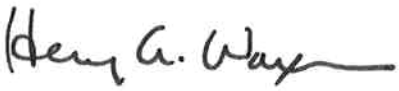
1. Copies of all inspection records for the implicated Con Agra plant in Sylvester, Georgia, dating back to 2000;
2. Any and all copies of correspondence, meeting notes, and electronic communications between Con Agra and FDA regarding any deficiencies found in the 2004 and 2005 inspections of the Georgia facility;
3. A timeline of this outbreak, including all events and FDA actions leading to the March 9 updated public advisory; and
4. Any and all copies of correspondence, meeting notes, and electronic communications between Con Agra and FDA since February 13, 2007, related to the outbreak in peanut butter.

We ask that this information be provided by April 13, 2007.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. An attachment to this letter provides additional information on how to respond to the Committee's request.

If you have any questions regarding this request, please contact Stephen Cha with the Committee majority staff at (202) 225-5420, or Susie Schulte with the Committee minority staff at (202) 225-5074.

Sincerely,



Henry A. Waxman
Chairman

Tom Davis
Ranking Minority Member

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[4] Briefing by staff of FDA to House Committee on Oversight and Government Reform staff (Mar. 8, 2007).