

November 21, 2000

Joseph A. Levitt
Director
Center for Food Safety and Applied Nutrition
Food and Drug Administration
200 C Street, SW
Washington, DC 20204

Dear Mr. Levitt:

The Center for Science in the Public Interest (CSPI) would like to thank you for inviting us to participate in an important discussion of the current FDA policies on methylmercury-contaminated commercial seafood. As we stated there, it is imperative that the agency act promptly to better protect vulnerable consumers from the risks of chronic exposure to methylmercury.¹ To that end, we have recommended that the agency take the following actions: *

1. immediately revise its action level for methylmercury in commercial seafood to 0.1 µg/kg/day;
2. immediately issue and widely disseminate consumer advisories clearly warning pregnant women, women trying to become pregnant, nursing mothers and young children not to eat swordfish, shark and large tuna due to concerns about the effects of methylmercury exposure; and
3. begin a rulemaking to establish a regulatory standard for methylmercury in

¹ We have long argued for the FDA to set more stringent methylmercury standards. In 1992 I submitted a petition asking the Food and Drug Administration (FDA) to establish a regulatory standard for methylmercury that would protect pregnant women and their children from the adverse effects of contaminated seafood. Caroline Smith DeWaal, *Petition to Set a Regulatory Limit for Methylmercury in Seafood that Reflects the Risk to Pregnant Women and Children From the Intake of Seafood Containing Methylmercury*, (April 7, 1992) When the new National Academy of Sciences (NAS) report, *Toxicological Effects of Methylmercury*, echoed many of the same concerns about the adverse effects of chronic methylmercury exposure, I resubmitted the petition. Center for Science in the Public Interest, *Petition to Set a Regulatory Limit for Methylmercury in Seafood that Reflects the Risk to Pregnant Women and Children From the Intake of Seafood Containing Methylmercury*, (July 17, 2000).

commercial seafood of 0.1 $\mu\text{g}/\text{kg}/\text{day}$.²

CSPI advises this course of action in light of the recent report of the National Academy of Sciences (NAS), *Toxicological Effects of Methylmercury*,³ which estimated that more than 60,000 children are born each year at risk for neurological problems due to low-level mercury contamination from seafood eaten by pregnant women.⁴ The NAS concluded that the regulatory standard for methylmercury used by the Environmental Protection Agency -- 0.1 $\mu\text{g}/\text{kg}/\text{day}$ -- is "scientifically justifiable for the protection of public health"⁵ and called for "harmonization efforts" to "reduce current differences among agencies."⁶ We view these findings as a clarion call to action for FDA.

In addition, CSPI joins with the Mercury Policy Project in calling upon the agency to resume testing for methylmercury contamination of commercial seafood (including swordfish, shark, large tuna and canned tuna).⁷ Furthermore, we support the request of the National Center for Policy Research for Women and Families for further analysis of the risks to vulnerable populations from consumption of potentially contaminated canned tuna. CSPI also urges FDA to work closely with the American Public Health Association, the National Center for Policy Research for Women and Families and similar groups to address issues of particular import to Native Americans, low-income populations and other subpopulations that tend to have higher than usual fish consumption.

Thank you again for the opportunity to share our views with you. We hope to continue working together with the agency on this important public health issue.

Sincerely,



Caroline Smith DeWaal
Food Safety Director

² Initiating a rulemaking to establish a regulatory limit for methylmercury contamination of seafood would be responsive to CSPI's petition.

³ National Academy of Sciences, *Toxicological Effects of Methylmercury*, (released July 2000) [hereinafter cited as *NAS Report*], available at <http://www.nap.edu/openbook/0309071402/html>.

⁴ *NAS Report* at p. 327.

⁵ *NAS Report* at p. 329.

⁶ *NAS Report* at p. 328.

⁷ Mercury Policy Project, *The One That Got Away*, (2000).

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