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ONE HUNDRED TENTH CONGRESS

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

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December 21, 2007

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The Honorable Charles F. Conner  
Acting Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

Dear Mr. Conner:

Under Rules X and XI of the Rules of the U.S. House of Representatives, the Committee on Energy and Commerce and the Subcommittee on Oversight and Investigations are investigating the safety of the Nation's food supply.

On November 13, 2007, the Subcommittee held its fourth hearing on food safety. This hearing focused on the decisions of the Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA) to allow meat and seafood to be packaged in a modified atmosphere containing carbon monoxide. Dr. Daniel Engeljohn, Deputy Assistant Administrator, Office of Policy, Program, and Employee Development, Food Safety and Inspection Service, and Dr. Robert Post, Deputy Director, Center for Nutrition Policy and Promotion testified before the Subcommittee on the behalf of USDA. Prior to the hearing, Committee staff was assured by USDA that Dr. Engeljohn had the authority to speak on behalf of the Department regarding labeling decisions.

Dr. Engeljohn was asked at the hearing if USDA would approve a label that Target Corporation would like to put on its meat products that are packaged in an atmosphere containing carbon monoxide. Target sent a formal request to USDA regarding this matter on November 9, 2007. The label should read as follows:

“CONSUMER NOTICE: Carbon Monoxide has been used to preserve the color of this product. Do not rely on color or the “use or freeze by” date alone to judge the freshness of the product. For best results please follow the Safe handling Instructions.”

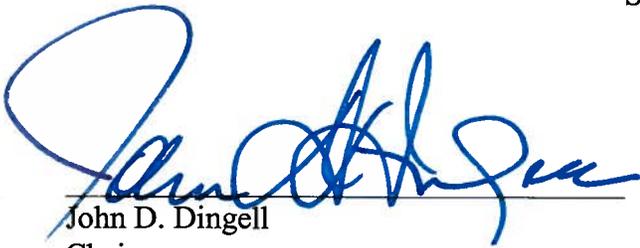
Dr. Engeljohn was unable to answer whether this label would be acceptable to the Department.

In order to assist the Committee in its investigation of the safety of the Nation's food supply, we request that you provide the Committee with the following information:

1. Please inform us as to whether USDA will approve this label and allow Target to label its meat products packaged in an atmosphere containing carbon monoxide in this manner;
2. If USDA approves Target's label, please explain whether the Department will require all companies that sell meat packaged in an atmosphere containing carbon monoxide to be labeled with the same or similar language;
3. If Target's label is unacceptable, please explain why USDA would object to having factual statements regarding important consumer matters placed on packages; and
4. Please provide the Committee with all USDA records related to Target's label request, including, but not limited to, any and all communications to and from Target and any other individual or entity related to Target's submission.

Please provide your response to these questions and requests for records within 10 business days from the date of this letter. If you have any questions relating to this request, please contact Kevin Barstow with the Committee on Energy and Commerce staff at (202) 226-2424.

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 John Shimkus, Ranking Member  
Subcommittee on Oversight and Investigations