

December 7, 2011

Ms. Melody Barnes
Assistant to the President for Domestic Policy
The White House
Washington, D.C.

Dear Ms. Barnes:

The undersigned members of the Food Industry Dioxin Working Group (FIDWG), an ad hoc coalition of production agriculture, farm input, processing and retail food interests, write to express our deep concern over the Environmental Protection Agency's (EPA) ongoing effort to finalize a draft dioxin risk reassessment.

This action is taking place without any agency outreach to the food industry or other key stakeholders who could suffer severe harm if the EPA proposal is implemented. EPA's process over time has suffered from inaccuracy, questionable methodologies and inadequate scientific evidence, and these faults are compounded by the failure of EPA to fully engage all stakeholders and to consider seriously the opinions of other federal agencies as the agency works to finalize its dioxin risk reassessment.

We are particularly concerned with EPA's plan to break from longstanding international science-based dioxin standards and split the reassessment into non-cancer and cancer risk assessments, while setting a reference dose (RfD) for non-cancer risk. Since the agency contends the primary route of human exposure to dioxin is through food, this could not only mislead and frighten consumers about the safety of their diets, but could have a significant negative economic impact on all U.S. food producers.

EPA's proposed standard is significantly out of alignment and far more stringent than current international science-based standards. It sets a dioxin exposure threshold lower than any government entity in the world, including the European Union (EU). The World Health Organization (WHO) and the EU concur that average daily exposures should be limited to 1-4 pg/kg/day (2.3 pg/kg/day on average), based on non-cancer risk. EPA seeks to set a non-cancer RfD over three times more stringent (0.7 pg/kg/day), a level so low it strains credulity.

EPA's proposal is not only at odds with international standards, it also deviates significantly from existing federal policy. Currently, the U.S. government recommends the average citizen's "best" way to avoid dioxin exposure is to follow federal dietary guidelines. Under EPA's proposal, this advice could no longer stand as nearly every American – particularly young children – could easily exceed the daily RfD after consuming a single meal or heavy snack.

Since this exposure standard is based on the levels of dioxin exposure – including non-food exposure – over long periods of time, consumers won't be able to calculate daily dioxin exposures nor determine what is required to stay below an RfD. The media will inevitably report on this change and in all likelihood misinterpret the RfD as a "safe limit." As a result, consumers may try to avoid any foods "identified" as containing or likely to contain any dioxin.

The implications of this action are chilling. EPA is proposing to create a situation in which most U.S. agricultural products could arbitrarily be classified as unfit for consumption. The impact on agricultural production – conventional, organic, livestock/poultry/dairy, fruits, grains and vegetables – may be significant, as will be the loss of trade markets, all without evidence of additional health protection.

EPA says its draft risk reassessment will likely lead to “exposure mitigation” recommendations. Yet there has been no discussion with production agriculture, food processors or retailers as to what these mitigation actions might be or what their impact could be on food availability, safety or cost. Industrial dioxin emissions have been reduced by more than 90% over the last decade, thanks to EPA and industry actions. The current average exposure of citizens to dioxin is less than “background level,” the level of dioxin found in the environment.

While we believe it is possible for EPA to achieve its goal of remediating past dioxin contamination without crippling the nation’s agricultural sector, it is imperative EPA work with the ag/food sector to determine the impact of its current approach on stakeholder groups. At a minimum, these discussions should take place prior to finalizing and publishing the non-cancer assessment and RfD in late January, 2012, as announced by the agency.

We seek your intervention to help ensure the important interagency process is fully utilized and all opinions from other parts of the government affected by the EPA dioxin risk strategy are given fair and equal weight in the overall Administration approach to dioxin risk and mitigation.

To ensure the success of this intergovernmental effort, we respectfully request your office, the Office of Science & Technology Policy (OSTP) and the Office of Information & Regulatory Affairs (OIRA) of the Office of Management & Budget (OMB) provide oversight to the EPA dioxin action. Further, we strongly recommend the National Academy of Sciences (NAS) be consulted to ensure the EPA dioxin risk reassessment/non-cancer/RfD/cancer assessment is supported by science and accepted international standards.

We look forward to your reply. Thank you for considering our views. If you or your staff have any questions, please contact Steve Kopperud, FIDWG coordinator, at 202-776-0071 or skopperud@poldir.com.

Sincerely,

The Food Industry Dioxin Working Group

American Farm Bureau Federation
American Feed Industry Association
American Frozen Food Institute
American Meat Institute
Corn Refiners Association
International Dairy Foods Association
National Chicken Council
National Grain & Feed Association

National Meat Association
National Milk Producers Federation
National Oilseed Processors Association
National Pork Producers Council
National Renderers Association
National Turkey Federation
Pet Food Institute
United Egg Producers

cc: The Honorable Tom Vilsack, Secretary of Agriculture
The Honorable Kathleen Sebelius, Secretary of Health & Human Services
The Honorable Lisa Jackson, EPA Administrator
The Honorable Ron Kirk, U.S. Trade Representative
Dr. Elisabeth Hagen, Under Secretary for Food Safety, U.S. Department of Agriculture
Dr. Margaret Hamburg, Commissioner, the Food & Drug Administration
Mr. Michael Taylor, Deputy Commissioner for Foods, FDA
Dr. Bernadette Dunham, Director, Center for Veterinary Medicine, FDA
Mr. Michael Landa, Director, Center for Food Safety & Applied Nutrition, FDA
Dr. Cass Sunstein, Director, Office of Information & Regulatory Affairs, OMB