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Dr. Anbumani Ramadoss  
Union Minister for Health & Family Welfare  
Ministry of Health & Family Welfare  
Nirman Bhavan  
Maulana Azad Road  
New Delhi – 110011

Dear Dr Ramadoss,

We are in receipt of the letter dated August 21, 2006 written by Shri A K Shrivastav of your ministry regarding our study on pesticide residues in soft drinks and the report of the Expert Committee constituted by your ministry.

We are enclosing for you our detailed, point by point, comments on this report. We do not accept that it is justified to say that our report on pesticide residues is “inconclusive” or even “inconsistent”. The fact is that there has been a careful and deliberate attempt to misinterpret our report or to find fault where none exists. Let me give you just three instances:

1. The expert committee has said that the residue data based on GC-MS confirmation is “inconclusive” because they say that we have compared the GC-MS of samples with library hits done at 5 ppm, whereas the confirmation of contaminants has been done at ppb level. This statement has been used extensively to dismiss and discredit our report. **But the entire premise of the expert committee is based on misinterpretation of our report.** The comment of the expert committee would have validity, if we had used the GC-MS to quantify the pesticides. In fact, as our report makes clear, we have used the GC-MS only for confirmation of the identity of the pesticides. The presence of the pesticide and its quantity had been estimated using the GC-ECD and GC-NPD. In addition, identification was confirmed by spiking the sample with known standard and further cross-checked with another column of different polarity. This is exactly the methodology used in 2003, which was scrutinized and endorsed by the Joint Parliamentary Committee. We say this because, it should be clear that even without the use of the GC-MS, our report provides confirmatory and conclusive evidence of the presence of pesticides. In fact, very few laboratories in the country even possess a GC-MS and therefore, the validity of any study cannot be solely dependent on its use. By using this equipment we have been able to provide further and incontrovertible evidence of the presence of pesticides. Therefore, the expert committee view that the report is “inconclusive” is completely scientifically untenable.

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2. We are also told that our report is inconsistent because **HCH isomers** are in contradiction to their biological nature; **Heptachlor** has been banned since 1996 and so its presence is unlikely. The expert committee has borrowed these comments from the UK laboratory scientists, sponsored by Coca-Cola. But while it is understandable that the experience of the UK scientists would be lacking on tropical toxicology, we would have expected better knowledge from Indian scientists. We have in our detailed report given you references of different studies undertaken by your own ministry scientists, which have detected both delta HCH and Heptachlor. For instance, the presence of delta heptachlor, which according to the expert committee is contrary to normal findings, was found in samples from Bhatinda, Trivandrum, Hissar, Sirsa, Rohtak, Delhi, Shahjahanpur, Hardwar and other parts of India in studies done by the Indian Council of Medical Research, the Indian Council of Agricultural Research and the Chandigarh -based Post Graduate Institute of Medical Education and Research (PGI). Similarly, heptachlor, which is a persistent pesticide, has been detected in two of the most recent studies done by governmental agencies. In early 2000, the Indian Council of Agricultural Research studies detected Heptachlor in soil and water and in 2004, studies by the Chandigarh PGI found it in vegetables and in groundwater. Therefore, unless all studies done in India are wrong, the CSE study cannot be dismissed as "inconsistent".
  
3. According to the expert committee **Malathion** undergoes hydrolysis in acidic medium in the soft drinks and its residue is 'unlikely'. The expert committee has clearly decided to dismiss, not just the CSE report, but also the findings of the Joint Parliamentary Committee (JPC), which had extensive discussions on this very issue. Please see page no 11-14 of the JPC report and its conclusion on page 19: "as far as non-detected of Malathion by the two laboratories (CFL-Kolkata and CFTRI) is concerned, the committee attribute the same to the variations in different batch numbers...The GC-MS method has been applied to confirm the absence of Malathion, reinforced by spiking samples and analysis. The committee also note that the presence of Malathion was also reported by the Central Pollution Control Board and Shriram Laboratory (Bangalore and hence out of the five laboratories three had detected Malathion in the samples tested by them." In 2006, CSE has in fact, not just confirmed the presence of Malathion using the same spiking methodology, but it has also confirmed its presence using the GC-MS. The GC-MS spectra for Malathion will show that the identification was done at the first hit with as much as 94 per cent probability.

These are just a few instances. But these make it evident that not only is the expert committee's contention that our report is "inconclusive" or "inconsistent" not based on scientific evidence but it is also deliberate in its attempt to use science to confuse, convolute and ultimately dismiss our report. This is clearly unacceptable.

We are also aghast at the fact that the expert committee of the Union Ministry of Health and Family Welfare has used the comments of the Coca-Cola sponsored scientists almost word by word. We fail to understand how this can happen, when the products of this same company are under scrutiny.

Your officers have in writing asked us to indicate a time for a meeting with the expert committee. We do not see any meaningful purpose in having this meeting, when the intent of the expert committee report is obvious: to discredit us and in this way give the cola companies a clean chit.

However, despite our strong reservation regarding the working of this committee, we are submitting a detailed response, which as you will see, answers each and every query raised against our report. Please note that in most instances the information required by the committee was already available in our report or the query itself was based on an incorrect interpretation. This reply should suffice.

#### **Why is CSE the target?**

However, what I would like to raise with you is the irony that each time we bring out a study, instead of government working to investigate the companies, the focus is on our laboratory. Worse, the focus seems to have only one intention: to prove us wrong even if this is done using incomplete reports.

Please note that in 2003, a JPC was set up, with the terms of reference to investigate whether our study on pesticide residues in soft drinks was correct or not. The JPC after months of deliberation, in which they considered all issues including laboratory equipment, personnel, methodology, findings as well as our accreditation status, gave us its endorsement. We would have expected government to respect the judgement of its own highest decision making body, the JPC. We cannot understand why this time around as well, there is an inquisition, where we are the ones under scrutiny. Is this because we have published a report, which indicts the world's most powerful corporations?

We also find it strange that whereas our laboratory and its practices are being questioned and discarded, we have still not seen the report of the Central Food Laboratory or even the name of the Gujarat laboratory, which has found no pesticides in colas.

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Furthermore, other states – Karnataka and Kerala– have both found pesticides in the products, they have tested. Even in 2003, all laboratories – including CFL, CFTRI and CPCB – had detected pesticides. Therefore, clearly, the issue is not about the presence of pesticide but about the standards that need to be set to regulate the safe levels of pesticides in the soft drinks.

We would like to reiterate that last time, for over 9 months, we at the Centre for Science and Environment, were subjected to intense and detailed scrutiny by the JPC. Every aspect of our study, and our laboratory, was cleared and endorsed by the JPC in its report. Our current study has followed exactly the same methodology and given similar results. If anything we have gone a step further and reconfirmed our findings through a GC-MS, as was suggested by the JPC. We therefore believe that any further enquiry in this matter is unwarranted and will divert the attention from the main issue: regulation of these products.

#### **Setting standards**

We would again urge you to speed up the work on the setting of final product standards for the carbonated beverages. You will recall my letter to you dated June 16, 2006 (copy of which I am enclosing for your easy reference) in which we had brought to your attention the efforts of your ministry in delaying the standard setting process for colas. I had also given you information of the extensive analysis and testing of sugar, which confirms that pesticide residues standards do not need to be revisited for this product. Since then, I have noted that your statement to Parliament has also recorded that the report of the national level expert committee has not detected pesticides in sugar samples. Reconfirmation of those results, if at all needed, will not take more than a few weeks. Let me bring to your attention that the samples of sugar tested on GC, will require a GC-MS to reconfirm the pesticides. This equipment is already available in a few government laboratories and therefore, there is no reason to delay the process further by suggesting the need of buying new equipment before the study can be completed.

The final mandatory standard for the product should therefore be notified as soon as possible, so that public health is not compromised. We, and the entire country, have a lot of expectations from you as a health minister. We have read and endorse strongly your concerns regarding the health aspects of soft drinks and other junk food. But we believe that it is not enough only to issue advisories but equally and more imperative that we set regulations so that people are reassured of their safety.

With regards,

Yours cordially,

Sunita Narain