United States Senate
WASHINGTON, DC 20510

May 26, 2011

President Barack Obama
The White House
1600 Pennsylvania Ave, NW
Washington, D.C. 20500

Dear Mr. President:

We are writing to respectfully request your assistance in resolving a discrepancy within your Administration regarding the important topic of women's nutrition during pregnancy. The issue of nutrition has been a top priority for your Administration and has garnered bipartisan support. Consistent with your commitment to reduce inconsistencies and overlap in government to promote public health based on the best science available, we request your support in ensuring that the Food and Drug Administration (FDA), Department of Health and Human Services (HHS) and U.S. Department of Agriculture (USDA) provide consistent advice to pregnant women on the consumption of seafood during pregnancy as expeditiously as possible. This includes a commitment to begin an update of the outdated 2004 FDA advisory without delay while simultaneously completing the risk-benefit assessment on commercial seafood consumption to ensure pregnant women are not receiving inconsistent advice from the federal government for an extended period of time.

In January 2011, HHS and USDA issued the 2010 Dietary Guidelines for Americans which contain the new federal dietary policy. Based on a review of the latest science, the Dietary Guidelines for the first time include a recommendation that women who are pregnant or breast-feeding consume *at least* 8 ounces of seafood per week, a quadrupling of current consumption rates. HHS and USDA conclude that the "benefits of consuming seafood far outweigh the risks, even for pregnant women" and that increased intake of omega-3s from seafood leads to "improved infant health outcomes, such as visual and cognitive development."

However, the new Dietary Guidelines now create a discrepancy in the federal nutrition advice to pregnant women on the consumption of seafood. In 2004, FDA promulgated an advisory to pregnant women on seafood nutrition. This 7-year old advisory has been interpreted as a warning for all Americans to limit or stop consuming seafood altogether based on concerns over mercury. According to FDA's own data, pregnant women have reduced their seafood consumption to less than 2 ounces per week – one-fourth of the minimum amount recommended by the new Dietary Guidelines. Based on a scientific study of nearly 12,000 pregnant women and their children published in *The Lancet*, the lead clinical investigator for the U.S. National Institutes of Health (NIH) concluded "that advice [to pregnant women] to limit seafood consumption could actually be detrimental." In order to ensure that pregnant women receive the best advice to make an informed decision on nutrition during pregnancy, the 2004 FDA advice

must be updated to encourage a minimum consumption recommendation for seafood, thereby reflecting the latest scientific evidence.

Recently, FDA acknowledged that there are concerns that its 2004 advice has become outdated based on the science that was used to update the Dietary Guidelines for Americans. However, FDA has written to the Senate indicating it will wait for up to a year before "determining if updates or modifications to the advice are appropriate based on the best science available" while it completes a risk-benefit assessment which was initiated 5 years ago. This creates an unacceptable situation where FDA may be 2-3 years behind HHS and USDA in updating its nutrition advice, leaving pregnant women with outdated advice and physicians with confusion over whether to advise pregnant women based on the 2010 Dietary Guidelines or the 2004 FDA advisory.

Given the current discrepancy in federal advice on this critical issue, we request that you create consistency amongst the various federal agencies on nutrition advice to pregnant women on seafood consumption. This includes a commitment by FDA to update its 2004 advisory without delay in light of the new Dietary Guidelines for Americans to ensure the federal government is not providing different messages to pregnant women regarding nutrition. FDA should expeditiously complete its risk-benefit assessment on commercial seafood consumption and simultaneously initiate an update to the 2004 advisory.

We appreciate the commitment that you, the First Lady and your Administration have made to the important topic of nutrition and look forward to working with you on a bipartisan basis to resolve this important issue.

Sincerely,

CC: Honorable Bill Daley, Chief of Staff to President Barack Obama
Honorable Kathleen Sebelius, Secretary of Health and Human Services
Honorable Tom Vilsack, Secretary of the U.S. Department of Agriculture
Honorable Margaret Hamburg, Commissioner of the Food and Drug Administration
Melody Barnes, Director of the White House Domestic Policy Council
Julie Moreno, White House Domestic Policy Council
Robin Schepper, Office of the First Lady Michelle Obama