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September 19, 2007

Mr. Mike Weaver
Chief Executive Officer
Weaver Popcorn Company, Inc.
9850 West Point Drive, Suite 100
Indianapolis, Indiana 46256

Dear Mr. Weaver:

On August 28, Weaver Popcorn announced its decision to eliminate diacetyl from its microwave popcorn products, citing consumer safety concerns. Recent evidence suggests that the chemical diacetyl, an artificial flavoring used in microwave popcorn and other foods, may pose serious health risks to consumers. In a case publicized in recent weeks, a severe lung condition known as *bronchiolitis obliterans* was linked to the preparation and consumption of microwave popcorn.¹ Other makers of microwave popcorn have taken similar steps to remove diacetyl from their products in recent days.²

The case highlighted in recent news reports does not establish a causal relationship between consumption of microwave popcorn and lung disease, but it does suggest a link.³ Unfortunately, very little is known about the risks to consumers from inhaling diacetyl during preparation and consumption of microwave popcorn or other foods. While extensive research has shown severe lung damage caused to flavorings plant workers from occupational exposure to diacetyl, no similar research has been made public with respect to the risks for consumers.⁴

¹ *That Buttery Aroma Might Be Toxic, Too*, Seattle Post-Intelligencer (Aug. 30, 2007).

² *Microwave Popcorn to Omit a Risky Chemical*, Associated Press (Sept. 6, 2007).

³ Letter from Cecile Rose, Acting Head, Division of Environmental and Occupational Health Sciences, National Jewish Medical and Research Center, to Michael Landa, Deputy Commissioner for Regulatory Affairs, Office of the Center Director, Center for Food Safety and Applied Nutrition, FDA (July 18, 2007). Dr. Rose concluded: "It is difficult to make a causal connection based on a single case report. We cannot be sure that this patient's exposure to butter flavored microwave popcorn from daily heavy preparation has caused his lung disease. However, we have no other plausible explanation."

⁴ *That Buttery Aroma Might Be Toxic, Too*, Seattle Post-Intelligencer (Aug. 30, 2007).

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As you know, the Environmental Protection Agency (EPA) has conducted research into the air emissions of microwave popcorn. Although EPA concluded its study in 2005, the results have not been published.⁵ It appears, however, that Weaver Popcorn and others in the flavorings industry are familiar with the results of the study. In fact, you have stated that the research conducted by EPA was a contributing factor in Weaver Popcorn's recent decision to remove diacetyl from its popcorn.⁶

The lung disease that is caused by exposure to diacetyl is nothing short of cruel—it robs sufferers of their lungs and even their lives. Right now, consumers—and the public health professionals who seek to protect them—do not know what risk they face from exposure to diacetyl through everyday food preparation and consumption. It appears that EPA knows what amounts of diacetyl are emitted from microwave popcorn, and it appears that some companies in the flavorings industry have conducted their own research into the health risks of diacetyl.⁷ We think the public deserves to find out what EPA and these companies already know.

As a first step, we ask that you make your company's scientists and senior staff available to meet with my staff to discuss Weaver Popcorn's actions in this area, including the company's research, if any, on the health risks of diacetyl, its decision to remove diacetyl from its popcorn, and its communications with EPA or FDA regarding the health risks of diacetyl to consumers.

Given the urgency of this matter, I would appreciate your prompt attention to this request. Please contact Robin Appleberry of the Committee staff at (202) 225-5056 or Ken Jacobson of the Science and Technology Committee, Investigations and Oversight Subcommittee staff at (202) 226-3096 no later than Friday, September 21, to schedule a briefing.

Sincerely,



Henry A. Waxman
Chairman
Committee on Oversight and
Government Reform



Brad Miller
Chairman
Subcommittee on Investigations
and Oversight, Committee on
Science and Technology

cc: Tom Davis
Ranking Minority Member

⁵ *Id.*

⁶ *Id.*

⁷ Letter from Pat Verduin, ConAgra Foods, Inc., to Paul Gilman, Assistant Administrator for the Office of Research and Development, EPA (Nov. 29, 2004).