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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

JOHN D. DINGELL, MICHIGAN
CHAIRMAN

May 23, 2007

DENNIS B. FITZGIBBONS, CHIEF OF STAFF
GREGG A. ROTHSCHILD, CHIEF COUNSEL

The Honorable David R. Obey
Chairman
Committee on Appropriations
H-218 The Capitol
Washington, D.C. 20515

The Honorable Rosa L. DeLauro
Chair
Subcommittee on Agriculture, Rural
Development, Food and Drug
Administration, and Related Agencies
2362A Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Obey and Chair DeLauro:

The Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce requests that the Committee on Appropriations deny the Food and Drug Administration (FDA) funds to implement their plan to reorganize field staff, including the closure of 7 of their 13 field laboratories, as requested in the fiscal year 2008 Appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

The Committee has been examining this plan and its negative impact upon FDA's ability to protect the Nation's food supply. To date, Committee investigators have visited five of the labs proposed to be closed—Detroit, San Francisco, Denver, Kansas City and Worcester, MA. Committee staff plan to visit the remaining labs in the near future.

Although Committee staff have been hindered by FDA's near total refusal to provide relevant materials, our investigation demonstrates that FDA reorganization would drastically undercut their ability to inspect food imports, as well as domestically prepared food products, at a time when more outbreaks of serious contamination have occurred. A report will be issued soon on a recent Committee staff trip that will highlight many of the problems caused by FDA's reorganization plan. A copy will be forwarded to you when finalized.

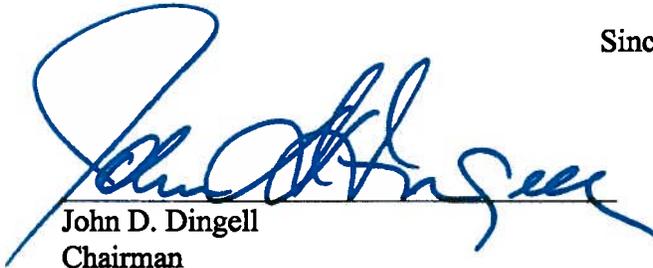
The Administration's reorganization proposal is seriously flawed, and to date FDA has been unable to articulate a justification for such drastic action. FDA documents received by the Committee fail to explain how they intend to replace the exceptional expertise they concede would be lost when these labs are shut down. The loss of the ability to analyze food and drug samples for potential harm is not only a hole in the regulatory structure that protects Americans from inadvertent harm, but it also severely weakens a critical weapon in our arsenal for protecting America from terrorist threats to our food and drug supplies.

The Honorable David R. Obey
The Honorable Rosa L. DeLauro
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The Committee is preparing a request to the Government Accountability Office (GAO) asking that they conduct a thorough analysis of FDA's laboratory needs. In addition, the Committee will request that GAO evaluate the management of FDA's enforcement activities and report on any structural changes that they believe would increase the efficiency of those efforts. We encourage you to join us in that GAO request. Until GAO's work is complete, FDA should be denied the funds necessary to implement either the closures or the reorganization of their district structures. The taxpayers will be far better served if the dollars saved by denying these funds are spent on imported food inspection and enforcement.

If you have any questions about this request, please contact us, or have your staff contact John Sopko, Chief Counsel for Oversight, or David Nelson, Senior Investigator, with the Committee on Energy and Commerce at ext. 6-2424.

Sincerely,



John D. Dingell
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

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

The Honorable Ed Whitfield, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Jerry Lewis, Ranking Member
Committee on Appropriations

The Honorable Jack Kingston, Ranking Member
Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and
Related Agencies