

October 18, 2006

Secretary Mike Leavitt The U.S. Department of Health and Human Services 200 Independence Avenue, S.W. Washington, D.C. 20201

Dear Secretary Leavitt:

We are writing to you to request that HHS do a fair and accurate reporting of the deaths and illnesses linked to the recent spinach outbreak. Specifically, we ask that you declare June Edith Dunning, an elderly Maryland woman who died September 13 from complications due to *E. coli* 0157:H7, as the fourth fatal victim of the spinach outbreak that affected consumers in 26 states.

Ms. Dunning became severely ill and required hospitalization after consuming spinach in early September. Doctors informed her family that she was ill with *E. coli* 0157:H7, and that the pathogen was responsible for the failure of her kidneys. Stool samples confirmed the presence of *E. coli* 0157:H7. Ms. Dunning died 50 hours after being taken off life support.

Doctors and stool samples confirmed *E. coli* 0157:H7 as the cause of Ms. Dunning's illness. Also, the Dole spinach that Ms. Dunning consumed prior to falling ill was provided to the Maryland Department of Health and Mental Hygiene (DHMH). The package had the same lot number and use-by-date as those implicated by FDA in the outbreak. However, numerous institutional mistakes have prevented Ms. Dunning from being officially recognized as a victim of the nationwide spinach outbreak:

- Due to a clerical error, Ms. Dunning's death certificate specified *E. coli* O157:H but failed to include the "7".
- The family was informed by DHMH that the original culture that contained the *E. coli* O157:H7 bacteria was never delivered to DHMH for further testing and could not be located.
- After contacting the attending physician and the local DHMH to inquire if they should
 delay her cremation, the family was advised to continue because a piece of removed
 colon was available for further testing if needed. The family was later informed (after the
 cremation) that the colon had been preserved in formaldehyde and further tissue testing
 would be very difficult, if not impossible.

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Ms. Dunning died of complications from *E. coli* 0157:H7 after eating the very spinach that has been linked to three other deaths and caused 200 illnesses. Given the facts of her case, we ask you to declare June Edith Dunning the fourth fatality of the nationwide spinach outbreak. In addition, we urge that you personally assess the methods being used by CDC to distinguish other "official" from "suspect" cases and give a full accounting of the public health impact of this outbreak.

Sincerely,

Michael F. Jacobson, Ph.D.

Executive Director

Center for Science in the Public Interest

Michael F. Jacobson

Caroline Smith DeWaal Director, Food Safety

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Interest

Cc. Dr. Andrew C. von Eschenbach, Acting Commissioner of the U.S. Food and Drug Administration

Dr. Julie Louise Gerberding, Director, Centers for Disease Control and Prevention