

ONE HUNDRED NINETEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

Majority (202) 225-3641
Minority (202) 225-2927

February 28, 2025

The Honorable Robert F. Kennedy, Jr.
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

Dear Secretary Kennedy:

We are writing to express my strong opposition to the recent indiscriminate and unauthorized termination of workers at the Food and Drug Administration (FDA) that began on Thursday, February 13, 2025. We are deeply concerned these widespread terminations took place without any review of these employees' work history or without any analysis of the impacts these job losses would have on the Department's ability to protect the health and well-being of the American people.¹ Therefore, we are requesting additional information regarding these terminations and their impact on the agency and its mission to ensure the safety of medical products Americans use and prevent harm from public health threats. The activities undertaken to accomplish this mission are congressionally mandated and are effectuated by the agency's workforce. We are concerned that your recent termination of FDA employees with no regard for their performance, their functions, or ensuring the continuity of the agency's congressionally mandated functions demonstrates a gross lack of understanding and disregard for the complex work that the agency undertakes to protect the American public. Future extreme, arbitrary, and unlawful layoffs will further endanger the agency's mission to protect public health.²

We have continuously heard that the agency faces difficulty recruiting and retaining staff with specific clinical expertise due to the complex and highly technical work.³ These recent actions further undercut the FDA's ability to keep pace with hiring the skilled workers it needs to ensure that food Americans eat and medical products they use are safe.

¹ CBS News, *Thousands of probationary federal health agency workers fired by letter this weekend. Here's what it said.* (Feb. 15, 2025) (<https://www.cbsnews.com/news/thousands-of-probationary-federal-health-agency-workers-fired-by-letter-this-weekend/>).

² Associated Press, *The Trump administration sets the stage for large-scale federal worker layoffs in a new memo* (Feb. 26, 2025).

³ Regulatory Focus, *Firing of FDA probationary staff creates widespread uncertainty* (Feb. 17, 2025) (<https://www.raps.org/news-and-articles/news-articles/2025/2/firing-of-fda-probationary-staff-creates-widesprea>).

These terminations have real world implications. This action included indiscriminate firing of experts in nutrition, infant formula, and food safety, such as those that review food ingredients to ensure they are not harmful to Americans.⁴ At a time when FDA is investigating the current H5N1 outbreak and ensuring the continued safety of our milk, dairy products, and animal feed supply, these workers are vital to protecting the public from a potentially even larger outbreak.⁵ Moreover, reports show that there were layoffs in the FDA office that conducts inspections and criminal investigations, which leaves Americans vulnerable to unsafe products entering our supply chain and allows bad actors to more easily get away with infiltrating our stores with dangerous products.⁶ Cuts to both of these workforces are especially concerning in light of the infant formula crisis that so recently devastated our nation's families and contaminated eyedrops that led to blindness. With fewer workers to conduct inspections, Americans will be left vulnerable to such events happening more readily.

Additional FDA layoffs included scientists and engineers working on artificial intelligence and technology.⁷ These layoffs will undoubtedly impact the timing of product reviews by the agency, delaying access to products for Americans that could otherwise improve their health. This allows other countries such as China to outpace us in innovation, treatments, and cures.

The firings also raise concerns about the political influence on product review and how your Department will approach settled science, promote snake oil therapies, or influence review of therapies from those who show their support for the Trump Administration. Notably, among the FDA staff that were fired are 20 employees in FDA's Office of Neurological and Physical Medicine Devices, which is responsible for reviewing clinical trial applications of the brain implant technology from billionaire Elon Musk's Neuralink, who is leading up the Administration's so-called Department of Government Efficiency (DOGE).⁸ These employee terminations came as FDA officials were raising concern over the safety of trials for Neuralink.⁹

⁴ Bloomberg, *Food Head at FDA Resigns, Citing Numerous Job Cuts* (Feb. 18, 2025) (<https://www.bloomberg.com/news/articles/2025-02-18/food-head-at-fda-resigns-citing-numerous-job-cuts-in-division?srnd=homepage-americas&sref=fqqmZ8gi>).

⁵ U.S. Food and Drug Administration, *Investigation of Avian Influenza A (H5N1) Virus in Dairy Cattle* (Jan. 17, 2025).

⁶ Politico, *Mass firings continue across nation's health agencies* (Feb. 16, 2025) (<https://www.politico.com/news/2025/02/16/mass-firings-health-agencies-00204570>).

⁷ *Id.*

⁸ Fortune, *DOGE reportedly fired the FDA employees who were reviewing clinical trials for Elon Musk's Neuralink* (Feb. 18, 2025) (<https://fortune.com/2025/02/18/doge-fired-fda-employees-overseeing-elon-musk-neuralink/>).

⁹ Reuters, *Exclusive: FDA staff reviewing Musk's Neuralink were included in DOGE employee firings, sources say* (Feb. 18, 2025) (<https://www.reuters.com/world/us/fda-staff-reviewing-musks-neuralink-were-included-doge-employee-firings-sources-2025-02-17/>).

Further, the secretive nature of these terminations raises significant concerns about this Administration's lack of accountability to the American people.^{10, 11} Given the consequences these layoffs at FDA will have on our nation's access to safe and effective medical products and public health safety, we request detailed responses to the following questions no later than March 10, 2025. Where relevant, your response should include any and all memoranda, directives or orders meant to effectuate these recent terminations.

1. What is the total number of probationary and non-probationary employees terminated from FDA since Thursday, February 13, 2025? Specify the number of terminated workers, in both classifications, from each office, center, and division, at FDA in raw numbers, and as a percentage of each office's, center's, and division's total workforce.
2. Are there additional layoffs planned for FDA employees at this time, including those directed by the Office of Management and Budget and the Office of Personnel Management in the February 26, 2025 memorandum?¹² If further resignation or termination requests are ordered, how many additional layoffs are expected? Specify the total number of layoffs by office, center, and division at FDA.
3. What role did DOGE have in identifying or prioritizing employees for termination? What metrics did they use?
4. How many of the positions that are now vacant will be permanently eliminated and how many positions will be filled by new personnel? Specify each total by office, center, and division at FDA.
5. How many personnel that were fired were in positions funded, in whole or in part, by user fees? Specify each total by office, center, and division at FDA.
6. How many of these terminated employees were in positions intended to fulfill full-time equivalent (FTE) requirements agreed to by FDA and industry?
7. What is the length of delay for review times of regulated products created by these terminations? Specify the delay by office, center, and division at FDA.
8. How many user fee performance goals, as agreed to by FDA and industry and ratified by Congress, will be missed due to these terminations?

¹⁰ See note 5.

¹¹ See note 1.

¹² U.S. Office of Management and Budget and U.S. Office of Personnel Management, *Guidance on Agency RIF and Reorganization Plans Requested by Implementing The President's "Department of Government Efficiency" Workforce Optimization Initiative* (Feb. 26, 2025).

9. What meetings, including, but not limited to, Advisory Committees, International Council for Harmonisation updates, International Standards Organization meetings, webinars, and panels, have been paused, suspended, or altered at FDA because of the recent HHS workforce reductions, beginning February 13, 2025?
10. How many product reviews have been paused, suspended, or altered at FDA because of the recent HHS workforce reductions, beginning February 13, 2025? Specify each total by office, center, and division at FDA.
11. Did the office assigned with reviewing clinical trial applications for Neuralink receive any instructions specific to this product's review, such as guidance to issue favorable determinations to advance the application?
12. How many inspections have been paused, suspended, or altered at FDA because of the recent HHS workforce reductions, beginning February 13, 2025? Specify each total by office, center, and division at FDA.
13. Under 5 C.F.R. 315.803(a), probationary employees can be terminated "if the employee fails to demonstrate fully his or her qualifications for continued employment." Please document the criteria that the Department reviewed to assess employee qualifications in accordance with this provision.
14. Under 5 CFR 315.803(b), probationary employees who are terminated must notify in writing as to the "inadequacies of [their] performance of conduct." Please provide copies of each letter documenting the inadequacies in each terminated employee's performance since the beginning of the probationary period. If multiple employees were identified as having the same performance inadequacy, a template letter will suffice so long as the Department identifies how many staff received the same letter.
15. Federal law prohibits the partisan dismissal of probationary employees, and the Federal circuit has identified a right to appeal termination decisions when the action was a result of partisan politics.^{13,14} President Trump has called his efforts to purge

¹³ 5 CFR 315.806(b). *See Stokes v. Aff*, 761 F.2d 682 (probationary staff can appeal decisions when the action was a result of partisan politics).

¹⁴ Letter from Mike Zamore, National Directory of Policy and Government Affairs; Kia Hamadancy, Senior Policy Counsel; Monica Hopkins, Executive Director of the ACLU of the District of Columbia, American Civil Liberties Union, to Sen. Rand Paul, Chair, Senate Homeland Security and Governmental Affairs Committee; Sen. Gary C. Peters, Ranking Member, Senate Homeland Security and Governmental Affairs Committee; Rep. James Comer, Chair, House Committee on Oversight and Accountability; Rep. Gerald E. Connolly, Ranking Member, House Committee on Oversight and Accountability (Feb. 7, 2025).

career workers in the government “retribution” and disparaged them for undermining his power.^{15,16} Given this:

- a. What process has HHS put in place to process appeals?
- b. How many appeals have been filed since the terminations began?
- c. How many terminations have been reversed and how many have been sustained?

16. Provide a full accounting of all FDA Reports to Congress due in 2025 and FDA’s plans for ensuring that these congressionally mandated reports are completed and submitted on time.

We urge you to reverse these mass firings and to prioritize the stability and integrity of our nation’s gold standard for medical product review, innovation, and public health safety. You have a duty to the American public to ensure that our public health agencies deliver them innovative medical products and protect them from harm. We expect to see immediate steps to restoring the workforce that delivers on FDA’s mission to accomplish this for Americans.

As the Secretary of Health and Human Services, responsibility for these anti-public health actions and their impending impacts, including exposing Americans to unsafe products, will fall on your shoulders.

Sincerely,



Rep. Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce



Diana DeGette
Ranking Member
Subcommittee on Health

¹⁵ C-Span, *Clip: Former Pres. Trump: “I Am Your Justice...I Am Your Retribution”* (Mar. 4, 2023) (<https://www.c-span.org/clip/campaign-2024/former-pres-trump-i-am-your-justicei-am-your-retribution/5060238>).

¹⁶ Citizens for Responsibility and Ethics in Washington, *Trump has said he wants to destroy the “deep state” 56 times on Truth Social* (Aug. 1, 2024) (<https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-has-said-he-wants-to-destroy-the-deep-state-56-times-on-truth-social/>).