

## **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.<sup>1</sup> 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 It is now out of date and insufficiently protective of public health.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,<sup>ii</sup>

Michael Bender, MS<sup>iii</sup>  
Director  
Mercury Policy Project

David Bellinger, PhD  
Professor of Environmental Health  
Harvard School of Public Health  
Boston, MA

Joanna Burger  
Distinguished Prof of Biology  
Environmental and Occupational Health Sciences Institute  
Cell Biology and Neuroscience  
Rutgers University  
Piscataway

Celia Chen, Ph.D.  
Research Professor  
Department of Biological Sciences  
Dartmouth College  
Hanover, NH

Michael Brune  
Executive Director  
Sierra Club  
Washington, DC

Timothy Fitzgerald, MSc  
Senior Policy Specialist, Oceans Program  
Environmental Defense Fund  
Washington, DC

Adam M. Finkel, Sc.D.  
Senior Fellow and Executive Director  
Penn Program on Regulation, Univ. of Pennsylvania Law School  
*and*  
Professor of Environmental and Occupational Health  
Rutgers School of Public Health  
Piscataway, NJ

Nicholas S. Fisher, Distinguished Professor  
School of Marine and Atmospheric Sciences  
State University of New York  
Stony Brook, NY

Michael Gochfeld, MD, PhD  
Environmental & Occupational Health Sciences Institute  
Robert Wood Johnson Medical School  
Piscataway, NJ

Philippe Grandjean, MD  
Adjunct Professor of Environmental Health  
Harvard School of Public Health  
Boston, MA

Edward Groth III, PhD  
Independent Consultant  
Pelham, NY

Dale B. Hattis, PhD  
The George Perkins Marsh Institute  
Clark University  
Worcester, MA

Jane Hightower, MD  
San Francisco, CA

Susan Egan Keane  
Senior Environmental Analyst  
Natural Resources Defense Council  
Washington, DC

Lynda Knobeloch, PhD  
Toxicology and Public Health Consultant  
Mount Dora, FL

Freya B. Koss  
Director  
Pennsylvania Coalition for Mercury-Free Dentistry  
Wynnewood, PA

Amy D Kyle, PhD MPH  
Associate Research Professor  
School of Public Health, University of California  
Berkeley, CA

Sally Ann Lederman, Ph.D.  
Institute of Human Nutrition  
Columbia University, NY, NY

Lisa Y. Lefferts, MSPH  
Senior Scientist  
Center for Science in the Public Interest  
Washington, DC

Sherri Norris, Executive Director  
California Indian Environmental Alliance  
Oakland, CA

Emily Oken, MD, MPH  
Associate Professor and Director of Faculty Development  
Department of Population Medicine, Harvard Medical School  
and Harvard Pilgrim Health Care Institute  
Boston, MA

Carl Safina, PhD  
President  
Blue Ocean Institute

*And*

Professor, School of Marine and Atmospheric Sciences  
and Center for Communicating Science, School of Journalism  
Stony Brook University  
Stony Brook, NY

Renee Sharp  
Director of Research  
Environmental Working Group  
Washington, DC

Todd Steiner  
Executive Director  
Turtle Island Restoration Network  
Forest Knolls, CA

Eric Uram  
Executive Director  
Safe Minds  
Madison, WI

Kimberly Warner, Ph.D.  
Senior Scientist  
Oceana  
Washington, DC

Robert Wendelgass  
President and CEO  
Clean Water Action  
Washington, DC

Jane Williams  
California Communities Against Toxics  
Rosamond, CA

International

Leticia Baselga  
Ecologistas en Acción  
Madrid, Spain

Fernando Bejarano G.  
Centro de Análisis y Acción en Tóxicos y sus Alternativas (CAATA)  
Texcoco, Edo Mexico.  
Mexico

Servando Pérez-Domínguez, PhD  
Universidad de Santiago de Compostela  
Galicia, Spain

Shahriar Hossain, Ph.D.  
Ecologist, Journalist & Social Justice Advocate  
Environment and Social Development Organization  
Lalmatia, Bangladesh

Lars Hylander, PhD  
Swedish University of Agricultural Sciences  
Uppsala, Sweden

Haji T. Rehani,  
AGENDA for Environment and Responsible Development  
Dar es Salaam, Tanzania

Cecília Zavariz  
Association for Combat to Organic Pollutants (ACPO)  
São Paulo, Brazil

cc Kathleen Sebelius, Secretary  
U.S. Health and Human Services

Gina McCarthy, Administrator  
U.S. Environmental Protection Agency

Margaret A. Hamburg, Commissioner  
U.S. Food and Drug Administration

---

<sup>i</sup> [http://www.unep.org/hazardoussubstances/Portals/9/Mercury/Documents/INC5/5\\_7\\_REPORT\\_ADVANCE.doc](http://www.unep.org/hazardoussubstances/Portals/9/Mercury/Documents/INC5/5_7_REPORT_ADVANCE.doc)

<sup>ii</sup> 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.

<sup>iii</sup> Lead author, to whom correspondence should be sent: Michael Bender, Director, Mercury Policy Project, 1420 North St., Montpelier, VT 05602; email: [mercurypolicy@aol.com](mailto:mercurypolicy@aol.com); telephone: 802-223-9000.