

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

JOHN D. DINGELL, MICHIGAN
CHAIRMAN EMERITUS
EDWARD J. MARKEY, MASSACHUSETTS
RICK BOUCHER, VIRGINIA
FRANK PALLONE, Jr., NEW JERSEY
BART GORDON, TENNESSEE
BOBBY L. RUSH, ILLINOIS
ANNA G. ESHOO, CALIFORNIA
BART STUPAK, MICHIGAN
ELIOT L. ENGEL, NEW YORK
GENE GREEN, TEXAS
DIANA DEGETTE, COLORADO
VICE CHAIRMAN
LOIS CAPPS, CALIFORNIA
MIKE DOYLE, PENNSYLVANIA
JANE HARMAN, CALIFORNIA
JAN SCHAKOWSKY, ILLINOIS
CHARLES A. GONZALEZ, TEXAS
JAY INSLEE, WASHINGTON
TAMMY BALDWIN, WISCONSIN
MIKE ROSS, ARKANSAS
ANTHONY D. WEINER, NEW YORK
JIM MATHESON, UTAH
G.K. BUTTERFIELD, NORTH CAROLINA
CHARLIE MELANCON, LOUISIANA
JOHN BARROW, GEORGIA
BARON P. HILL, INDIANA
DORIS O. MATSUI, CALIFORNIA
DONNA CHRISTENSEN, VIRGIN ISLANDS
KATHY CASTOR, FLORIDA
JOHN SARBANES, MARYLAND
CHRISTOPHER MURPHY, CONNECTICUT
ZACHARY T. SPACE, OHIO
JERRY McNERNEY, CALIFORNIA
BETTY SUTTON, OHIO
BRUCE BRALEY, IOWA
PETER WELCH, VERMONT

JOE BARTON, TEXAS
RANKING MEMBER

ROY BLUNT, MISSOURI
DEPUTY RANKING MEMBER
RALPH M. HALL, TEXAS
FRED UPTON, MICHIGAN
CLIFF STEARNS, FLORIDA
ED WHITFIELD, KENTUCKY
JOHN SHIMKUS, ILLINOIS
JOHN B. SHADDEG, ARIZONA
STEVE BUYER, INDIANA
GEORGE RADANOVICH, CALIFORNIA
JOSEPH R. PITTS, PENNSYLVANIA
MARY BONO MACK, CALIFORNIA
LEE TERRY, NEBRASKA
MIKE ROGERS, MICHIGAN
SUE WILKINS MYRICK, NORTH CAROLINA
JOHN SULLIVAN, OKLAHOMA
TIM MURPHY, PENNSYLVANIA
MICHAEL C. BURGESS, TEXAS
MARSHA BLACKBURN, TENNESSEE
PHIL GINGREY, GEORGIA
STEVE SCALISE, LOUISIANA
PARKER GRIFFITH, ALABAMA
ROBERT E. LATTA, OHIO

ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

MAJORITY (202) 225-2927

FACSIMILE (202) 225-2525

MINORITY (202) 225-3641

energycommerce.house.gov

August 2, 2010

Mr. A.D. David MacKay
President and Chief Executive Officer
Kellogg Company
One Kellogg Square
P.O. Box 3599
Battle Creek, MI 49016

Dear Mr. MacKay:

The Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are examining a recent recall of Kellogg's cereal products. On June 25, 2010, Kellogg issued a recall of 28 million boxes of Corn Pops, Honey Smacks, Fruit Loops, and Apple Jacks cereals.

According to the company's Web site, the recall occurred because Kellogg "identified a substance in the package liner that can produce an uncharacteristic waxy-like off-taste and smell."¹ *The Washington Post* reported that Kellogg destroyed tainted packaging before announcing the recall and that the source of the taste and smell was likely the chemical 2-methylnaphthalene.² At least one study has shown that 2-methylnaphthalene may cause lung injuries in adults.³ There are no studies indicating whether children are more susceptible to this chemical.⁴

¹ Kellogg's, *Consumer Alert: FAQs* (June 25, 2010) (online at <http://consumeralert.kelloggs.com/consumeralert.aspx?id=3870>).

² *U.S. regulators lack data on health risks of most chemicals*, *The Washington Post* (Aug. 2, 2010).

³ Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, *Public Health Statement for Naphthalene, 1-Methylnaphthalene, and 2-Methylnaphthalene* (online at <http://www.atsdr.cdc.gov/toxprofiles/phs67.html>).

⁴ *Id.*

Mr. A.D. David MacKay
August 2, 2010
Page 2

To assist the Committee in its investigation of this matter, we request that Kellogg's officials brief Committee staff on the company's activities to identify, address, and prevent hazardous chemicals, such as 2-methylnaphthalene, from being in your food products. In addition, we request that you provide the following documents:

1. All Kellogg's policies and procedures designed to ensure that its cereal and other food products do not pose a risk to human health and are not exposed to chemicals that may be hazardous to human health or about which the company does not possess adequate information to assess whether the chemicals may be hazardous to human health;
2. All documents relating to any assessments of the health risks posed by 2-methylnaphthalene conducted by, commissioned by, or requested by your company, including a copy of the health risk assessment created by your company and any internal and external communications regarding that health risk assessment; and
3. All documents relating to your company's investigation and subsequent recall of Corn Pops, Honey Smacks, Fruit Loops, and Apple Jacks cereals, including any documents relating to the presence of 2-methylnaphthalene or any other chemicals in the cereals or in the cereals' packaging, any documents describing the cause, scope, and extent of the contamination, and any documents describing actions taken as a result of the company's investigation.

Please produce the requested information by August 16, 2010. Please include the requested information for all units, divisions, affiliates, or subsidiaries controlled or owned in whole or in part by your company.

An attachment to this letter provides additional information on how to respond to the Committee's request. If you have questions regarding this request, please contact Tiffany Benjamin of the Committee staff at (202) 226-2424.

Sincerely,



Henry A. Waxman
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight
and Investigations

Enclosure

cc: The Honorable Joe Barton
Ranking Member

Mr. A.D. David MacKay
August 2, 2010
Page 3

The Honorable Michael C. Burgess
Ranking Member
Subcommittee on Oversight
and Investigations