

Congress of the United States

Washington, DC 20510

March 26, 2007

The Honorable Andrew von Eschenbach
Commissioner
Food and Drug Administration
5600 Fishers Lane
Rockville, Maryland 20857

Dear Dr. von Eschenbach:

On March 17, 2007, pet food producer Menu Foods, Inc. announced a recall of pet food products made at its Emporia, Kansas facility between December 3, 2006 and March 6, 2007. Since then, the Food and Drug Administration (FDA) has been working with Menu Foods, Inc. to support the recall and investigate the source of any potential contamination.

Based on our understanding of the investigation thus far, neither FDA nor Menu Foods, Inc. has discovered whether or not there has been contamination or what the source of that contamination might be. Many reports suggest that a contaminated batch of wheat gluten may be the cause of a recent string of kidney failures in cats and dogs as well as a handful of pet deaths. Officials with the New York Department of Agriculture announced on Friday that they had identified the presence of aminopterin, a toxin found in rat poison, in samples of the recalled pet food.

The recall of 60 million cans and pouches of pet food and the deaths that have been reported over the past several days have raised serious concerns among pet owners, veterinarians, and pet store owners about the safety and consistency of pet foods. Some media outlets have reported that the Emporia facility that is being investigated as the source of the contamination has never been inspected by the FDA.

These reports that pet food manufacturing facilities are not being inspected by the FDA are very disconcerting. Many, cats, dogs, and other pets are considered members of the household and it is unfortunate that not even the family pet is immune from the food safety problems that are plaguing our country. It is our hope that the FDA is not ignoring this important area of responsibility.

Within 15 days of receiving this letter, please respond to the following questions:

- 1) What is the status of the current investigation?
- 2) Please provide a detailed timeline, from the time when FDA first learned about potential contamination or the first illnesses were reported through the present

time, that details the actions taken in response to the outbreak by local, state, and federal health officials.

- 3) What is FDA's overall regulatory posture with respect to the pet food industry?
- 4) How many inspections have been conducted at pet food processing facilities over the past three years and how many violations have been found? How frequently is each facility inspected?
- 5) What changes in current law or funding levels are needed so that FDA can better regulate the pet food industry?

Thank you very much for your prompt response to these questions.

Sincerely,



Richard J. Durbin
U.S. Senator



Rosa L. DeLauro
Chairwoman
House Appropriations Subcommittee
on Agriculture, Rural Development,
Food and Drug Administration, and
Related Agencies