



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 2, 2013

Margaret Hamburg, M.D.
Commissioner
United States Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, Maryland 20993

Michael R. Taylor, J.D.
Deputy Commissioner for Foods, Office of Foods
United States Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, Maryland 20993

Re: Arsenic in Food Products

Dear Commissioner Hamburg and Deputy Commissioner Taylor,

Last year, I wrote to you both to urge the Food and Drug Administration (FDA) to establish standards for arsenic in food products, especially those served to infants and young children. In October 2012, FDA provided a response to my letter and stated it was "implementing a plan for arsenic in rice as quickly as we can."¹ The letter explained that FDA was testing "rice products to obtain more data on the prevalence of arsenic" and that it expected "all the sample analysis to be completed" by the end of 2012, with "risk management decision-making, e.g., the setting of one or more 'action levels' to follow promptly."²

It is my understanding that FDA's plan to address arsenic in rice has not yet been completed. Now that we have nearly reached the midpoint of 2013, I am writing once again to urge you to take quick action on arsenic in food products.

As you know, in 2012 my office tested the arsenic levels for a variety of food products. The results of these tests raised serious concerns about the levels of inorganic arsenic in some food products, most notably infant rice cereals. These results were consistent with the analysis conducted by Consumer Reports.³

¹ Letter from Michael Landa, Director of FDA's Center for Food Safety and Applied Nutrition, to Attorney General Lisa Madigan (Oct. 22, 2012).

² *Id.*

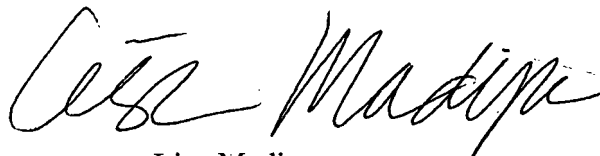
³ Press Release, Office of the Illinois Attorney General, *Madigan Alerts Parents, Caregivers to Arsenic in Infant Rice Cereals* (Sept. 19, 2012).

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Because exposure to inorganic arsenic can increase the risk of skin, bladder, kidney, and lung cancers⁴ and may have neurotoxic effects resulting in lower intelligence levels,⁵ it is imperative that parents be provided the data about arsenic they need to make informed choices on the food products they serve to their children. I know that FDA takes this issue seriously and is conducting a thorough review to ensure its conclusions are well-founded. However, I urge you to complete FDA's action plan for arsenic as soon as possible. Further delay leaves parents without guidance on how to assess potential risks to their children from products containing inorganic arsenic.

If you have any questions about my office's work on arsenic in food products, please contact Jessica O'Leary, an Assistant Attorney General with my office, at (312) 814-1003.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Madigan". The signature is fluid and cursive, with the first name "Lisa" written in a larger, more prominent script than the last name "Madigan".

Lisa Madigan
Attorney General

⁴ Arsenic available at www.cancer.org/cancer/cancercauses/othercarcinogens/intheworkplace/arsenic.

⁵ Gail A. Wasserman *et al.*, *Water Arsenic Exposure and Children's Intellectual Function in Araihaazar, Bangladesh*, 112 *Envtl. Health Persp.* 1329 (2004); Gail A. Wasserman *et al.*, *Water Arsenic Exposure and Intellectual Function in 6-Year-Old Children in Araihaazar, Bangladesh*, 115 *Envtl. Health Persp.* 285 (2007); Marie Vahter, *Effects on Arsenic on Maternal and Fetal Health*, 29 *Annu. Rev. Nutr.* 381 (2009). San-Xiang Wang *et al.*, *Arsenic and Fluoride Exposure in Drinking Water: Children's IQ and Growth in Shanyin County, Shanxi Province, China*, 115 *Envtl. Health Persp.* 642 (2007).