

# United States Senate

WASHINGTON, DC 20510

March 11, 2015

The Honorable Margaret A. Hamburg  
Commissioner  
U.S. Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993

Dear Commissioner Hamburg:

In light of recent reports claiming that Nestle Purina PetCare Company's Beneful dry kibble dog food contains toxins that may have sickened or endangered thousands of dogs, we are asking for an update on the agency's implementation of a 2007 law enacted to help prevent contaminated pet food from reaching animals.

In 2007, Congress passed legislation in response to tainted pet food associated with the death of thousands of dogs and cats in the United States. This law requires the Food and Drug Administration (FDA) to take several steps to improve the regulatory regime for pet food safety, including a requirement that pet food companies report to the FDA within 24 hours when they determine they have an adulterated product in their supply chain. We appreciate that FDA has implemented an online database to inform consumers of pet food recalls. However, eight years later, most provisions of the pet food safety law have not been implemented and protections Congress enacted are not in place, amid allegations of contaminated Beneful dry kibble.

Reports raise serious concerns about Beneful dry kibble potentially containing such toxins as propylene glycol, commonly used in automobile antifreeze, and mycotoxins, a group of toxins produced by grain fungus. These toxins could lead to serious consequences such as weight loss, internal bleeding, liver and kidney failure, and even death. Media reports have referenced more than 3,000 complaints online about dogs becoming ill or dying after eating Beneful. To our knowledge, the FDA has not issued any investigations, warnings, consumer guidance, or product recalls to address these alarming issues.

The Food and Drug Administration Amendments Act of 2007 includes provisions to help prevent instances like these from occurring. The law requires the FDA to set ingredient and processing standards for pet food, strengthen labeling requirements, establish an early warning system for contaminated food products, and mandate that companies report contaminated food and make key records available during investigations so contaminants can be traced without delays to help prevent needless deaths and illnesses.

The components of the law that FDA has implemented are important to the public and veterinarians, namely the searchable online recall list posted on the agency's website. While improving communication is important for pet owners and veterinarians, FDA has not issued clear guidance to industry on reporting requirements, ingredient and processing standards, and labeling improvements. To put it frankly, the food safety system Congress fought to develop has not been put in place by the FDA.

Please provide an update on FDA's response to allegations about Nestle Purina PetCare Company's Beneful dry kibble dog food and an update on FDA's implementation of the pet food safety statute put in place to protect our pets. We would also appreciate an update on how pet food safety oversight will be improved once the Food Safety Modernization Act of 2010 is fully implemented.

We look forward to hearing from you.

Sincerely,



Richard J. Durbin  
United States Senator



Dianne Feinstein  
United States Senator