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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 24, 2011

Mr. Robert Stovicek
President
Primus Labs
2810 Industrial Parkway
Santa Maria, CA 93455

Dear Mr. Stovicek:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee is examining the facts surrounding the recent outbreak of *Listeria monocytogenes* that originated in cantaloupe traced back to Jensen Farms in Granada, Colorado.

On September 14, 2011, the Food and Drug Administration (FDA) announced that Jensen Farms issued a voluntary recall of its cantaloupes. To date, the Centers for Disease Control and Prevention (CDC) estimates that 123 people have been infected with the disease in 26 states and that 25 people have died, making this the deadliest foodborne illness outbreak in the last 25 years.

It has come to the Committee's attention that Primus Labs issued an audit report giving Jensen Farms a "superior" rating on July 25, 2011, six days before the first person fell ill from consuming cantaloupe grown and packaged by Jensen Farms. On October 19, 2011, FDA released preliminary information that provides an overview of the factors that potentially contributed to the contamination of the cantaloupes. Several of these factors, including issues with the facility's drainage system and the equipment used to wash and dry the cantaloupe, received "total compliance" ratings in the Primus Labs audit.

The Committee has a long bipartisan history of conducting food safety oversight and is very concerned about these recent developments. We intend to learn more from the FDA, CDC,

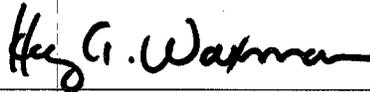
Jensen Farms, and others, such as Primus Labs, who may provide insight into the causes of this outbreak and the prevention of future outbreaks.

We request that you make arrangements with Committee staff to schedule a briefing. At the same time, we ask that you preserve all documents and communications that may be relevant to understanding the reasons for the contamination and distribution of contaminated products from Jensen Farms. Such documents and communications would include, but are not limited to, those related to all audits you have conducted of Jensen Farms and any information relating to the effectiveness of Primus Labs' auditing process. Please contact John Stone or Stacia Cardille of the Committee staff at (202) 225-2927 to schedule a staff briefing to occur in person no later than November 7, 2011.

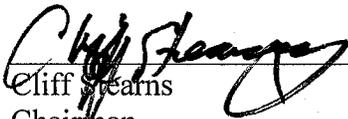
Sincerely,



Fred Upton
Chairman



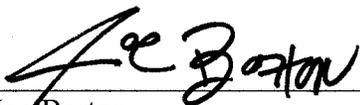
Henry A. Waxman
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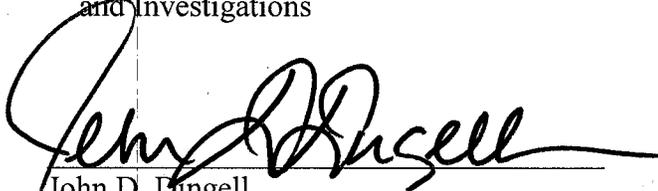
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Subcommittee on Oversight
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