

# United States Senate

WASHINGTON, DC 20510

March 4, 2004

Mark McClellan, M.D., Ph.D.  
Commissioner  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, MD 20857-0001

Dear Commissioner McClellan:

We are writing to strongly urge the Food and Drug Administration (FDA) to strengthen the consumer advisory for mercury in fish and seafood consumption to address concerns raised in three new scientific studies. Collectively, these studies raise great concern about the adequacy of the existing FDA fish consumption advisory for protecting pregnant women and children from exposure to mercury.

At the National Forum on Contaminates in Fish last month, Dr. Kathryn Mahaffey, a senior researcher at the Environmental Protection Agency (EPA), presented new estimates of the number of children born each year in the United States who are at risk for developmental and learning problems because of exposure to unsafe levels of mercury in the womb. Her analysis found that 630,000 children are at risk each year, which nearly doubles the previous EPA estimate of 320,000. Her study also shows that one in six women of childbearing age have sufficient mercury in their blood to pose a risk to their baby.

Research has repeatedly shown that prenatal exposure to mercury is associated with increased risk of developmental toxic effects on the brain, including adverse effects on fine motor skills, memory, and learning ability. Two recently published papers by Dr. Murata and Dr. Grandjean and others in the *Journal of Pediatrics* provide important insight into the potential long-term adverse health implications of Dr. Mahaffey's findings. The studies found that brain and heart function of children with sustained exposure to mercury from a diet rich in seafood were impaired at age seven and fourteen.

In light of these findings, we are concerned that FDA's draft consumer advisory does not adequately protect women and children from mercury exposure. In fact, it may actually lead to increased mercury exposure because it allows, and may even promote, consumers to eat fish that tend to contain some of the highest levels of mercury over fish that generally contain lower levels. Specifically, we urge FDA to adopt recommendations of the FDA Food Advisory Committee to make specific recommendations for canned tuna

consumption, distinguish between white albacore tuna and light tuna because of the significant difference in their mercury levels and include a "safe to eat" list of fish to provide clearer advice to consumers.

The recently published studies highlight why FDA's consumer advisory is so important to women and children's health. Consumers will be relying on FDA's guidance to make critical dietary choices to keep their mercury exposure below unsafe levels.

We strongly urge you to strengthen the current advisory to meet this public health responsibility and to ensure that it protects the most at-risk groups, women and children.

Sincerely,

Patrick Leahy      Jim Jeffords

Paul Harkin      Mark Dayton

Hillary Rodham Clinton      \_\_\_\_\_