



May 23, 2016

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
317 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Harry Reid  
Minority Leader  
United States Senate  
522 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senators McConnell and Reid:

We understand the Senate may soon consider a resolution of disapproval of the United States Department of Agriculture (“USDA”) catfish inspection program. We support this resolution and write to explain the negative impacts this program will have if fully implemented by the USDA Food Safety and Inspection Service (“FSIS”).

The USDA program was created in 2008 and shifts food safety regulatory authority over certain domestic and imported seafood from the Food and Drug Administration (“FDA”) to FSIS. The program applies to imported pangasius, a mild white fish that is today the sixth most popular seafood item in the United States. FSIS issued a final rule in December 2015, and a resolution of disapproval was filed in the Senate soon thereafter.

The USDA program is of great concern to our member companies. The shift of food safety oversight from FDA to FSIS for this specific product establishes a nontariff trade barrier against imported pangasius. Exporting countries will have to obtain an “equivalency” determination from FSIS if they wish to preserve their producers’ ability to export to the United States. Because the FSIS equivalency process routinely takes five years and sometimes over a decade to complete, this will create for those producers an insurmountable barrier to the U.S. market.

Thus in a single stroke more than a fifth of the “value white fish” supply in the United States – about 250 million pounds a year – will disappear.<sup>1</sup> This reduction in supply will cause a dramatic increase in prices for our companies and our customers who rely on an affordable product for fish sticks in the freezer aisle and popular fish and chips menu items in restaurants. In addition, we are aware of persistent calls for expansion of the program to even more popular tilapia and shrimp. Such calls suggest that the existing USDA program is just the beginning.

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<sup>1</sup> “Value white fish” is a mid-level seafood category that includes pangasius, cod, pollock, haddock, and tilapia. Pangasius accounts for about 22 percent of U.S. consumption in this category.

Nor is the program justified on a food safety basis. USDA concedes that not a single case of Salmonella has been attributed to pangasius (or, for that matter, to domestic catfish) since establishment of the current FDA seafood regulatory approach in 1998. The Government Accountability Office has concluded that the USDA program will harm Federal food safety oversight by fracturing seafood regulation between two different regulatory agencies. For that and other reasons, GAO on ten different occasions has identified the program as a waste of tens of millions of taxpayer dollars and has urged the Congress to eliminate it.

The United States must have a rigorous, effective food safety system. That system, however, should not prevent retailers and restaurants from sourcing the seafood that meets the demand of middle class American families for affordable, accessible protein. We urge you to support the resolution of disapproval of the USDA catfish inspection program, under the Congressional Review Act.

Sincerely,



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Jennifer Hatcher  
Senior Vice President  
Food Marketing Institute



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David French  
Senior Vice President  
National Retail Federation



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Jennifer Safavian  
Executive Vice President  
Retail Industry Leaders Association

cc: Senator John McCain  
Senator Jeanne Shaheen  
Senator Kelly Ayotte  
Senator Mark Warner