

United States Senate

WASHINGTON, DC 20510

November 30, 2000

The Honorable Jane Henney
Commissioner
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20857

Dear Commissioner Henney:

We understand that the Food and Drug Administration (FDA) is considering action soon to potentially revise its consumer advisory on the topic of seafood and mercury. This is clearly a significant undertaking. It would be a major set back for public health if consumers were unnecessarily alarmed and significant segments of the population turned away from the proven benefits of fish consumption. We are writing, therefore, to urge the FDA to consider all relevant information before making any decision on changes to the existing advisory.

One of the studies sponsored by the FDA, the Seychelles Study conducted by the University of Rochester, is considered extremely valuable and relevant to the issue of seafood and mercury. Since the results of a critical phase of this study will be available to FDA within months, it would be highly appropriate to evaluate and review this information, prior to any decision regarding the release of a public advisory on fish consumption. All relevant information, particularly the benefits associated with fish consumption, should also be considered.

We understand that the motivation for revising the consumer advisory stems from issues raised in an National Academy of Science (NAS) Committee Report titled *Toxicological Effects of Methylmercury*, published in July of this year. While the Report included an estimate of the population that might be "at risk" from methylmercury exposure, we understand that there has yet to be a clear explanation of how this estimate was derived and what the term "at risk" means.

Neither the FDA nor the Environmental Protection Agency (EPA) has been given a clear explanation for the record. There should be no consideration of an advisory to the public until these basic questions are addressed. Any decision should be based on clear and scientifically based information.

The importance of fish consumption in a healthful diet has been acknowledged not only by our own government with the recent publication of the *2000 Dietary Guidelines for Americans* and the two Food Guide Pyramids (Adults and Children) but also by the American Heart Association in its recently revised dietary guidelines. It is critical that consumers not receive conflicting messages from government agencies and credible health and medical groups.

Likely consumer response to any revisions to FDA's current fish consumption advisory must also be carefully considered. The potential impacts are not only related to public health but also to the economic viability of the seafood industry. It is therefore imperative that the Agency considers all relevant information before making any decision on changes to its existing advisory.

We would be grateful for your clarification as to how you intend to reach a scientific consensus on this important issue before the FDA takes precipitate action. We appreciate the attention you have given this issue and trust you will evaluate all the scientific data available.

Sincerely,

John Deary
Chir DM

Just Latt
Ed Kennedy

Rick Santorum

Frank W. Tompkins

Don Nicks

Mad Bobler

E King

Patty Murray

