

ONE HUNDRED THIRTEENTH 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

November 26, 2013

The Honorable Frank Lucas  
Chairman  
Committee on Agriculture  
United States House of Representatives  
1301 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Collin Peterson  
Ranking Member  
Committee on Agriculture  
United States House of Representatives  
1305 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman Lucas and Ranking Member Peterson:

As you continue your conference negotiations on the Farm Bill, we write to you to stress the importance of preserving the repeal of the U.S. Department of Agriculture's (USDA) catfish inspection program that was included in the House-passed bill, H.R. 2642, the Federal Agriculture Reform and Risk Management Act of 2013. As Chairman and Ranking Member of the House Committee on Energy and Commerce, we are concerned about the continued existence of this unnecessary and duplicative program at the USDA. We believe jurisdiction over catfish should be transferred back to the regulatory authority responsible for overseeing other types of seafood, the Food and Drug Administration (FDA).

There is no logical basis for USDA to oversee only 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 their facilities: 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> Additionally, the USDA program has cost American taxpayers an exorbitant amount, with nothing to show for their investment. Despite the fact that the catfish program was established in the 2008 Farm Bill, USDA has yet to inspect a single fish, despite having invested \$20 million to set up this program.<sup>2</sup>

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<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 to Catfish*, December 2010 (online at: [http://www.fsis.usda.gov/shared/PDF/Catfish\\_Risk\\_Assess\\_Dec2010.pdf](http://www.fsis.usda.gov/shared/PDF/Catfish_Risk_Assess_Dec2010.pdf)).

<sup>2</sup> Ron Nixon. *New Catfish Inspections Are Posing a Problem for a Pacific Trade Pact*, N.Y. TIMES, November 13, 2013. [http://www.nytimes.com/2013/11/14/us/politics/second-catfish-inspection-program-by-us-complicates-pacific-trade-pact.html?\\_r=0](http://www.nytimes.com/2013/11/14/us/politics/second-catfish-inspection-program-by-us-complicates-pacific-trade-pact.html?_r=0)

Charged with overseeing over 80% of the food Americans eat, we have long entrusted FDA to be the primary regulator of our food supply. FDA also has the scientific expertise and regulatory experience to oversee the entirety of the seafood market.

We share the goal of ensuring a safe and reliable source of seafood for all Americans. We believe the best way to achieve this goal is to transfer jurisdiction of catfish to its rightful place, under the oversight of the FDA.

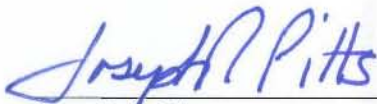
Sincerely,



Fred Upton  
Chairman



Henry A. Waxman  
Ranking Member



Joseph R. Pitts  
Chairman  
Subcommittee on Health



Frank Pallone, Jr.  
Ranking Member  
Subcommittee on Health