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Grassley tells FDA's Torti to back off staff

March 25, 2009 — 10:30am ET | By [Calisha Myers](#)

FDA Acting Commissioner Frank Torti's [leaked email to agency employees](#) regarding the agency's confidentiality policies has landed the commish in hot water with Sen. Charles Grassley, *Dow Jones* reports. Torti's March 13 email tells employees to keep propriety information to themselves. Included in that long list was privileged intra-agency and inter-agency communications, including emails, memos and letters. It also warns employees that disclosing information or documents "can result in disciplinary sanctions and/or individual criminal liability." At the time, Torti said that the memo was simply a reminder to employees to be mindful of confidential information, but Grassley's not buying it. In a letter sent out Tuesday, Grassley said he's concerned that Torti's memo "goes beyond legitimate privacy concerns and appears to run contrary to many statutes protecting executive branch communications with members of Congress."

It's illegal to silence whistleblowers, Grassley says, and he wants the Commissioner to send out another email clarifying that FDA employees have a right to provide information to Congress without fear of punishment. If the memo sent last week was intended to have a chilling effect on FDA employees who want to speak up about problems, then that memo is contrary to the President's call for open and transparent government, and the Acting Commissioner needs to set the record straight," Grassley said in a statement.

The FDA is never far from controversy, but it seems the mix of politics and science at the agency has more and more people ringing the reform bell lately. Staff scientists made headlines in January when nine of them wrote a letter to Obama asking for sweeping reform to clean up the "corrupt" FDA leadership and "anti-scientist" culture. The group made headlines again just weeks later when they said they were being targeted for speaking out. The scientists found themselves under criminal investigation for allegedly revealing confidential information regarding products under review.

- check out [Grassley's release](#)
- read the [Dow Jones article](#)

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One wonders what sort of information is Torti trying to protect. The FDA is not supposed to be a business unless it is covertly operating as one and if so, that would completely illegal and should be thoroughly investigated. It seems likely that American consumers are compromised when the FDA operates like a business instead of a consumer protection agency and if so, it should be dissolved and the government start over on.

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