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ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
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December 21, 2016

Mr. Steve Morris
Acting Director
Natural Resources and Environment
Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

Dear Mr. Morris:

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. Is catfish (siluriformes) considered by the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) to be a low-risk food?

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

3. Did FDA, 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)?

4. 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? Is it accurate to say that in that situation there would be two government agencies regulating the same facility regardless of any Memorandum of Understanding between FDA and USDA?

5. Is it accurate that the Government Accountability Office (GAO) has issued reports to Congress in 2013, 2014, 2015 and 2016 recommending that the USDA catfish program be repealed concluding that a repeal of the USDA catfish program "would avoid duplication of federal programs and could save taxpayers millions of dollars annually without affecting the safety of catfish intended for human consumption"?

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

7. Your testimony implies that Congress fully intended to implement this program and that there are not conflicting views of the program. As a committee we have sent several letters in the past congresses since the programs enactment in the 2008 farm bill. The Senate voted to repeal the program and obviously we are holding this hearing today to discuss why the program should be repealed. Are you including those congressional actions and perspectives in your examination of congressional intent in the report you are currently working on?

The Honorable Frank Pallone, Jr.

1. In a May 2012 GAO Report entitled, "Responsibility for Inspecting Catfish Should Not be Assigned to USDA", GAO cited reasons why catfish inspection should remain at FDA and a number of concerns with the USDA program. In this report, GAO noted that under

the USDA program as many as three agencies could inspect facilities that process both catfish and other types of seafood. Concerns were raised about overlapping inspections and an unnecessary inspection frequency. GAO highlighted that continuous inspection would not improve catfish safety.

Mr. Morris, your testimony noted that USDA and FDA signed a Memorandum of Understanding (MOU) in April 2014. You stated that under this MOU, it is still possible that three separate Federal agencies could inspect a single seafood processing facility. Is it still GAO's position that continuous inspection would not improve catfish safety and that having three separate agencies inspecting seafood in a single facility is duplicative?

GAO raised concerns in its 2012 report about inconsistent oversight of seafood, including imported seafood, under the new program. Mr. Morris, did the MOU you referenced address this problem or are you aware of other actions taken to harmonize regulatory requirements?

2. I understand GAO is currently engaged in a seafood safety audit at the request of Senate Appropriators, which includes an assessment of USDA's catfish program. However, I want to be certain that the perspectives of all stakeholders are considered by GAO when conducting this work.

   As you know, in June of this year 34 members of the Energy and Commerce Committee signed a bipartisan letter calling for repeal of the USDA catfish program. Additionally, in September 2016, Representatives Roybal-Allard (D-CA) and Hartler (R-MO) sent another bipartisan letter, signed by 206 members, calling for the program's repeal. Between these two letters, 220 members of the House of Representatives are on record this year supporting the repeal of the USDA catfish inspection program. Also, in May 2016, the Senate passed a bipartisan joint resolution by a vote of 55-43 to end the duplicative and wasteful USDA catfish inspection program.

   Mr. Morris, understanding there are strong voices on both sides of this issue, how will GAO take into account that the majority of Congress and a large portion of the catfish producing and processing industry views this program as duplicative, wasteful, and supports its repeal?

3. To date, the GAO has cited catfish as an example of a duplicative government program in 10 different reports. In a May 10, 2012 report on seafood safety entitled Responsibility for Inspection Catfish Should Not Be Assigned to USDA, the GAO concluded that FDA's new authority under the Food Safety Modernization Act gives the federal government an opportunity to enhance the safety of all imported seafood—including catfish. GAO stated the new USDA catfish program further divides responsibility for overseeing seafood safety and costs taxpayers by duplicating existing federal programs without evidence that catfish pose a food safety problem that requires a new federal program to address.

Mr. Morris, to what extent does FSIS's catfish program mirror existing FDA or National Marine Fisheries Service programs? Does this introduce potential overlap and inefficiencies?

Mr. Morris, if overlap exists, does it provide additional benefit to American consumers by improving the safety of our catfish supply?