



Bumble Bee Foods, LLC
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August 31, 2007

Via Email and Hand Delivery

The Honorable Bart Stupak,
Chairman,
Subcommittee on Oversight and Investigations,
Committee on Energy and Commerce,
Room 316
Ford House Office Building
Washington, DC 20515
Attention: David Nelson

Dear Mr. Stupak:

This letter shall serve as a supplemental response to your letter dated July 27, 2007 (the "July 27 Letter") with respect to your investigation into the botulism contamination potentially involving products sold by Bumble Bee Foods, LLC/Castleberry's Food Company (the "Company"). Our initial response was provided to you on August 17, 2007 (the "August 17 Letter"). Please note that many of the documents included in our response contain proprietary information and thus are confidential; they have been stamped "Confidential"; and we respectfully request that they be treated as confidential. Please also note that portions of some of the documents included in our response have been redacted. The redacted portions are non-responsive and may also be privileged.

1. ***How and when did Bumble Bee Foods, LLC and Castleberry's Food Company first become aware that botulinum toxin might be in its products?***

Response provided in the August 17, 2007 Letter.

2. ***Where and when was the botulism contamination first detected?***

Response provided in the August 17, 2007 Letter.

3. ***When did Bumble Bee Foods, LLC and Castleberry's Food Company first notify, or when were they first notified by, Federal, State and local officials of the contamination?***

Response provided in the August 17, 2007 Letter.

4. ***Please provide a list of all products that have been recalled due to potential botulism contamination?***

Response provided in the August 17, 2007 Letter.

5. ***Please provide the names of all companies to which Castleberry's Food Company has shipped canned food products and pet food in the last 12 months and the date on which Castleberry's Food Company notified those companies of any suspected contamination. Please provide copies of all correspondence with those companies pertaining to suspected contamination.***

CLARIFICATION: On August 10, 2007, in response to our inquiry, your staff advised that (i) Paragraph 5 of the July 27 Letter is intended to request the specified information with respect to canned food products and pet food that are subject to the current recall, and not with respect to canned food products and pet food that are not subject to the recall, and (ii) it will be acceptable for the Company to provide the specified information for the last 24 months rather than for the last 12. The staff also advised that it would be acceptable for the Company to provide requested documents by August 31, 2007.

RESPONSE:

Please see enclosed document, "Compilation of Initial Customer Notifications" (CBF 019833-019896). This compilation includes all customers to whom the Company shipped, during the last 24 months, canned food products and pet food that are subject to the recall.

Please see enclosed documents (CBF 019897-019943). These are copies of bulletins distributed to customers during the period from July 18, 2007 through August 14, 2007.

Please see enclosed correspondence with all customers to whom the Company shipped canned food products and pet food that are subject to the recall (CBF 019944-045191).

Please see enclosed RMX contact sheets (CBF 000004-019832). RMX was engaged by the Company to visit 18,619 retail stores during the ten-day period following the commencement of the recall, to confirm removal of product from store shelves.

6. ***Please identify the source of the contamination in the Augusta, Georgia plant and describe what inspections Bumble Bee Foods, LLC and Castleberry's Food Company have undertaken to detect contamination in its other facilities since alerted to the problems at the Augusta plant.***

RESPONSE: With respect to inspections that have been undertaken to detect contamination at other facilities since the Company was alerted to the problem at the Augusta plant, the Company's Response was provided in the August 17 Letter. Since August 17, the inspections of the Puerto Rico, Blacks Harbour, Cape May and Prospect Harbor facilities have been completed. The inspection of the Fiji facility is in process. We have received a written report with respect to the Puerto Rico inspection and no issues of any significance were identified. Although we do

not yet have written reports for Blacks Harbour, Cape May or Prospect Harbor, on the basis of preliminary oral reports from the inspectors, we do not expect any issues of significance.

With respect to identifying the source of the contamination in the Augusta, Georgia plant, the Company has conducted an intensive investigation. With the assistance of a team of process authorities and regulatory experts, the Company has conducted a complete review of all retort systems in place. The Company believes the most likely source of any potential contamination in the Augusta, Georgia plant was under-processing of product. We believe the most probable cause of any such under-processing was a failure of one of the red meat Malo retorts.

7. *What steps has Bumble Bee Foods, LLC and Castleberry's Food Company taken to prevent further botulism contamination in its products?*

RESPONSE: The red meat Malo retorts as well as the six other Malo retorts utilized at the Augusta, Georgia plant have been placed out-of-service indefinitely. The Company will not run these banks of Malos until a further investigation of these systems has been completed. As part of that investigation, new operational control systems will be reviewed for possible installation to provide a more robust recording system for these complex retort systems and employees will be trained on any new system.

As part of its investigation, the Company reviewed not only all of its Malo retorts, but all of its vertical retorts as well. This review included a physical review and a record review to ensure that product that had been produced on these other systems was wholesome. Once these investigations were complete, the information was reviewed by an independent third-party processing authority, who concluded that these other retort systems had produced wholesome product that was commercially sterile, and that therefore products produced on these other retort systems are safe.

8. *When was the last time that Castleberry's Food Company's production facility in Augusta was inspected by the U.S. Food and Drug Administration, the U.S. Department of Agriculture, and State and local food safety officials? Please provide the dates of such inspections and the names of the officials, as well as all documents associated with those inspections and ongoing inspections.*

RESPONSE:

Agency	Date	Officials
FDA	March 30, 2007	Robert P. Neligan
USDA	Ongoing as inspectors are resident in plant	Tom Roberts (1 st shift) Alex Bentley (2 nd shift)
	Comprehensive Food Safety Assessment May 21-June 18, 2007	Georgiana Powers
Georgia Department of Agriculture	June 11, 2007	Chad McCord

The documents associated with those inspections are included in the Response to Question 9.

We have enclosed documents relating to the ongoing inspections by FDA and USDA (CBF 045192-045332). Upon your request, following the conclusion of the inspections, we can provide further documentation relating to those inspections.

9. ***Please provide all records relating to such inspections of any Bumble Bee Foods, LLC food processing facility for 5 years prior to July 18, 2007.***

CLARIFICATION: On August 9, in response to our inquiry, your staff advised that Paragraph 9 of the July 27 Letter does not call for the Company to provide documents that reflect implementation of corrective actions referred to in a response to inspectional observations (e.g., documents relating to the purchase of a new piece of equipment referred to in such a response), except that, if a response refers to an amended or new SOP, the amended or new SOP is called for.

RESPONSE: Please see enclosed records relating to inspections of Bumble Bee facilities in the last five years¹ (CBF 045333-047874).

10. ***Please provide copies of all Bumble Bee Foods, LLC and Castleberry's Food Company internal protocols and standards for monitoring and testing in its food products and pet food, including the dates and copies of the results of such monitoring and testing that tested positive for microbiological contamination for 5 years prior to July 18, 2007.***

CLARIFICATION: On August 9, in response to our inquiry, your staff advised that, with respect to paragraph 10 of the letter: (i) the "internal protocols and standards for monitoring and testing" are the protocols and standards that relate to microbiological contamination, and not other protocols and standards; (ii) the Company should produce the requested protocols and standards at the corporate level and those at the Augusta, GA facility; as to protocols and standards at each of the Company's other facilities, the Company may either produce the requested facility-level protocols and standards or certify that those protocols and standards are consistent with the corporate-level protocols and standards; and (iii) in addition to producing copies of any and all test reports that are positive for microbiological contamination and that result from monitoring, the Company should produce any and all test reports that are positive for microbiological contamination and that result from testing in response to consumer complaints. Additionally, on August 27, 2007, your Subcommittee's Chief Counsel advised that, for purposes of this response, we should produce only copies of test results for microbiological

¹ In addition to facilities owned or operated by Bumble Bee, our Responses to Questions #9 and #10 include Blacks Harbour, New Brunswick, Canada, a sardine processing facility owned by an affiliate of Bumble Bee. They also include tuna loin processing facilities located in Fiji and Trinidad. These facilities are not owned by Bumble Bee, but Bumble Bee provides oversight with respect to, and approves, their quality assurance procedures and protocols. Also, Bumble Bee owns a facility in Violet, Louisiana that was destroyed in Hurricane Katrina in 2005. No records are available for this facility. Finally, with respect to the Castleberry's facility in Augusta, Georgia, records were generally maintained for two years. Notwithstanding the foregoing, to the extent records could be located for prior periods, we have included those in these Responses.

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contamination that are out-of-specification (*i.e.*, a positive test result that was within required limits would not be produced).

RESPONSE: Please see enclosed documents, "Internal Protocols and Standards" (CBF 047875-047974). These are copies of the requested internal protocols and standards that relate to microbiological contamination at the corporate level and at the Augusta, GA facility. With respect to finished products, the enclosed documents include a Finished Product Specification for Bumble Bee Chunk Light Tuna in Water. With respect to microbiological contamination, the Finished Product Specification for all canned or pouched products will have the same standard. We have provided one sample in lieu of including one for each of the Company's UPCs, which would include approximately 1300 specifications for different products. Although the Castleberry's Ready-to-Eat protocols and standards are included in our Response, these products have not been produced by the Company since February 2007, and the Company does not intend to produce them in the future.

The Company certifies that the internal protocols and standards at each of the Company's other facilities¹ are consistent with the corporate-level protocol and standards, except that, (A) in the case of the processing-water protocol, the Prospect Harbor, Maine and Blacks Harbour, New Brunswick, Canada sardine processing facilities each have their own quality procedure, which procedures have been approved by corporate QA and (B) in the case of the finished product protocol, the Blacks Harbour sardine processing facility also produces fish meal which has a finished good specification different from that for canned and pouched products.

Please see enclosed documents, "Exceptions to Corporate Protocols and Standards" (CBF 047975-048014). These are copies of the facility-level exceptions to the corporate internal protocols and standard as noted above.

Please see enclosed documents, "Microbiological Test Results" (CBF 048015-048573), which include all test reports that are positive for microbiological contamination other than those where a positive test is still within the applicable specification or where there is no applicable specification.

Sincerely



Christopher Lischewski
President & CEO
Bumble Bee Foods, LLC