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ONE HUNDRED EIGHTH CONGRESS

# Congress of the United States

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May 21, 2003

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INDEPENDENT

The Honorable Mitchell E. Daniels, Jr.  
Director  
Office of Management and Budget  
725 17<sup>th</sup> Street, NW  
Washington, DC 20503

Dear Mr. Daniels:

I am concerned by a report in *Time* magazine suggesting that the processed meat industry may have inappropriately influenced the development of USDA's directive on testing for *Listeria monocytogenes*. This bacteria can cause serious illness and death, as has been tragically demonstrated by last year's listeriosis outbreak that killed eight people, hospitalized dozens, and caused miscarriages and stillbirths.

In response to that outbreak, USDA released a draft directive in November 2002 and a final directive in December 2002 addressing testing of ready-to-eat meat and poultry products. According to the *Time* article, a members-only newsletter of the National Food Processors Association, issued before the final rule came out, stated that "a number of key [USDA] personnel have bought into much of the industry proposal."<sup>1</sup> The newsletter "added that the tough federal directive was averted as a result of 'industry efforts made at the White House level.'" Under Secretary Elsa Murano has acknowledged consulting with the White House and industry before the final directive was issued, although she indicated that the final directive was altered only to advance public health. Yet, according to the article, the White House "denied it had any role in the final directive."

As part of congressional oversight in this area, I ask that you provide the following information:

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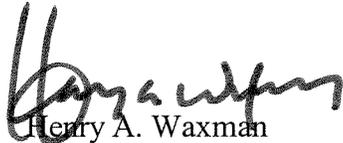
<sup>1</sup>Michael Weisskopf, *Can Cold Cuts Kill?* *Time*, 24 (Mar. 3, 2003).

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1. Please identify any communications between you, or any other person at OMB, and any members of the meat and poultry industry relating to the draft *Listeria* testing directive announced in November 2002<sup>2</sup> or the final directive issued in December 2002.<sup>3</sup>
2. Please identify any communications between you, or any other person at OMB, and USDA relating to the draft *Listeria* testing directive or the final directive.
3. For each communication identified in questions 1 and 2, please provide the names of the persons involved, the dates of the communications, the form of communication, a summary of the information exchanged or matters discussed during the communication, and copies of any written materials or electronic communications provided by any party to the communication.

I would appreciate your replying to this request by June 9, 2003. Thank you for your attention to this matter.

Sincerely,



Henry A. Waxman  
Ranking Minority Member

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<sup>2</sup>USDA, *Microbial Sampling of Ready-to-Eat (RTE) Products for the FSIS Verification Testing Program*, FSIS Directive 10,240.3 (draft) (issued Nov. 18, 2002).

<sup>3</sup>FSIS, *Microbial Sampling of Ready-to-Eat (RTE) Products for the FSIS Verification Testing Program*, FSIS Directive 10,240.3 (Dec. 9, 2002).