

Re: Updating FDA/EPA Consumer Advisory on Methylmercury in Fish

August 15, 2013

President Barack Obama
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Obama,

We, the undersigned, represent a wide range of scientists, public-interest and consumer organizations from all over the world who are writing today to wholeheartedly encourage you to continue leading the world in reducing human exposure to mercury.

Mercury is a dangerous neurotoxin that builds up in the aquatic food chain into humans and poses an increased risk to developing fetuses and developing children's brains, causing permanent learning disabilities. Mercury is a bioaccumulative, transboundary pollutant. Anthropogenic pollution from historical and on-going mercury releases is projected to persist in the environment for decades to come, necessitating additional actions to protect human health. Because of its global reach, reducing mercury exposure requires both a coordinated national and international response.

We greatly appreciate your leadership role on both levels, first in co-sponsoring the Mercury Export Ban Act (while you were a U.S. Senator) and second (right after you became President) in setting the stage for breakthrough global negotiations in 2009 that led to a new mercury treaty which governments - including the U.S. - are expected to sign on to this October.¹ Most recently, your leadership has resulted in new U.S. policies to reduce mercury emissions from major air sources. Now, in order to keep up with the latest science, we are asking you to again lead by updating U.S. health policies to protect pregnant women and their babies from mercury.

The current U.S. fish consumption advisory on mercury, issued by the Food & Drug Administration (FDA) and the Environmental Protection Agency (EPA), was developed in 2003 based on studies published in the 1990s and issued in 2004. It is now out of date and insufficiently protective of public health. Research carried out over the past decade has found adverse effects of prenatal methylmercury exposure at very low doses, at least an order of magnitude below exposures known to be harmful when the current advisory was issued in 2004.

Therefore, those who advise the public on the benefits and risks of seafood consumption urgently need up-to-date federal advice. In 2009, FDA began a process to update the 2004 advisory and has pursued that goal for more than 3 years. The clear expectation, stated openly by FDA officials, was that a draft of the proposed updated advisory would be published in the Federal Register for public comment sometime in 2012.

In July 2012, twenty-two U.S. Senators wrote urging you to finalize the updated advisory. HHS Secretary Sebelius responded on your behalf in September 2012 by assuring Senators that completing “the updated advisory remains a priority for the administration.” In April of this year, a number of us signed on to a letter to Secretary Sebelius, noting that the draft updated advisory was signed off on by FDA and EPA last fall, but approval to publish it has clearly stalled within HHS. Unfortunately, the latest response we received back from HHS, dated June 14, 2013, was not promising, stating: “... it is not possible to provide a guarantee that it will be completed by any specific date.”

Most recently, on August 6, 2013, twenty-one U.S. Senators again wrote you, urging your administration to finalize the updated Federal advisory “swiftly,” stating that:

“This is the third time a wide bipartisan group of Senators has written to you requesting your help removing roadblocks to finalizing the FDA advice to pregnant women on seafood consumption. Pregnant women, physicians and medical professionals, however, are still waiting despite numerous commitments in 2011, 2012 and 2013 to finalize the FDA advisory.”

We therefore respectfully urge you to intervene to ensure that the new consumption advice can move forward, on a parallel track, with the U.S. signing on to a new mercury treaty this fall. While the new treaty will reduce mercury exposure over time, the new advisory can provide women of childbearing age with the latest information they need to reduce their developing babies’ exposure to mercury.

Thank you again for your leadership efforts on mercury. We look forward to hearing from you.

Sincerely,ⁱⁱ

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ⁱ http://www.unep.org/hazardoussubstances/Portals/9/Mercury/Documents/INC5/5_7_REPORT_ADVANCE.doc

ⁱⁱ Signatures are listed in alphabetical order. Institutional affiliations are provided for purposes of identification only and do not imply endorsement of the views expressed in this letter by anyone other than the individual signers.

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