

HENRY A. WAXMAN, CALIFORNIA,  
CHAIRMAN

ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
FACSIMILE (202) 225-4784  
MINORITY (202) 225-5074

[www.oversight.house.gov](http://www.oversight.house.gov)

TOM DAVIS, VIRGINIA,  
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA  
EDOLPHUS TOWNS, NEW YORK  
PAUL E. KANJORSKI, PENNSYLVANIA  
CAROLYN B. MALONEY, NEW YORK  
ELIJAH E. CUMMINGS, MARYLAND  
DENNIS J. KUCINICH, OHIO  
DANNY K. DAVIS, ILLINOIS  
JOHN F. TIERNEY, MASSACHUSETTS  
WM. LACY CLAY, MISSOURI  
DIANE E. WATSON, CALIFORNIA  
STEPHEN F. LYNCH, MASSACHUSETTS  
BRIAN HIGGINS, NEW YORK  
JOHN A. YARMUTH, KENTUCKY  
BRUCE L. BRALEY, IOWA  
ELEANOR HOLMES NORTON,  
DISTRICT OF COLUMBIA  
BETTY McCOLLUM, MINNESOTA  
JIM COOPER, TENNESSEE  
CHRIS VAN HOLLEN, MARYLAND  
PAUL W. HODES, NEW HAMPSHIRE  
CHRISTOPHER S. MURPHY, CONNECTICUT  
JOHN P. SARBANES, MARYLAND  
PETER WELCH, VERMONT

DAN BURTON, INDIANA  
CHRISTOPHER SHAYS, CONNECTICUT  
JOHN M. McHUGH, NEW YORK  
JOHN L. MICA, FLORIDA  
MARK E. SOUDER, INDIANA  
TODD RUSSELL PLATTS, PENNSYLVANIA  
CHRIS CANNON, UTAH  
JOHN J. DUNCAN, JR., TENNESSEE  
MICHAEL R. TURNER, OHIO  
DARRELL E. ISSA, CALIFORNIA  
KENNY MARCHANT, TEXAS  
LYNN A. WESTMORELAND, GEORGIA  
PATRICK T. McHENRY, NORTH CAROLINA  
VIRGINIA FOXX, NORTH CAROLINA  
BRIAN P. BILBRAY, CALIFORNIA  
BILL SALI, IDAHO  
JIM JORDAN, OHIO

September 19, 2007

Mr. Garrett K. Smith  
President  
American Pop Corn  
P.O. Box 178  
Sioux City, Iowa 51102

Dear Mr. Smith:

On September 6, American Pop Corn announced that it plans to remove diacetyl from its microwave popcorn. 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.<sup>1</sup> Other makers of microwave popcorn have taken similar steps to remove diacetyl from their products in recent days.<sup>2</sup>

The case highlighted in a report to the Food and Drug Administration (FDA) and other federal agencies does not establish a causal relationship between consumption of microwave popcorn and lung disease, but it does suggest a link.<sup>3</sup> 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.<sup>4</sup>

---

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

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

<sup>3</sup> 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."

<sup>4</sup> *Seattle Post-Intelligencer*, *supra* note 1.

Mr. Garrett K. Smith  
September 19, 2007  
Page 2

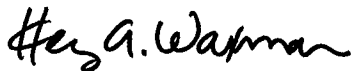
As you may know, the Environmental Protection Agency (EPA) has conducted research into the air emissions of microwave popcorn. Although EPA concluded its study in 2005, the results have not been published.<sup>5</sup> It appears, however, that ConAgra, Weaver Popcorn, and possibly other popcorn manufacturers are familiar with the results of the study.<sup>6</sup>

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. 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.<sup>7</sup> 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 discuss American Pop Corn'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.

We 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, 2007, 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

---

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

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