



September 25, 2008

Dr. Andrew C. von Eschenbach, Commissioner  
Food and Drug Administration  
Room 1471, Parklawn Building  
5600 Fishers Lane  
Rockville, MD 20857

Transmitted via facsimile: (301) 443-3100

Dear Dr. Von Eschenbach,

I am writing to express growing concern about the Food and Drug Administration's response to the discovery of widespread contamination of milk and milk-derived ingredients in China. Food & Water Watch believes that as the extent of the contamination becomes clear, and in light of the fact that the United States imports dairy ingredients from China, your agency should immediately embark on a much more aggressive response.

According to USDA figures, this year the United States has imported from China two million pounds of casein and other powdered milk proteins that are ingredients in many processed foods. This includes 293,000 pounds that were imported in July, when some Chinese authorities were aware of the contamination of dairy products with melamine, yet failed to act.

We understand that FDA has committed to looking for infant formula made in China in Asian grocery markets in major U.S. cities, as well as performing some unspecified level of inspection at the border for foods that may contain Chinese-origin milk or milk-derived ingredients. But considering the limited resources your agency devotes to import inspection, this is not enough to protect American consumers.

We urge FDA to ban the import of any more milk-derived ingredients such as powdered milk, milk protein concentrate, casein, and whey concentrate or dairy products from China until FDA investigators can visit manufacturing plants in China, and Chinese manufacturers can prove that their products are not tainted with melamine or other industrial contaminants. For imports of these products to be restored, we believe that all Chinese-origin dairy products and milk-derived ingredients destined for the United States need to be re-inspected at U.S. ports of entry. These inspections must include physical inspection, and residue and microbial testing.

We also urge the agency to advise food manufacturers in the United States to determine the source of the milk protein or other milk-derived ingredients used in their products and to test any current stocks of these ingredients for contamination before using them.

Please contact us if you have any questions about our recommendations, and we look forward to your attention to this urgent matter.

Sincerely,

Wenonah Hauter  
Executive Director  
Food & Water Watch