

ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

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

June 22, 2016

The Honorable Paul Ryan  
Speaker  
H-232 U.S. Capitol Building  
United States House of Representatives  
Washington, DC 20515

The Honorable Nancy Pelosi  
Minority Leader  
H-204 U.S. Capitol Building  
United States House of Representatives  
Washington, DC 20515

The Honorable Kevin McCarthy  
House Majority Leader  
H-107 U.S. Capitol Building  
United States House of Representatives  
Washington, DC 20515

The Honorable Steny Hoyer  
Minority Whip  
H-148 U.S. Capitol Building  
United States House of Representatives  
Washington, DC 20515

Dear Speaker Ryan, Minority Leader Pelosi, Majority Leader McCarthy, and Minority Whip Hoyer:

We are writing to request that the House consider S.J.Res. 28 on the floor prior to adjourning for the July 4<sup>th</sup> recess. If enacted, S.J.Res. 28 would transfer jurisdiction over catfish back to the regulatory authority responsible for overseeing other types of seafood, the Food and Drug Administration (FDA), ending an unnecessary and duplicative program at the U.S. Department of Agriculture (USDA).

The USDA catfish program was created when it was added to the 2008 Farm Bill behind closed doors. This catfish language was not in either the House or Senate Farm Bill, and was never subject to a hearing or public consideration, prior to the Farm Bill conferees adding the language. Quite simply, the House never supported the establishment of this program. The House Agriculture Committee itself passed an amendment repealing the USDA catfish program by a bipartisan vote of 31-15 in the 2014 Farm Bill and the full House agreed to this language sending it to the Senate. A vote on S.J.Res. 28 would allow the House of Representatives to reaffirm its established position on this issue.

There is no justifiable reason for USDA to oversee catfish, while FDA regulates all other seafood. This leaves American seafood companies in the untenable and illogical position of accommodating two sets of federal inspectors overseeing the same facility: one set of inspectors for catfish and another for all other seafood. Both USDA and GAO agree that there is no food safety justification for this regulatory divide.<sup>1</sup> FDA currently regulates all seafood safely under the Hazard Analysis Critical Control Points (HACCP) system which proactively identifies and addresses food safety risks. In fact, in the Food Safety Modernization Act, we used the seafood HACCP system as a model and expanded the HACCP requirements to all food under FDA's jurisdiction.<sup>2</sup>

Additionally, the USDA catfish program will cost American taxpayers an exorbitant amount, with nothing to show for it. According to GAO, the new USDA catfish program would be 20 times more expensive than FDA's regulation of catfish and "would likely not enhance the safety of catfish but would duplicate FDA and NMFS inspections at a cost to taxpayers."<sup>3</sup>

Charged with overseeing over 80 percent of the food Americans eat, including all other seafood, we have long entrusted FDA to be the primary regulator of our food supply. FDA has the scientific expertise and regulatory experience to oversee the entirety of the seafood market. According to David Acheson, the Former Chief Medical Officer of both USDA and FDA, "The House now has the opportunity to vote to get rid of this program and hopefully a better perspective on what is real food safety and what is political mischief."<sup>4</sup>

The USDA catfish program is a prime example of duplicative government regulation. The program adds unnecessary burdens to companies, wastes tax payer dollars, and does not enhance the safety of the U.S. catfish supply. Therefore, we ask that you take up the bipartisan S.J.Res. 28 on the House floor as soon as possible to ensure that the food safety system is not further fragmented by splitting seafood jurisdiction between FDA and USDA.

---


<sup>1</sup> United States Government Accountability Office Report. "Seafood Safety - Responsibility for Inspecting Catfish Should Not be Assigned to USDA", May 2012 (GAO-12-411). <http://www.gao.gov/assets/600/590777.pdf>. USDA, Food Safety and Inspection Service, *DRAFT Risk Assessment of the Potential Human Health Effect of Applying Continuous Inspection of Catfish*. December 2010 (on line at: [http://www.fsis.usda.gov/wps/wcm/connect/80a428f3-43fb-4421-b97d-885909e5a228/Catfish\\_Risk\\_Assess\\_July2012.pdf?MOD=AJPERES](http://www.fsis.usda.gov/wps/wcm/connect/80a428f3-43fb-4421-b97d-885909e5a228/Catfish_Risk_Assess_July2012.pdf?MOD=AJPERES) .


<sup>2</sup> See Public Law 111-353 § 103, available at <https://www.congress.gov/111/plaws/publ353/PLAW-111publ353.pdf>  
<sup>3</sup> GAO-12-411 at pages 19-21.

<sup>4</sup> David Acheson, *Catfish Regulation -- A Perfect Example Of Wasted Resources In The US Government*, FORBES, June 6, 2016, available at <http://www.forbes.com/sites/davidacheson/2016/06/06/catfish-regulation-a-perfect-example-of-wasted-resources-in-the-us-government/print/>

Sincerely,

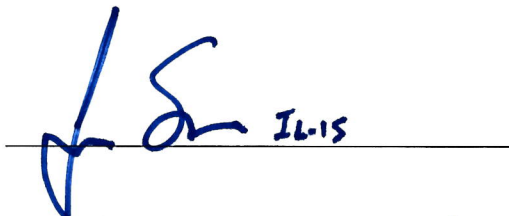
  
Fred Upton  
Chairman

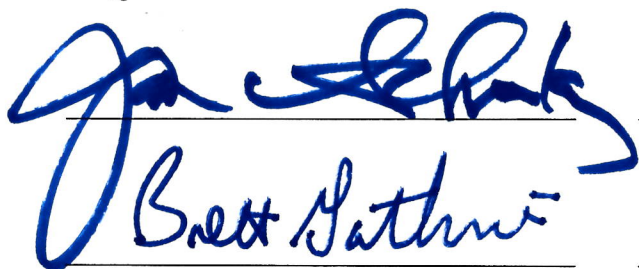
  
Frank Pallone, Jr.  
Ranking Member

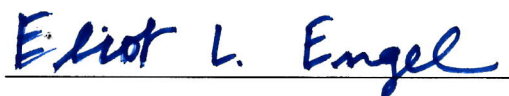
  
Joseph R. Pitts  
Ranking Member  
Subcommittee on Health


  
Gene Green  
Ranking Member  
Subcommittee on Health

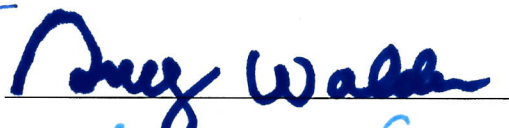
  
Ed Whitfield

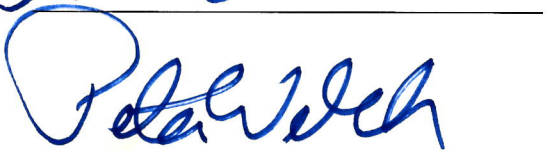
  
Leonard Lance

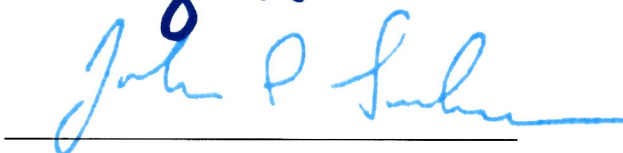
  
Brett Guthrie

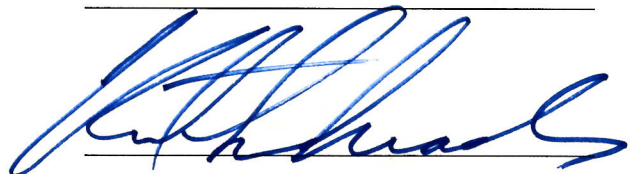
  
Eliot L. Engel

  
Paul D. Tonko

  
Amy Walz

  
Peter Welch

  
John P. Lujan

  
Markwayne Mullins

  
Mark E. Cohen

  
Mark R. Pocan

  
Bob Casey

*P. Murphy*

*Larry Bucsho*

*Pauli Crane*

*Dave Lubsack*

*Mike Doyle*

*Richard Hudson*

*Susan Brooks*

*L. M. Bilakis*

*Paul E. ...*

*Clis Collins*

*...*

*Kathy Castor*

*Mig Romo*

*Tim Murphy*

*Janil B. M. ...*

*Ron E. ...*