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ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

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September 9, 2014

The Honorable Shaun Donovan
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Donovan:

We write regarding the significant, bipartisan policy concerns we share regarding the U.S. Department of Agriculture (USDA) final rulemaking currently under review by the Office of Information and Regulatory Affairs (OIRA) to establish a new catfish inspection program (RIN 0583-AD36).

There is no logical basis for USDA to oversee catfish, while the Food and Drug Administration (FDA) regulates all other seafood. This leaves American seafood companies in the untenable and illogical position of accommodating two sets of federal inspectors overseeing the same facility: 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.[1]

Additionally, the USDA program has cost American taxpayers an exorbitant amount, with nothing to show for their investment. According to the GAO, the new USDA catfish program would be 20 times more expensive than FDA's regulation of catfish and "would likely not enhance the safety of catfish but would duplicate FDA and NMFS inspections at a cost to taxpayers."[2] 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.[3]

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[1] United States Government Accountability Office Report. "Seafood Safety - Responsibility for Inspecting Catfish Should Not be Assigned to USDA", May 20 t2 (GAO-12-411). http://www.gao.gov/assets/600/590777.pdf . USDA, Food Safety and Inspect ion Service, *DRAFT Risk Assessment of the Potential Human Health Effect of Applying Continuous Inspection of Catfish.* December 2010 (on line at: http://www.fsis.usda.gov/wps/wcm/connect/80a428f3-43fb-4421-b97d-885909e5a228/Catfish_Risk_Assess_July2012.pdf?MOD=AJPERES .

[2] GAO-12-411 at pages 19-21.

[3] Ron Nixon. *New Catfish Inspections Are Posing a Problem for a Pacific Trade Pact.* N.Y. TIMES. November 13,

Currently, FDA is charged with overseeing over 80% of the food Americans eat. The agency has the scientific expertise and regulatory experience to oversee the entirety of the seafood market.

We ask that you take these significant, bipartisan concerns into account in your review of the USDA catfish inspection program final rule and ensure that the food safety system is not further fragmented by splitting seafood jurisdiction between FDA and USDA.

Sincerely,

Fred Upton
Chairman

Henry A. Waxman
Ranking Member

Joseph R. Pitts
Chairman
Subcommittee on Health

Frank Pallone Jr.
Ranking Member
Subcommittee on Health

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201 3. http://www.nytimes.com/2013/11/14/us/politics/second-catfish-inspection-program-by-us-complicates-pacific-trade-pact.html?_r=0 .