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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

December 21, 2016

Dr. William Jones
Acting Deputy Director
Office of Food Safety
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

Dear Dr. Jones:

Thank you for appearing before the Subcommittee on Health on December 7, 2016 to testify at the hearing entitled "Waste and Duplication in the USDA Catfish Inspection Program."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on January 8, 2017. Your responses should be mailed to Jay Gulshen, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to jay.gulshen@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,

Joseph R. Pitts
Chairman
Subcommittee on Health

cc: The Honorable Gene Green, Ranking Member, Subcommittee on Health

Attachment

Attachment — Additional Questions for the Record

The Honorable Joseph R. Pitts

1. Does the United States Food and Drug Administration agree with the United States Centers for Disease Control and Prevention that catfish (siluriformes) is a low-risk food?

2. Does the United States Food and Drug Administration agree with the conclusion of the United States Department of Agriculture risk assessment that catfish (siluriformes) is a low-risk food?

3. Does the United States Food and Drug Administration agree with the facts in the United States Department of Agriculture risk assessment that stated no Americans had been reported as becoming ill from salmonellosis from catfish (siluriformes) since the introduction of FDA Seafood HACCP program in 1997?

4. How would you compare the risk from imported catfish (pangasius) to other seafood products, both domestic and imported?

5. Prior to the enactment of the 2008 Farm Bill (P.L. 110-246), were there widespread problems in the United States with the food safety of imported catfish (pangasius)?

6. What scientific basis, if any, is there for singling out domestic and imported catfish (siluriformes) as the one seafood product among all to be shifted from regulatory oversight and enforcement by the FDA to that by the USDA?

7. Does domestic or imported catfish (siluriformes) present any unique food safety issues that would warrant a separate government regulatory oversight program from all other seafood?

8. Did FDA produce a scientific assessment of the risk domestic or imported catfish (siluriformes) poses to human health before the enactment of the 2008 Farm Bill (P.L. 110-246)?

9. To your knowledge, did USDA or any other U.S. government agency produce a scientific assessment of the risk domestic or imported catfish (siluriformes) poses to human health before the enactment of the 2008 Farm Bill (P.L. 110-246)?

10. If a seafood company processes domestic or imported catfish (siluriformes) and any other seafood species (salmon, tilapia, lobster, shrimp, etc), is it accurate that USDA would regulate that company for catfish and FDA would regulate that facility for the other seafood species, thus having the same facility being overseen by two different food safety regulatory agencies and having to comply with two different set of food safety regulations. ?

11. Is it accurate to say that if a seafood company processes domestic or imported catfish (siluriformes) and any other seafood species (salmon, tilapia, lobster, shrimp, etc), that FDA will retain oversight of the food safety of the non-catfish items, regardless of any Memorandum of Understanding between FDA and USDA?

12. Can you explain how FDA's approach to inspecting seafood through the seafood HACCP regulation ensures consumers have safe products?

13. If Congress were to repeal the USDA catfish program, do you believe FDA could resume inspections of domestic and imported catfish (siluriformes) in a manner that ensures the food safety of catfish?

14. Anyone that knows about supply management and food safety knows that you cannot inspect quality and safety into a product. Quality and safety need to be put in place through preventative measures and yet advocates of the program claim that their 100% inspection rate is a superior method for protecting consumers. Why is the 100% inspection rate is misleading and why is the USDA program is not actually safer than the FDA program.

The Honorable Frank Pallone, Jr.

1. During the hearing we heard a lot about the low-risk profile of catfish and the catfish industry as a whole.

   Dr. Jones, how many domestic seafood firms process both catfish and other seafood and are therefore now subject to both FDA and USDA regulatory oversight?

2. Until 2008, when conferees slipped language into the Farm Bill behind closed doors, FDA had a long history of ensuring the safety of all seafood products. Dr. Jones, you testified about how FDA's seafood HACCP program – which identifies and prevents hazards – better protects the American food supply.

   Dr. Jones, during the hearing you stated that under FDA's HACCP program domestic and foreign producers of seafood are subject to the same rigorous regulatory requirements. Does this mean that FDA's HACCP program can effectively ensure the safety of both domestic and imported seafood?

3. Dr. Jones, at the hearing you shared a lot of information the non-HACCP related aspects of FDA's risk-based approach to seafood inspection.

   Dr. Jones, in May we heard about how USDA's FSIS stopped shipments of imported catfish because of illegal drug residues. You shared that FDA took similar action when the Agency regulated catfish, however can you confirm that it was FDA data that initially alerted to the risk of residues in this shipment?