

# United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

June 30, 2009

Mr. Gene Dodaro  
Acting Comptroller General of the United States  
441 G Street, N.W.  
Washington, D.C. 20548

Dear Mr. Dodaro:

A robust, coordinated seafood inspection program is an important part of ensuring the safety of our Nation's food products, and provides assurance to the citizens of the United States that the seafood they eat is safe, healthy, and properly labeled. The Senate Committee on Commerce, Science, and Transportation is concerned with the fragmentation occurring among the federal agencies that have a role in seafood inspection and their ability to protect food safety as well as reduce seafood fraud. The Government Accountability Office (GAO) recent report, *Seafood Fraud: FDA Program Changes and Better Collaboration among Key Federal Agencies Could Improve Detection and Prevention*, raised new questions that the Committee would like the GAO's help answering.

First, the GAO found that federal agencies are not adequately leveraging the seafood inspection expertise and capacity of the National Marine Fisheries Service (NMFS) at the Commerce Department. The GAO reached this conclusion despite the fact that three memoranda of understanding (MOU) exist between NMFS and the Food and Drug Administration (FDA). We request the GAO provide a report on the current status of the MOUs between NMFS and FDA, the effectiveness of their implementation, and barriers to implementation. We also request the GAO provide recommendations for strengthening the coordination between NMFS and the FDA in order to improve our federal seafood inspection safety net and leverage federal resources.

Second, the Food, Conservation, and Energy Act of 2008 assigned the oversight of catfish to the U.S. Department of Agriculture (USDA), an agency that has had no oversight capacity for seafood, further fragmenting seafood oversight. In 2007, the GAO added the federal oversight of food safety to its high-risk list because 15 agencies collectively administer at least 30 food-related laws. We request that the GAO report on the status of the USDA's catfish inspection program, and the extent of any coordination among USDA, NMFS, and FDA. We also request the GAO provide an evaluation of whether this further fragmentation of seafood inspection has resulted in higher risk to our nation's seafood safety net.

Third, the Commerce Committee has primary jurisdiction over both wild fisheries and offshore farmed fisheries, or aquaculture, in our federal waters. In 1997, when FDA issued guidance to help seafood processors comply with FDA's primary seafood oversight program—the Hazard Analysis and Critical Control Point (HACCP)—most seafood was wild-caught and only 55 percent was imported. Today, 80 percent of the seafood consumed in the U.S. is imported, and nearly half of that comes from aquaculture facilities. It is unclear if FDA has made modifications to the HACCP system to account for these significant changes, including the concern that foreign aquaculture producers may use antibiotics, feed, or other chemicals to enhance productivity that may not be approved for such use by the FDA. We ask the GAO to analyze and discuss stakeholders' views on what modifications to the HACCP requirements are necessary to improve seafood safety in the United States.

Finally, the recent GAO report concluded that there are challenges facing FDA's ability to reduce seafood fraud and improve our nation's ability to detect and prevent fraud from occurring. In light of this conclusion, we would like GAO to further investigate the obstacles to creating a framework for accepting third party certifications to better leverage limited FDA resources and insure the safety of imported seafood.

We appreciate the GAO's attention to the issue of seafood inspection and fraud. If you have any questions concerning this request, please contact Kris Sarri on the Commerce Committee staff at 202-224-4912.

Sincerely,



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John D. Rockefeller IV



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Daniel K. Inouye



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Olympia J. Snowe



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Maria Cantwell