



United States Department of Agriculture

Food Safety and
Inspection Service

1400 Independence
Avenue, SW.
Washington, D.C.
20250

Mr. Gordon Wenk, Director
Michigan Department of Agriculture
and Rural Development
Constitution Hall
P.O. Box 30017
Lansing, Michigan 48909

NOV 26 2018

Dear Director Wenk:

Thank you for your letter of October 23, 2018, cosigned by Ms. Carol Isaacs, Director of the Michigan Polyfluoroalkyl Substances (PFAS) Action Response Team, to Agriculture Secretary Sonny Perdue regarding PFAS. I have been asked to respond.

The U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) is the public health agency in USDA responsible for protecting the public's health by ensuring the safety of the Nation's commercial supply of meat, poultry, and processed egg products. FSIS ensures food safety through the authorities of the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, as well as humane animal handling through the Humane Methods of Slaughter Act.

The Food and Drug Administration (FDA) of the Department of Health and Human Services has jurisdiction over all other foods, including fruits, vegetables, shell eggs, dairy products, and fish. FDA also sets tolerances for how much veterinary drug, pesticide, or other chemicals may remain in a food, including meat and poultry products. The Environmental Protection Agency (EPA) also sets tolerances for certain residues. These tolerance levels, set by FDA and EPA, are the basis for USDA testing of regulated products under our jurisdiction destined for human consumption.

Though EPA has classified the PFAS family of compounds as an emerging contaminant, FDA and EPA have not notified FSIS that this is a concern nor set tolerances for which tests should be performed.

FSIS developed a method and tested beef cattle for these compounds in locations where they were found to have grazed in a pasture contaminated with PFAS. The Agency also developed a rapid risk evaluation model for estimating the concentrations of two PFAS compounds in forage and beef from bovine raised in areas with contaminated soil and water.

Mr. Gordon Wenk
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For more information, please have a member of your staff contact Dr. Emilio Esteban, FSIS Chief Scientist. He can be reached at (706) 546-3429 or emilio.esteban@usda.gov.

Thank you again for writing. A similar letter is being sent to Ms. Isaacs.

Sincerely,



Carmen M. Rottenberg
Acting Deputy Under Secretary
Office of Food Safety



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GORDON WENK
DIRECTOR

October 23, 2018

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Avenue
Washington DC 20250

and

The Honorable Scott Gottlieb, M.D.
Commissioner
U.S. Food & Drug Administration
10903 New Hampshire Avenue – W01
Silver Spring MD 20993

RE: Request for Food Safety PFAS Guidance

Dear Secretary Perdue and Commissioner Gottlieb:

As you are aware, perfluoroalkyl and polyfluoroalkyl substances (PFAS) have been classified by the U.S. Environmental Protection Agency as an emerging contaminant on the national level, having been found in the United States and many other countries. PFAS is a suite of chemicals historically used in thousands of applications throughout the industrial, food, and textile industries. It is incredibly stable, breaking down very slowly in the environment, and is highly soluble, easily transferring through soil to groundwater. PFAS is used in firefighting foams, food packaging, cleaning products, and various other products.

Under Governor Snyder's direction and leadership, the State of Michigan has committed to a proactive approach to identifying and defining the extent of PFAS contamination in our state. When that contamination is discovered, the state, along with our partners in local government, have acted immediately to protect public health. That partnership, in consort with the federal government, academia, and other stakeholders, has made the State of Michigan one of the national leaders in addressing PFAS contamination.

The state's systematic approach of identifying contamination sites includes statewide testing of all municipal and school water supplies. A coordinated state and local response to protect public health occurs whenever elevated levels of PFOA+PFOS are found in drinking water.

While drinking water is our primary focus, the public asks about the food supply, including use of PFAS in food packaging. Michigan feels that federal guidance should be the basis for our state response to food-related PFAS issues. However, with the lack of any known federal PFAS guidance or standards relating to the food supply other than some guidance on packaging and

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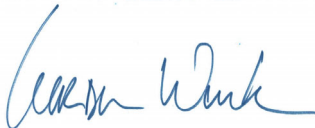
limited research on PFAS in food, we are finding it difficult to provide clear or standardized answers to food-related questions from the public, regulators, educators, and the food industry. Michigan would appreciate your sharing any existing guidance, as well as assistance in developing additional guidance needed related to PFAS in the food supply. We would be happy to work with you and other stakeholders in this process. While our review of scientific literature indicates that the nation's food supply is safe, your expertise to help address the overall safety of domestically produced and imported foods, including identifying which PFAS compounds are of greatest concern and at what level, is critically needed.

At the many public meetings convened by the Michigan PFAS Action Response Team around the state, we are also regularly asked about the safety of home-produced foods, including garden produce. More research is needed on plant uptake, particularly through use of irrigation water or biosolids containing PFAS; potential impacts to crops that become livestock feed; and water used for food processing.

Further, not only Michigan, but all states, the public, and the food and agriculture sector would benefit from a clear understanding of both advisory levels from a public health standpoint as well as regulatory response standards related to PFAS.

Michigan is looking for a nationally supported approach that protects human health but doesn't raise unnecessary concern over the safety of the food supply. Michigan businesses should not be put at a disadvantage to other out-of-state businesses simply because Michigan is aggressively looking for PFAS. A nationally consistent approach would greatly help create a level playing field for businesses.

Sincerely,



Gordon Wenk, Director
MI Department of Agriculture &
Rural Development



Carol Isaacs, Director
Michigan PFAS Action Response Team
Office of Governor Rick Snyder