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September 19, 2007

Mr. Glenn Roberts
Executive Director
Flavor and Extract Manufacturers Association
1620 I St., NW, Suite 925
Washington, DC 20006

Dear Mr. Roberts:

On September 4, 2007, the Flavor and Extract Manufacturers Association (FEMA) recommended that its members who manufacture butter flavors with diacetyl for use in microwave popcorn “consider reducing the diacetyl content of these flavors to the extent possible.” Recent evidence suggests that diacetyl may pose serious health risks to consumers. In a case publicized in recent weeks, a severe lung condition known as *bronchiolitis obliterans* was linked to the preparation and consumption of microwave popcorn.¹ Individual makers of microwave popcorn have taken steps to remove diacetyl from their products in recent days.²

The case highlighted in recent news reports does not establish a causal relationship between consumption of microwave popcorn and lung disease, but it does suggest a link.³ Unfortunately, very little is known about the risks to consumers from inhaling diacetyl during preparation and consumption of microwave popcorn or other foods containing diacetyl. While extensive research has shown severe lung damage caused to flavorings plant workers from

¹ *That Buttery Aroma Might Be Toxic, Too*, Seattle Post-Intelligencer (Aug. 30, 2007).

² *Microwave Popcorn to Omit a Risky Chemical*, Associated Press (Sept. 6, 2007).

³ Letter from Cecile Rose, Acting Head, Division of Environmental and Occupational Health Sciences, National Jewish Medical and Research Center, to Michael Landa, Deputy Commissioner for Regulatory Affairs, Office of the Center Director, Center for Food Safety and Applied Nutrition, Food and Drug Administration (July 18, 2007). Dr. Rose concluded: “It is difficult to make a causal connection based on a single case report. We cannot be sure that this patient’s exposure to butter flavored microwave popcorn from daily heavy preparation has caused his lung disease. However, we have no other plausible explanation.”

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occupational exposure to diacetyl, no similar research has been made public with respect to the risks for consumers.⁴

As you may know, the Environmental Protection Agency (EPA) has conducted research into the air emissions of microwave popcorn. Although EPA concluded its study in 2005, the results have not been published.⁵ It appears, however, that ConAgra, Weaver Popcorn, and possibly other popcorn manufacturers are familiar with the results of the study.⁶ In addition, FEMA may have conducted its own research into the health risks of diacetyl, as have individual companies such as ConAgra Foods.⁷

It is important that the public—and the public health community—benefit from existing research into the health risks associated with diacetyl. Right now, consumers—and the public health professionals who seek to protect them—do not know what risk they face from exposure to diacetyl through everyday food preparation and consumption. It appears that EPA knows what amounts of diacetyl are emitted from microwave popcorn, and it appears that some companies in the flavorings industry have conducted their own research into the health risks of diacetyl.⁸ We think the public deserves to find out what EPA and these companies already know.

As a first step, we ask that you make the Association's scientists and senior staff available to discuss FEMA's actions in this area, including the Association's research, if any, on the health risks of diacetyl to consumers, its decision to recommend that its members who use diacetyl in microwave popcorn consider reducing the diacetyl content of those products, and its communications with EPA or the Food and Drug Administration regarding the health risks of diacetyl to consumers.

⁴ *Seattle Post-Intelligencer*, *supra*, note 1.

⁵ *Id.*

⁶ *Id.*

⁷ Letter from Pat Verduin, ConAgra Foods, Inc., to Paul Gilman, Assistant Administrator for the Office of Research and Development, EPA (Nov. 29, 2004).

⁸ *Id.*

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We would appreciate your prompt attention to this request. Please contact Robin Appleberry of the Oversight Committee staff at (202) 225-5056 or Ken Jacobson of the Science and Technology Committee, Investigations and Oversight Subcommittee staff at (202) 226-3096 no later than Friday, September 21, 2007, to schedule a briefing.

Sincerely,



Henry A. Waxman
Chairman
Committee on Oversight and
Government Reform



Brad Miller
Chairman
Subcommittee on Investigations
and Oversight, Committee on
Science and Technology

cc: Tom Davis
Ranking Minority Member