

Center for Science in the Public Interest
Consumer Federation of America
Consumers Union
National Consumers League

August 5, 2010

Michael Taylor
Deputy Commissioner for Foods
Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993-0002

Dr. Jane Lubchenco
Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator
National Oceanic and Atmospheric Administration
HCHB, US, Room 7316
1401 Constitution Ave, NW
Washington, DC 20230

RE: Meeting with Consumer Groups to Discuss Gulf Coast Seafood Safety

Dear Deputy Commissioner Taylor and Under Secretary Lubchenco:

As repercussions from the unprecedented environmental disaster resulting from the BP oil spill continue to unfold in the Gulf of Mexico, we are writing to ask you for more information on the steps you are taking to prevent secondary food safety issues related to Gulf seafood. In particular, we are concerned that the Food and Drug Administration (FDA) and the National Oceanic and Atmospheric Administration (NOAA) have repeatedly and unequivocally commented to the media that Gulf seafood is safe—a declaration that we believe may not be adequately precautionary. We would appreciate meeting with you to discuss the data and decision-making that underpin this assertion, so that we can be better prepared to speak to our constituencies about seafood safety.

In recent days, FDA and NOAA have begun re-opening Gulf waters to commercial fishing. This action reinforces the public statements made by both agencies that Gulf seafood is safe for consumers. We are concerned, however, that it may be too early to make that assertion, given that new information comes to light nearly every day about the effects of the spill—including the migration of under sea plumes of oil, the vast quantities of chemical dispersants used, and more. We note that neither FDA nor NOAA have released any warnings for consumers—even pregnant women—about seafood from the stricken region.

FDA and NOAA have repeatedly announced that they are working together to ensure seafood safety. Both agencies have indicated that some of that determination is being accomplished with the use of human “sniffers”—people who smell seafood for the presence of oil. This type of analysis does not instill confidence. Notably, even the Gulf fisherman who depend on seafood for their livelihood are troubled by this system: in a recent Washington Post article titled *LA Fisherman wrinkle their noses at ‘smell tests’*, one fisherman was quoted as saying, “If I put fish in a barrel of water and poured oil and Dove detergent over that, and mixed it up, would you eat that fish? I wouldn't feed it to you or my family. I'm afraid someone's going to get sick.”

Until decisive studies can be performed on seafood from these waters, it seems risky to assume—and widely assert—the safety of these products. We are particularly concerned that waters have been re-opened to fishing, even as new and troubling indicators surface of the breadth of contamination.

We would appreciate meeting with both of you, and your colleagues within your respective agencies, to discuss seafood safety from the region, including the steps the agencies are taking to ensure the safety of that food in the months and years to come. We can be reached to schedule such a meeting by calling 202-777-8364 or emailing cdewaal@cspinet.org.

The undersigned consumer groups feel deep sympathy for the Gulf residents and seafood industry workers who have been so decimated by this environmental disaster. Unfortunately, the only thing worse than the current catastrophe would be inaction that allows a secondary one.

Sincerely,



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Chris Waldrop
Director, Food Policy Institute
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