

SAFE FOOD COALITION

1620 I Street, NW, Suite 200, Washington, DC 20006 202-797-8551

May 24, 2016

Dear Senator:

The undersigned members of the Safe Food Coalition write to strongly oppose S.J.Res.28, which provides for congressional disapproval and nullification, under the Congressional Review Act, of the final rule for a mandatory inspection program for fish of the order Siluriformes, including catfish and catfish products (“catfish”). Congress transferred regulation of catfish from the Food and Drug Administration (FDA) to the U.S. Department of Agriculture’s Food Safety and Inspection Service (FSIS) as part of the 2008 Farm Bill. Since then, we have supported FSIS rulemaking in written comments and in public meetings.

Starkly different catfish farming practices in foreign countries, often accompanied by inadequate environmental and food safety standards, raise significant public health concerns. The FDA regulation of catfish did not sufficiently address those concerns. As the U.S. Government Accountability Office found in 2011, FDA’s inspection of imported seafood products was “ineffectively implemented,” and subjected just 0.1% of all imported seafood products to testing for drug residues.¹ Yet chemical residue violations in imported catfish are rampant. According to testing performed by FDA and the Agriculture Marketing Service, fully 9% of imported catfish products tested positive for the banned antimicrobial chemical malachite green, and 2% tested positive for the banned chemical gentian violet.²

The FSIS inspection program, and its continuous inspection requirement, will provide a sorely needed safeguard against this type of adulteration. The program, which applies to both domestic and foreign processors, incorporates more robust import inspection protocols. These more rigorous standards are already paying off. Within the past two weeks, FSIS inspectors have detained two shipments from Vietnam of catfish products adulterated with gentian violet, malachite green, enrofloxacin, and fluoroquinolone—all banned substances under U.S. law. Under the new inspection program, these importers will have to cover the expense of test-and-hold sampling while they undertake corrective actions. Compared to the former inspection regime, this will provide needed assurance to American consumers, and more equitably assign the costs of enforcement.

¹ Seafood Safety: FDA Needs to Improve Oversight of Imported Seafood and Better Leverage Limited Resources, GAO Report, pg. 1. April 2011.

² FSIS. “Mandatory Inspection of Fish of the Order Siluriformes and Products Derived From Such Fish” 80 *Fed. Reg.* 75590, at 75593 (Dec. 2, 2015).

For the foregoing reasons, we urge rejection of the motion to rescind the catfish inspection rule.

Sincerely,

Center for Foodborne Illness, Research & Prevention

Consumer Federation of America

Consumers Union

Food & Water Watch

National Consumers League

STOP Foodborne Illness