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September 19, 2007

The Honorable Stephen L. Johnson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Johnson:

Earlier this year, Chairman Miller wrote to you about the potential health risks of diacetyl, an artificial butter flavoring used in microwave popcorn and other foods that can cause a rare, severe lung disease in workers, known as *bronchiolitis obliterans*.<sup>1</sup> Mr. Miller requested information and documents related to research conducted by the Environmental Protection Agency (EPA) into the air emissions of microwave popcorn.<sup>2</sup> We are writing now because a new medical case suggests that consumers may face an increased risk of lung disease through preparation of foods containing diacetyl. This case highlights the importance of EPA's unpublished research and heightens our concern that EPA is not adequately fulfilling its responsibility to assess and inform the public of the potential health risks of diacetyl.

In July 2007, Dr. Cecile Rose of the National Jewish Medical and Research Center reported a case to EPA and other federal agencies involving an individual whose severe lung disease appeared to be linked to his regular consumption of microwave popcorn.<sup>3</sup> This case does not establish a causal relationship between inhalation of diacetyl during food preparation and

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<sup>1</sup> Letter from Brad Miller, Chairman, Subcommittee on Investigations and Oversight, Committee on Science and Technology, to Stephen L. Johnson, Administrator, Environmental Protection Agency (Mar. 3, 2007).

<sup>2</sup> *Id.*

<sup>3</sup> Letter from Cecile Rose, Acting Head, Division of Environmental and Occupational Health Sciences, National Jewish Medical and Research Center, to Michael Landa, Deputy Commissioner for Regulatory Affairs, Office of the Center Director, Center for Food Safety and Applied Nutrition, Food and Drug Administration (July 18, 2007).

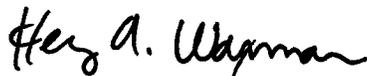
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*bronchiolitis obliterans*, but it does suggest a link.<sup>4</sup> Given the popularity and widespread consumption of microwave popcorn and other foods containing diacetyl, such a potential connection raises a significant public health concern.

In a response to Chairman Miller dated April 16, 2007, EPA provided documents related to its research into the air emissions of microwave popcorn.<sup>5</sup> Based on EPA's response, as well as the recently reported case of consumer illness potentially linked to diacetyl, we would like to know more about EPA's handling of this matter. Specifically, we would like further information on EPA's extreme delay in making public the study's findings, as well as EPA's communications with the Food and Drug Administration and other public health agencies and with popcorn and flavoring industry representatives.

As a first step, we request a briefing on this matter. We would appreciate your prompt attention to this request. Please contact Robin Appleberry of the Committee staff at (202) 225-5056 or Ken Jacobson of the Science and Technology Committee, Investigations and Oversight Subcommittee staff at (202) 226-3096 no later than Friday, September 21, 2007, to schedule a briefing.

Sincerely,



Henry A. Waxman  
Chairman  
Committee on Oversight and  
Government Reform



Brad Miller  
Chairman  
Subcommittee on Investigations  
and Oversight, Committee on  
Science and Technology

cc: Tom Davis  
Ranking Minority Member

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<sup>4</sup> *Id.* ("It is difficult to make a causal connection based on a single case report. We cannot be sure that this patient's exposure to butter flavored microwave popcorn from daily heavy preparation has caused his lung disease. However, we have no other plausible explanation.")

<sup>5</sup> Letter from George Gray, Assistant Administrator, EPA, to Brad Miller, Chairman, Subcommittee on Investigations and Oversight, Committee on Science and Technology (Apr. 16, 2007).