

ONE HUNDRED TWELFTH 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  
Minority (202) 225-3641  
October 3, 2011

The Honorable Fred Upton  
Chairman  
House Energy and Commerce Committee  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Cliff Stearns  
Chairman  
Subcommittee on Oversight and Investigations  
House Energy and Commerce Committee  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Upton and Chairman Stearns:

We are writing to request an investigation and hearing on the recent outbreak of *Listeria monocytogenes* in cantaloupe, the nation's deadliest outbreak of foodborne disease in more than a decade. The Centers for Disease Control and Prevention estimate that 84 people have been infected with *Listeria* in 19 states and 15 people have died.<sup>1</sup> An investigation and hearing would allow us to learn about the causes of this outbreak and understand actions that could be taken by industry and the Food and Drug Administration (FDA) to prevent similar outbreaks in the future.

This outbreak has been linked to whole cantaloupes grown at Jensen Farms on fields in Granada, Colorado.<sup>2</sup> On September 14, 2011, FDA announced that Jensen Farms issued a voluntary recall of its Rocky Ford-brand cantaloupes due to the *Listeria* outbreak.<sup>3</sup>

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<sup>1</sup> Centers for Disease Control and Prevention, *Multistate Outbreak of Listeriosis Linked to Whole Cantaloupes from Jensen Farms, Colorado* (Sept. 30, 2011) (online at [www.cdc.gov/listeria/outbreaks/](http://www.cdc.gov/listeria/outbreaks/)) (accessed on Oct. 2, 2011).

<sup>2</sup> *Id.*

<sup>3</sup> U.S. Food and Drug Administration, *FDA warns consumers not to eat Rocky Ford Cantaloupes shipped by Jensen Farms: Jensen Farms recalls Rocky Ford cantaloupe due to potential link to multi-state outbreak of listeriosis* (Sept. 14, 2011) (online at [www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm271899.htm](http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm271899.htm)).

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As part of this investigation, we would ask you to request the following information and documents from Jensen Farms, for the period from January 1, 2010, to the present:

1. A description of when and where the *Listeria* contamination of Jensen Farms cantaloupes was first detected;
2. A description of the identity and source of that contamination;
3. A description of how and when Jensen Farms officials first became aware of the *Listeria* contamination of its products;
4. The dates that company officials first notified, or were first notified by, federal, state, and local officials of the contamination;
5. The names of all customers to which Jensen Farms has provided cantaloupes in the last 12 months, the dates on which Jensen Farms first notified these customers of any suspected contamination, and copies of all correspondence with these customers relating to suspected contamination;
6. All inspection records relating to any Jensen Farms facilities, including any inspection by the U.S. Food and Drug Administration, the U.S. Department of Agriculture, and state and local safety officials;
7. All documents relating to any allegations of *Listeria* or other contamination involving cantaloupes or other products;
9. Documents sufficient to show all Jensen Farms internal protocol and standards for monitoring and analysis of its products;
10. Documents sufficient to show the dates and results of all instances of monitoring or analysis that yielded a positive finding for microbiological contamination;
11. All communications to or from the U.S. Food and Drug Administration, the U.S. Department of Agriculture, or the Colorado Department of Public Health and Environment regarding any inspections of Jensen Farms facilities or possible *Listeria* contamination of any food materials or products; and
12. All communications among Jensen Farms personnel relating to possible *Listeria* contamination of the company's materials, products, facilities, or farms.

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Additionally, we ask the majority to schedule bipartisan briefings with officials from Jensen Farms, as well as bipartisan briefings with officials from the Food and Drug Administration and the Centers for Disease Control and Prevention.

Sincerely,



Henry A. Waxman  
Ranking Member



Diana DeGette  
Ranking Member  
Subcommittee on Oversight  
and Investigations