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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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June 6, 2007

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GREGG A. ROTHSCHILD, CHIEF COUNSEL

The Honorable Andrew C. von Eschenbach, M.D.
Commissioner
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20857

Dear Dr. von Eschenbach:

Under Rules X and XI of the Rules of the United States House of Representatives, the Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are investigating the ability of the Food and Drug Administration (FDA) to protect the American public from excessive risks associated with prescription drugs. As part of that inquiry, Committee staff have discovered that a spokesman for the FDA, Douglas Arbesfeld, sent an e-mail entitled, "What are St. Steven's feet made of? Clay, perhaps?" to several reporters, which included content from a blog disparaging Dr. Steven Nissen, a physician who has criticized the Food and Drug Administration.

In past news reports, Mr. Arbesfeld has been referred to as FDA's spokesman, yet after his e-mail was made public, he was identified by the Agency as simply an "FDA consultant." The Committee would like to know the official employment status of Mr. Arbesfeld within FDA, and if FDA has hired other consultants who act as spokespersons for the Agency.

Accordingly, we request that you produce the following documents:

1. All documents that Mr. Arbesfeld has produced;
2. All e-mails to and from Mr. Arbesfeld, regardless of subject;
3. All documents regarding Mr. Arbesfeld's employment, including, but not limited to, all records of his hiring and qualifications, including any notes related to interviews;

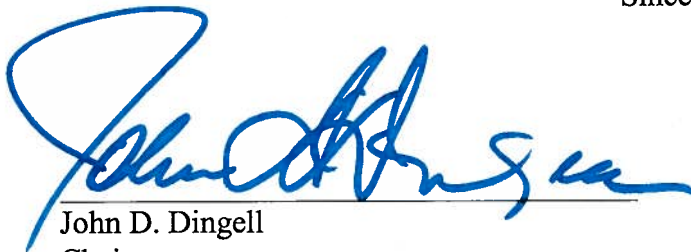
The Honorable Andrew C. von Eschenbach, M.D.

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4. All records including, but not limited to, notes of conversations and memos, regarding Dr. Steven Nissen or Avandia (rosiglitzaone);
5. A listing of all people affiliated with FDA's communications, press and public relations operations, delineating whether they are career employees or political appointees, and the employment status of each (i.e., full-time employees, part-time employees, consultants, contractors, etc.);
6. All copies of contracts with media and communications consultants to FDA; and
7. Documentation of all phone calls made from and to the office and cell phones of Mr. Arbesfeld, specifically (301) 827-3314 and (301) 318-2756.

Please provide your response by the close of business two weeks from the date of this letter. If you have questions regarding these requests, please contact us or have your staff contact David Nelson, Joanne Royce, or Paul Jung with the Committee on Energy and Commerce staff, at (202) 226-2424.

Sincerely,



John D. Dingell
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Ed Whitfield, Ranking Member
Subcommittee on Oversight and Investigations