

**MERCURY POLICY PROJECT**

1420 North St.  
Montpelier, VT 05602  
802-223-9000  
[www.mercurypolicy.org](http://www.mercurypolicy.org)

January 11, 2001

Honorable Donna E. Shalala  
Secretary of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Shalala:

There is emerging scientific consensus that potential impacts from maternal consumption of mercury-contaminated fish include developmental problems in children both prior to and after birth. In the last few remaining days of the Administration, we strongly urge you to expedite revision of FDA's seafood consumption advisory to protect all Americans---and to issue an advisory warning pregnant women, woman who may become pregnant, nursing mothers and young children not to eat swordfish, shark and large tuna and other types of commercial fish likely to have the highest levels of mercury contamination.

It has been several months since the release of the National Research Council's (NRC's) report, the *Toxicological Effects of Mercury*, found that more than 60,000 children may suffer from exposure to methylmercury while in utero. At the request of Congress, the NRC study was commissioned by the Environmental Protection Agency as an independent study on the risks of methylmercury to humans. The NRC endorsed a regulatory standard that is four times more protective of public health than the current FDA action level, which is clearly not protective of the developing fetus. Moreover, the NRC report reveals fatal flaws in the methodology used by FDA to develop its action level and consumer advisory.

In response to the NRC report, FDA recently held several meetings to receive input regarding revisions to its consumer advisory and to address the very important issue of human exposure to potentially hazardous concentrations of methylmercury in commercial fish. Unfortunately, it appears that FDA's timeline to revise its consumer advisory has been significantly delayed by outside pressure from the commercial fishing industry---who has been lobbying the Administration perpetually for the last eight years to delay adopting new policies until additional findings (i.e. Seychelles data) could be reviewed.

After more than a decade of studies (and delays) on the human effects of methylmercury, the NRC report has decidedly determined that more needs to be done to protect our children, and the first step is to provide the public with the information necessary to make informed decisions about the consumption of mercury-contaminated seafood. Therefore, FDA should move forward expeditiously to protect all Americans--particularly sensitive populations-- from the dangers of exposure to methylmercury, especially from fish known to have high mercury levels.

Thank you for your consideration of this important issue.

Sincerely,

Michael T. Bender  
Executive Directory  
Mercury Policy Project

Caroline Smith DeWaal  
Director of Food Safety  
Center for Science in the Public Interest

Sarah Lister  
Director of Congressional Affairs Office  
American Public Health Association

Mark Silbergeld  
Co-Director  
Washington Office,  
Consumers Union

Art Jaeger  
Assistant Director  
Consumer Federation of America

Debbie Sease  
Legislative Director  
Sierra Club

**Meeting with U.S. Environmental Protection Agency on Methylmercury in Seafood**

Date: November 20, 2000

Summary: FDA sought EPA's perspective on the issue of methylmercury in fish. Discussion included methylmercury focus group testing, industry consumption data, and possible consumer advisory messages.

Attendees:

FDA

Joseph Levitt  
Mike Bolger  
Phil Spiller  
Robert Buchanan  
Robert Lake  
Lou Carson

EPA

Dana Minerva  
Linda Wynn  
Elizabeth Southerland