

2023 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 88

BY REPRESENTATIVES KERNER, BOURRIAQUE, BUTLER, CORMIER, COUSSAN,
FISHER, GAROFALO, HILFERTY, MINCEY, ORGERON, RISER, ROMERO,
AND SCHAMERHORN

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

1 A CONCURRENT RESOLUTION

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

5 WHEREAS, according to the National Oceanic and Atmospheric Administration, in
6 2019 the United States imported six billion pounds of edible seafood products, including one
7 and one half billion pounds of shrimp, an increase of nearly six and one half million pounds
8 more than the shrimp imported in 2018; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
27 presiding officers of the Senate and the House of Representatives of the Congress of the
28 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 Engrossed

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.