JLA USA

February 10, 2009

Hon. Henry A. Waxman, Chairman, Committee of Energy and Commerce
Hon. Bart Stupak, Chairman, Subcommittee on Oversight and Investigations
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Sirs,

In response to questions presented to me by Michael Gordon, Deputy Chief Investigative Counsel for Committee on Energy and Commerce, I am enclosing my responses in attached document.

Sincerely,

Michelle Pronto

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P.O. Box 267 • 145 Peanut Drive • Edenton, NC 27932 • 252-482-4456 • Fax 252-482-5370 • www.jleek.com

1. Please briefly describe your professional history and your current position and responsibilities at J. Leek Associates, Inc. (JLA)

RJR NABISCO-AVOCA MERRY HILL, NC MAY 1981-SEPT 1991 LAB TECHNICIAN
ANDRITZ, INC. GLENS FALLS, NY DEC 1991-DEC 2003 LAB TECHNICIAN
CIBA SUFFOLK, VA MAY 2005-NOV 2006 SHIFT CHEMIST
JLA EDENTON, NC NOV 2006-PRESENT MANAGER OF MICROBIOLOGY LAB

I CURRENTLY MANAGE THE MICROBIOLOGY LABS IN EDENTON, NC AND ALBANY, GA. I ACT AS COORDINATOR FOR THE EDENTON LAB AND SUPPORT THE ALBANY LAB AS MANAGER

2. Did PCA ever discuss with JLA its food safety controls, such as the effectiveness of its method for killing pathogenic bacteria in the roasting process? Please describe any communications you are aware of between JLA and PCA on this topic.

ON 1/25/08, MR. PARKER (JLA) AND I PARTICIPATED IN A CALL WITH DANNY KILGORE (PCA) REGARDING A POTENTIAL ROASTER VALIDATION PROTOCOL. MR. PARKER HAD SENT AN EMAIL TO MR. KILGORE ON 1/23/08 TO SET UP THE CALL. TO MY KNOWLEDGE, A ROASTER VALIDATION PROTOCOL WAS NEVER RECOMMENDED AND PCA DID NOT FOLLOW UP WITH ME ON THIS SUBJECT.

3. Do you have any knowledge of whether Peanut Corporation of America (PCA) ever sought multiple test results for the same product – e.g., sent samples to multiple labs simultaneously, sought re-testing at the same or a different lab after receiving a test result, etc. If so, please provide all information you have about such instances, including whether JLA's initial results were confirmed upon re-testing. Please describe any communications you are aware of between JLA and PCA or internally within JLA on this topic.

BASED UPON A REVIEW OF JLA RECORDS, IT APPEARS THAT PCA RE-SUBMITTED SAMPLES FOR TESTS OF COLIFORMS AND SALMONELLA. I DO NOT KNOW WHETHER THE SAMPLES WERE FROM THE SAME PRODUCT LOT BUT, IN JULY 2007, THREE DIFFERENT SAMPLES WITH A DESCRIPTION "7190B" WERE SUBMITTED AND TWO SAMPLES WITH A DESCRIPTION "7192A" WERE SUBMITTED FOR SALMONELLA. THE SAMPLES DESCRIBED AS 7190B CONFIRMED POSITIVE IN TWO TESTS, BUT TESTED NEGATIVE FOR SALMONELLA ON THE THIRD TEST. THE SAMPLES DESCRIBED AS "7192A" CONFIRMED POSITIVE IN ONE TEST AND NEGATIVE IN THE SECOND.

ADDITIONALLY, DURING A PHONE CONVERSATION IN AUGUST 2008, SAMMY LIGHTSEY (PCA) INFORMED ME THAT THE ALBANY, GEORGIA JLA LAB WAS REPORTING HIGHER AEROBIC PLATE COUNT (APC) RESULTS AND HIGHER COLIFORM RESULTS THAN ANOTHER LAB HE HAD APPARENTLY USED. HE TOLD ME THAT HE HAD PULLED DUPLICATE SAMPLES SIMULTANEOUSLY AND SENT ONE SET OF SAMPLES TO JLA AND THE OTHER SET TO ANOTHER LAB, AND THAT OUR RESULTS WERE ALWAYS HIGHER FOR APC AND COLIFORM. I STATED THAT JLA FOLLOWS THE AOAC METHOD AND THAT I COULD NOT EXPLAIN THE DIFFERENCE. I TOLD HIM I WOULD REVIEW THE OTHER LAB'S RESULTS FOR COMPARISON. MR. LIGHTSEY SENT TWO REPORTS TO ME BY EMAIL ON 8/21/08 THAT WERE FROM ANOTHER LAB (DEIBEL). I COMPARED THE DATA TO THE JLA RESULTS. I MENTIONED MR. LIGHTSEY'S COMPLAINT IN AN EMAIL TO DARLENE COWART AND MIKE JACKSON DATED 9/12/08.
ADDITIONALLY, AFTER JLA ISSUED A CONFIRMED POSITIVE SALMONELLA TO PCA IN AUGUST 2008, MR. LIGHTSEY CALLED TO DISCUSS. A CONFERENCE CALL WAS SET UP WITH CERTAIN JLA EMPLOYEES AND PCA. MR. LIGHTSEY SAID HE HAD FLUSHED CERTAIN PIPES WITH HOT OIL. MR. LIGHTSEY WAS TOLD BY JLA THAT THIS MAY NOT BE SUFFICIENT TO KILL ANY SALMONELLA. DURING THIS CONFERENCE CALL, MR. LIGHTSEY REQUESTED THAT THE LAB INDIVIDUALLY TEST ADDITIONAL SAMPLES

FROM EACH OF THE SIX CUPS ORIGINALLY PROVIDED BY PCA. HE FURTHER TOLD ME HE WAS GOING TO SEND THE LAB ADDITIONAL SAMPLES TO TEST. I UNDERSTOOD THOSE TO BE HIS "RETAINED" SAMPLES. PCA DID NOT PROVIDE THOSE ADDITIONAL SAMPLES TO JLA FOR TESTING. JLA DID RUN ADDITIONAL TESTS FROM EACH OF THE 6 CUPS, AND OBTAINED NEGATIVE SALMONELLA RESULTS, WHICH WERE REPORTED TO PCA.

4. Do you have any other knowledge regarding whether PCA ever shipped products that had received a presumptive or confirmed positive test result for salmonella or other microbiological contamination? Please describe any communications you are aware of between JLA and PCA on this topic.

I ONLY KNOW WHAT MR. LIGHTSEY SAID TO ME IN A CALL THAT TOOK PLACE IN EARLY OCTOBER 2008 AFTER A CONFIRMED SALMONELLA POSITIVE HAD APPARENTLY BEEN ISSUED BY JLA FOR A SAMPLE SENT UNDER THE NAME "PP SALES." WHEN I CALLED MR. LIGHTSEY IN EARLY OCTOBER 2008 TO GIVE HIM SEROLOGY RESULTS THAT JLA HAD OBTAINED FROM DEIBEL LAB FOR THE CONFIRMED SALMONELLA, HE PAUSED, SAID "UH OH," OR SOMETHING TO THAT EFFECT, AND THEN TOLD ME HE HAD RELEASED THE PRODUCT FOR SHIPPING. WHEN I ASKED IF HE COULD GET IT BACK, HE SAID IT WAS ON A TRUCK HEADED TO UTAH AND RATHER THAN GETTING IT BACK, HE WOULD HAVE THE PRODUCT DESTROYED SOMEWHERE OUT WEST. I DID NOT WRITE ANY NOTES ABOUT THE CONVERSATION, BUT I DID MENTION IT TO TWO JLA EMPLOYEES (MR. PARKER AND MR. JACKSON). I RECALL SAYING THAT MR. LIGHTSEY HAD ALREADY SHIPPPED PRODUCT AND THAT HE WAS GOING TO HAVE IT DESTROYED ON THE WEST COAST. MR. JACKSON MENTIONED THAT SHIPPING COSTS WERE HIGH AND THAT IT WOULD LIKELY BE LESS EXPENSIVE TO DESTROY THE PRODUCT OUT WEST.

5. Do you have any knowledge of whether PCA was dissatisfied or concerned about the salmonella, coliform, aerobic plate count, or other test results provided by JLA? Please describe any communications you are aware of between JLA and PCA on this topic.

SEE RESPONSE TO QUESTION NUMBER THREE (3). ADDITIONALLY, MR. LIGHTSEY DID COMPLAIN ABOUT THE APC AND COLIFORM RESULTS. AS RELATED BELOW, SOMEONE AT PCA TOLD THE LAB COORDINATOR IN ALBANY (STEPHANIE FLETCHER) THAT PCA WAS NOT GOING TO SEND ADDITIONAL SAMPLES FOR TESTING TO JLA. THAT CONVERSATION FOLLOWED MY DISCUSSION WITH MR. LIGHTSEY REGARDING HIS CONCERN WITH OUR LAB'S HIGH COLIFORM AND APC COUNTS.

6. Please describe any change you are aware of in the relationship between JLA and PCA in the last year. Specifically, did PCA reduce its use of JLA's testing services in the summer or fall of 2008? If so, why?

I RECEIVED AN EMAIL ON 9/10/08 FROM JLA EMPLOYEE STEPHANIE FLETCHER STATING THAT SHE WAS TOLD BY THE QC MANAGER OF PCA THAT PCA WAS NO LONGER GOING TO SEND US SAMPLES, BUT THAT PP SALES GROUP WOULD CONTINUE TO SEND SAMPLES TO JLA. I CALLED MR. LIGHTSEY TO FOLLOW UP ON THE RECENT DISCUSSION REGARDING THE CONFIRMED POSITIVE, AND HE CONFIRMED THAT BECAUSE OF HIGH COLIFORM RESULTS THEY WERE GOING TO SEND SAMPLES TO A DIFFERENT LAB FOR AWHILE. WE DID NOT RECEIVE ANY SAMPLES LABELED "PCA" BETWEEN 8/26/08 AND 11/24/08. WE DID RECEIVE ONE PCA SAMPLE IN LATE NOVEMBER AND ISSUED A NEGATIVE SALMONELLA COA ON 12/1/08.

7. What knowledge do you have regarding how many times PCA's products tested positive for salmonella or other microbiological contamination? How does this compare to other clients of JLA?

I DID NOT KNOW THIS INFORMATION, BUT HAVE SINCE REVIEWED DATA TO RESPOND TO THIS QUESTION. DATA IN OUR LIMS (LABORATORY INFORMATION MANAGEMENT SYSTEM) SHOWED THAT FROM 8/14/07, THE DATE WE BEGAN COLLECTING DATA IN LIMS, THROUGH 01/31/09 JLA TESTED APPROXIMATELY 1000 SAMPLES FOR PCA. OF THESE, 4 WERE POSITIVE FOR SALMONELLA. I HAVE NOT REVIEWED DATA FROM OTHER CLIENTS TO MAKE A COMPARISON.

8. Do you have any information about positive test results for salmonella in PCA products, the effectiveness of PCA's food safety controls, or microbiological contamination of PCA products that you have not already described? If so, please explain.

I BELIEVE I HAVE ANSWERED THIS IN PREVIOUS QUESTIONS.

9. Please describe all communications you are aware of between JLA and PCA regarding an incident in which PCA product was contaminated with metal.

I RECEIVED A PHONE CALL FROM MR. LIGHTSEY ON 6/27/08. HE STATED HE HAD PRODUCT STOPPED AT CANADIAN CUSTOMS WITH METAL CONTAMINATION. HE REQUESTED INFORMATION ON FEDERAL/STATE INSPECTION SERVICES. I TOOK HIS NUMBER AND PASSED IT AND A BRIEF DESCRIPTION OF PROBLEM ON TO DR. COWART. THAT'S THE EXTENT OF MY KNOWLEDGE ON THAT INCIDENT.

10. Have you had any communications with PCA since PCA's Blakely, GA plant was identified as a possible source of the current salmonella outbreak? If so, please describe all such communications.

MR. LIGHTSEY CALLED ME ON 1/21/09. HE ASKED FOR REPORTS ON ANY SALMONELLA POSITIVES FOR PCA. HE FOLLOWED UP ON 1/22/09 TO SEE IF ALL SALMONELLA REPORTS HAD BEEN SENT. HE SAID THAT HE WAS TRYING TO MATCH REPRINTS WITH OLD REPORTS. I ALSO CALLED MR. LIGHTSEY TO GET A RELEASE FROM PCA ALLOWING JLA TO HAVE DEIBEL LABS PROVIDE SLANTS TO FDA. MR LIGHTSEY CALLED, READ THE RELEASE AND THEN EMAILED APPROVAL TO ME.

I EMAILED PCA TO GET THEIR PERMISSION TO RELEASE THEIR LAB REPORTS TO FDA ON 1/23/09.

MR. LIGHTSEY CALLED ON 1/24/09. HE ASKED IF JLA COULD SEND ALL REPORTS FROM 2007 AND 2008 TO HIM BY 3:35PM ON 1/25/09.

WE SENT AS MANY REPORTS AS WE COULD BUT COULD NOT MAKE DEADLINE. THERE WERE A COUPLE OF EMAILS PASSED ON 1/25 MAKING SURE THAT ALL REPORTS WERE BEING SENT TO THE CORRECT EMAIL ADDRESS AND THERE MAY HAVE BEEN A PHONE CALL. I TRIED TO CALL MR. LIGHTSEY TO TELL HIM WE COULD NOT MAKE DEADLINE, BUT DID NOT REACH HIM.

MR. LIGHTSEY CALLED ON 1/26/09 AND STATED HE STILL NEEDED THE REMAINING PAPERWORK BY 11:30AM ON 1/27/09. HE ALSO STATED THERE WAS A DISCREPANCY ON ONE OF THE COA'S REGARDING SAMPLE SIZE. ON 1/27/09, I SENT AN EMAIL SEEKING CLARIFICATION ON THE "DISCREPANCY". MY EXAMINATION OF COA SHOWED NO DISCREPANCY, AND THE ISSUE WAS RESOLVED WITH MR. LIGHTSEY.

I HAD NO FURTHER CONTACT WITH PCA OR MR. LIGHTSEY.