



Gregg L. Engles
Chairman & Chief Executive Officer

June 2, 2008

VIA FEDERAL EXPRESS DELIVERY

The Honorable John D. Dingell, Chairman
U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

The Honorable Bart Stupak, Chairman
U.S. House of Representatives
Subcommittee on Oversight and Investigations
Washington, DC 20515-6115

Re: Dean Foods Company Response to May 8, 2008 Inquiry

Dear Honorable Chairpersons:

I am responding to your letter dated May 8, 2008 requesting that I provide the House Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations ("the Committee") with information concerning possible microbiological or chemical contamination of food processed and sold by Dean Foods in the United States. This letter contains the requested information for our domestic and international operations.

Dean Foods is one of the leading food and beverage companies in the country. We are the largest processor and distributor of milk and other dairy products. Through our WhiteWave Foods division, we are also the nation's leading manufacturer of soymilk, organic milk and other organic foods. We operate more than 100 plants in the United States and employ more than 26,000 people. We also note that from January 1, 2000 to date, Dean Foods has acquired other food and beverage businesses, over which Dean Foods had no control until the acquisition. Nonetheless, in the interest of cooperation, Dean Foods has included in our response information from the companies that we have acquired, provided it exists in our files. When preparing this response, we reviewed relevant documents in our corporate files and in the files of each of our dairies and other production facilities.

For your convenience, we first repeat each of the questions before providing our response.

1. A list of all food recalls and food safety alerts issued by your company. For each recall or safety alert, please provide the date of the recall or alert, the product and brand affected, and the reason for the recall or alert. If the food was affected by microbial or chemical contamination, please identify the contaminant.

Response: Please see Attachment 1, which contains a table identifying all recalls conducted by Dean Foods (or any subsequently-acquired businesses) since January 1, 2000. For each recall, we have identified the date of the recall, the brand and product affected, the reason for the recall, and the regulatory agency we notified. If the food was affected by microbial or chemical contamination, we have identified the contaminant and the location of the facility that processed the contaminated food. We have also identified the FDA class of recall, if applicable. Please note that given the nature of the dairy industry and our close involvement with state regulatory officials, it is standard practice to notify state officials rather than FDA. The state official will then decide whether it is appropriate to contact the FDA recall coordinator.

2. For each brand or kind of product, please list all instances when internal microbiological testing was found to be positive for the presence of *E. coli*, *Salmonella*, *Cyclospora cayetanensis*, *Cryptosporidium*, hepatitis A, *Clostridium botulinum*, or *Listeria* in excess of the highest limit acceptable to the Food and Drug Administration (FDA) or any State regulatory authority.

Response: Dean Foods Company employs several strategies to reduce the likelihood of microbiological and/or chemical contamination of food. These include thermal processes, food safety management programs and recognized Good Manufacturing Practices (GMP).

Thermal processes to kill pathogenic micro organisms as well as spoilage organisms include pasteurization, ultra high temperature pasteurization and aseptic processes. All of our manufactured products are subject to a thermal process. We monitor the adequacy of the milk pasteurization process daily with a phosphatase test, which monitors whether the thermal process is sufficient to denature this enzyme found in raw milk. For those instances where ingredients may be added after a thermal process, like ripples or nuts in ice cream, those ingredients are required to have received a thermal kill step by the supplier or be of sufficient low water activity or low pH such that harmful organisms won't survive. Those suppliers are subject to inspections and audits for our review.

A combination of food safety management programs in use, such as Hazard Analysis Critical Control Points (HACCP), the Pasteurized Milk Ordinance

(PMO) and facility audits, are all a part of a complete program to achieve food safety and quality.

Lastly, in order to protect the processed foods from post kill step contamination, close adherence to GMP is observed in the facilities. Regular routine internal inspections coupled with third party GMP audits or “process audits” like those recognized by the Global Food Safety Initiative (GFSI) provide continuous feedback on food safety practices to our facilities and management.

Chemicals used in the sanitation of equipment are EPA registered and approved for “no rinse food contact surfaces” as defined in CFR 178.1010. Other chemicals that may be present in our facilities as necessary for equipment operation are not part of the food manufacturing process and are managed under various OSHA and EPA regulations.

Given the use of thermal processing in our manufacturing operations and our strict adherence to GMPs, we do not routinely perform microbiological testing. Attachment 2, however, contains the one instance in which testing revealed the presence of one of the organisms identified in your request. Because we destroyed the product and it did not enter commerce, we did not contact a state official or FDA.

3. For each brand or kind of product, please list all instances when internal testing was found to be positive for the presence of a chemical contaminant at levels in excess of the highest limit acceptable to FDA or any State regulatory authority.

Response: There are two instances where internal tests resulted in detection of chemical contaminants in our products. In both instances, the product was bottled water.

1. During a site inspection at Miscoe Springs (Mendon, MA) by the Massachusetts Department of Public Health, test results indicated detectable levels of MTBE in Miscoe Springs bottled water that was manufactured between December 26, 2002 and March 2003. In March 2003 the plant installed filters that have effectively removed the MTBE, as confirmed by subsequent testing showing not detectable levels. The issue was initially identified in December 2002 by the New York City Department of Health and Mental Hygiene and the State of New York Department of Health, who contacted the Massachusetts Department of Public Health to conduct an inspection.

2. In November 2007 our routine monthly tests of Trauth Spring Water produced at Trauth Dairy, Newport, KY detected bromate above the state maximum contaminant level (MCL) of 0.0010 mg/l for bottled water. We stopped production until test results confirmed we were within the MCL. Subsequent monthly tests are still below the MCL for bromate. We have identified the likely cause as over ozonation of the water which reacted with bromide naturally present in the water. We reported the incident to the state of Kentucky, as required by local laws.

4. For products imported into the United States for handling or processing by any facility operated by your firm, please list the instances when internal or outside laboratory testing was positive for the presence of either a chemical or microbiological contaminant in excess of FDA or State regulatory limits.

Response: We do not have any information that is responsive to this request.

5. For each of the above items, please specify whether FDA was notified, and if not, why not.

Response: We notified state officials in each of the recalls found in Attachment 1 and we worked closely with FDA and the state officials in managing those recalls. We also contacted the state officials when testing revealed the presence of contaminants in our bottled waters, as noted in our response to question 3.

6. Please supply a list of all instances where FDA or any State regulatory authority was denied entrance to a facility, foreign or domestic, or denied access to any records regarding microbiological or chemical testing performed on products processed at the facility. This request encompasses denials of initial requests for entry or any such testing record regardless of whether the plant or its records were to be made available for inspection at a later date.

Response: We are unaware of any instance in which we have denied a state official or FDA access to our facilities or records on microbiological or chemical contaminants.

U.S. House of Representatives
Committee on Energy and Commerce
June 2, 2008
Page 5

If you have any questions or wish to discuss the above, please feel free to call me at (214) 303-3424.

Best regards,


Gregg L. Engles

Enclosure
GLE/ADM/ph