2023 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 88

BY REPRESENTATIVE KERNER

SEAFOOD: Memorializes Congress to compel the United States Food and Drug Administration to fulfill its duties regarding inspection and testing of imported seafood

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to compel the United States Food and Drug Administration (FDA) to fulfill its duties regarding inspection and testing of imported seafood.

WHEREAS, according to the National Oceanic and Atmospheric Administration, in 2019 the United States imported six billion pounds of edible seafood products, including one and one half billion pounds of shrimp, an increase of nearly six and one half million pounds more than the shrimp imported in 2018; and

WHEREAS, the 2019 shrimp imports alone, valued at six billion dollars, accounted for twenty-seven percent of the total value of imported seafood that year, which reached twenty-two billion dollars; and

WHEREAS, it is estimated that over half of the imported seafood consumed in the United States is from aquaculture, or seafood farming, rather than wild-caught; and

WHEREAS, the FDA is responsible for the safety of all fish and fishery products entering the United States and sold in Louisiana; and

WHEREAS, the FDA's seafood safety program is governed by its Hazard Analysis Critical Control Point regulations, which address food safety management through the analysis and control of biological, chemical, and physical hazards from raw material production and procurement and handling to manufacturing, distribution, and consumption of the finished product; and

WHEREAS, FDA regulations are supposed to measure the compliance of imported seafood with inspections of foreign processing facilities, sampling of seafood offered for import into the United States, domestic surveillance sampling of imported products, inspections of seafood importers, foreign country program assessments, and the use of information from foreign partners and FDA overseas offices; and

WHEREAS, in 2011 the FDA was only inspecting two percent of the seafood imported into the United States; and

WHEREAS, unfortunately 2011 is the last year for which data regarding the percentage of imports inspected is available due to a lack of transparency and inadequate assessment measures; and

WHEREAS, in 2011 the Government Accountability Office (GAO) noted that the FDA's assessment of foreign aquaculture operations was limited by the FDA's lack of procedures, criteria, and standards; and ten years later, a 2021 GAO report found that the agency was failing to monitor the effectiveness of its own enforcement policies and procedures; and

WHEREAS, in contrast, the European Union regularly conducts physical checks of approximately twenty percent of all imported fish products that are fresh, frozen, dry, salted, or hermetically sealed, and for certain fishery products, physical checks are conducted on approximately fifty percent of imports; and

WHEREAS, the Louisiana State University School of Renewable Natural Resources published a 2020 paper titled "Determination of Sulfite and Antimicrobial Residue in Imported Shrimp to the USA", which presented findings from a study of shrimp imported from India, Thailand, Indonesia, Vietnam, China, Bangladesh, and Ecuador and purchased from retail stores in Baton Rouge, Louisiana; and

WHEREAS, a screening of these shrimp for sulfites and residues from antimicrobial drugs found the following: (1) five percent of the shrimp contained malachite green, (2) seven percent contained oxytetracycline, (3) seventeen percent contained fluoroquinolone, and (4) seventy percent contained nitrofurantoin, all of which have been banned by the FDA in domestic aquaculture operations; and

WHEREAS, although the FDA requires that food products exposed to sulfites must include a label with a statement about the presence of sulfites, of the forty-three percent of these locally purchased shrimp found to contain sulfites, not one package complied with this labeling requirement; and

WHEREAS, the drug and sulfite residues included in this screening can be harmful to human health during both handling and consumption and have been known to cause all of the following: liver damage and tumors, reproductive abnormalities, cardiac arrhythmia, renal failure, hemolysis, asthma attacks, and allergic reactions; and

WHEREAS, the results of this study confirm that existing screening and enforcement measures for imported seafood are insufficient; whatever the percentage of imports inspected may be, seafood is currently being imported that contains unsafe substances that put American consumers at risk; and

WHEREAS, because imported seafood is not held to the same standards as domestic seafood, domestic fishing industries are put at a distinct and significant disadvantage commercially; and

WHEREAS, according to the Louisiana Department of Wildlife and Fisheries, the average value of Louisiana shrimp fell from three dollars and eighty cents per pound in 1980 to one dollar fifty cents per pound in 2017; and

WHEREAS, this unfair competition allows foreign competitors to flood the United States market with seafood harvested under intensive farming practices using antimicrobial drugs, while devastating local industries and the coastal communities built around them.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to compel the United States Food and Drug Administration to fulfill its duties regarding inspection and testing of imported seafood.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 88 Original 2023 Regular Session Kerner

Memorializes Congress to compel the U.S. Food and Drug Administration to fulfill its duties regarding inspection and testing of imported seafood.