

Dr. Margaret A. Hamburg
Commissioner
Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993-0002

July 2, 2013

Dear Commissioner Hamburg:

Consumers Union, the policy and advocacy division of *Consumer Reports*, is writing to express deep concern about delays in the Food and Drug Administration's (FDA) work to limit the amount of arsenic consumers are exposed to through food and beverages.

As you are aware, last year *Consumer Reports* published two stories on arsenic: a January 2012 story on arsenic in apple and grape juices, and a November 2012 story on arsenic in rice and rice products. We found worrisome levels of inorganic arsenic – a carcinogen – in both types of products. Given our findings, we asked the FDA to set limits on arsenic in food and beverages. We were therefore encouraged to hear that the FDA was working on a guidance for the level of arsenic in fruit juice, and that the Agency would be doing sampling of 1,000 rice and rice products (in addition to the 200 rice products already tested) for arsenic levels. We have been anticipating the public release of both the guidance and the complete testing results for some time now.

Regarding rice, in September of last year FDA indicated that it would complete its rice sampling by the end of 2012,¹ and would post additional data as results became available². That date came and went, and 2013 is now half over. FDA still has not released the results of its additional testing of rice products for arsenic. In March of this year, Consumers Union submitted a Freedom of Information Act (FOIA) request for FDA's rice sampling data. Unfortunately, we have yet to receive the data requested.

FDA has been working on a guidance level for arsenic in fruit juice for some time as well. While we believe that FDA should implement enforceable standards for the maximum allowable levels of arsenic in rice and juice, the Agency's guidance document on arsenic in juice is an important first step that will help consumers. Consumers Union met with the Office of Management and Budget (OMB) in February 2013 in order to urge the release of a final guidance. As of today, we have not heard any more from OMB about this matter.

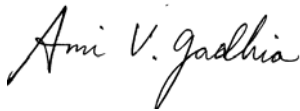
¹<http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm319972.htm>

²<http://www.fda.gov/Food/FoodborneIllnessContaminants/Metals/ucm319870.htm>

We strongly urge the Agency to do all it can to ensure the release of its final guidance on arsenic in fruit juice so that consumers can begin to reduce their exposure to this contaminant. We also urge the Agency to publicly release the results of its arsenic testing of 1,000 rice and rice product samples. The release of these data will add to our understanding of consumer exposure to arsenic in rice, and we hope that it will also form the basis for FDA action to reduce the amount of arsenic in our diets.

We thank you for your consideration.

Sincerely,



Ami V. Gadhia
Senior Policy Counsel



Urvashi Rangan, Ph.D.
Director, Consumer Safety and Sustainability

Cc: Secretary Kathleen Sebelius
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Cc: Ms. Cecilia Muñoz
Director, Domestic Policy Council
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500