

FDA spying on whistleblowers

Written by Grassley Press
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Grassley shines spotlight on FDA spying on whistleblowers

Senator demands accountability for effort to muzzle public safety concerns

WASHINGTON – Senator Chuck Grassley is keeping the pressure on the Food and Drug Administration (FDA) to fully account for its aggressive campaign to spy on protected, personal email messages of agency employees and then retaliate against them after they raised concerns to Congress about the safety of drugs and devices approved by the FDA.

“What the FDA has done has serious implications for the right of federal employees to make valuable protected disclosures about waste, fraud, abuse, mismanagement, or public safety to Congress or anyone else. This kind of communication is protected for good reason,” Grassley said. “The FDA’s crusade contradicts the pledge the current commissioner made to create a culture that values whistleblowers, and the scope and tone of the surveillance effort reveals an agency more concerned about protecting itself than protecting the public, which ironically is the agency’s mission.”

Grassley said the internal documents that the FDA never wanted the public to see make the FDA “sound more like the East German Stasi than a consumer protection agency in a free country.” The documents refer to whistleblowers as “collaborators,” congressional staff as “ancillary actors,” and newspaper reporters as “media outlet actors.”

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In a lengthy [letter to the FDA Commissioner](#) yesterday, Grassley revealed that the spying was “explicitly authorized, in writing” by the FDA counsel’s office and called on Commissioner Margaret Hamburg to stop stonewalling requests for information about the surveillance effort. Grassley began his investigation of this effort in January in response to whistleblower allegations. He received no response, [despite promises](#) to the contrary, [until last Friday night](#) ([plus attachment](#)), on the eve of a *New York Times* story about 80,000 pages of internal FDA documents that the FDA’s contractor had posted on the Internet, apparently by accident.

Grassley said the FDA’s contention that employees were free to communicate is “ludicrous” because documents indicate the agency was specifically targeting whistleblowers who were subsequently fired or had their contract lapse. In addition, repeated investigations by the Inspector General for the Department of Health and Human Services did not substantiate FDA accusations that confidential information was leaked to the press, which the FDA has tried to say in order to justify its actions.

Also yesterday, Grassley [asked the FDA contractor](#), Quality Associates, for an accounting of how the information ended up on the Internet and about how many other federal government agencies it has contracts with and the size and scope of those contracts.

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