



POLICY & ACTION FROM CONSUMER REPORTS

July 17, 2017

U.S. Department of Agriculture
Food Safety and Inspection Service
Patriots Plaza 3
1400 Independence Avenue SW
Mailstop 3782, Room 8-163B
Washington, DC 20250-3700

Submitted via www.regulations.gov.

**Comments of Consumers Union to the
Food Safety and Inspection Service on the Notice and Request for Comments on
Changes to the Inspection Coverage in Official Establishments that Slaughter Fish of the
Order Siluriformes
Docket No. FSIS-2017-0003**

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Consumers Union, the policy and mobilization arm of Consumer Reports,¹ appreciates the opportunity to comment on the U.S. Department of Agriculture Food Safety and Inspection Service (FSIS) notice to change the inspection coverage in establishments that slaughter fish of the order Siluriformes, including catfish, from all hours of operation to just once per production shift. While the Food and Drug Administration oversees most fish, FSIS has authority over catfish pursuant to provisions in the 2008 and 2014 Farm Bills.²

FSIS's rationale for this change in the inspection coverage is based on its observations and experience with the 16 official fish slaughter establishments in the U.S. that receive continuous inspection, where the fish are slaughtered and processed at the same facility. As FSIS notes, "the typical farm-raised fish slaughter operation [in the U.S.] is a streamlined, automated process that combines slaughter with processing in the same continuous operation."³ Therefore, in the agency's view, "fish slaughter operations are more closely aligned with meat processing-

¹ Consumers Union is the policy and mobilization arm of Consumer Reports, an independent, nonprofit organization that works side by side with consumers to create a fairer, safer, and healthier world. As the world's largest independent product-testing organization, Consumer Reports uses its more than 50 labs, auto test center, and survey research center to rate thousands of products and services annually. Founded in 1936, Consumer Reports has over 7 million subscribers to its magazine, website, and other publications.

² Pub. L. No. 110-246; Pub. L. No. 113-79.

³ FSIS, Notification and Request for Comments: Changes to the Inspection Coverage In Official Establishments That Slaughter Fish of the Order Siluriformes, 82 Fed. Reg. 22609 (May 17, 2017).

only operations, as opposed to meat slaughter operations” for the purposes of classifying establishments under the law to determine required inspections.⁴

We do not believe that the planned change serves the interests of U.S. consumers. Instead, FSIS should maintain the inspection coverage implemented starting on March 1, 2016, in which the agency assigns inspection personnel during all hours of operation at official establishments that kill live catfish.⁵ In addition to being consistent with FSIS’s previously stated plans for catfish inspection,⁶ maintaining this level of inspection coverage would help ensure consumer safety related to domestic and imported catfish alike.

As reflected in the title of its mission book, FSIS’s purpose is “protecting public health and preventing foodborne illness.”⁷ We strongly support the agency’s work to implement inspections that are effective for ensuring the safety of the products it oversees, and understand that a part of managing FSIS’s mission is the practical use of inspection resources.

However, the primary problem with FSIS’s rationale for the reduction in inspection coverage for catfish slaughter operations is that the agency appears to consider the operations of domestic establishments without accounting for the impact of the planned change on imports. Under the Federal Meat Inspection Act (FMIA), foreign establishments are required to meet various standards in order to send product to the U.S., and FSIS is required to ensure that foreign inspection systems comply with requirements that are equivalent to those under the FMIA with which domestic establishments must comply.⁸ As a practical matter, a reduction in inspection coverage in the U.S. would affect what steps other countries must take to protect the safety of catfish they intend to export to the U.S.

The impact could be sizable. Catfish imports—the vast majority of which (more than 95% as of 2015) come from Vietnam—have increased more than eightfold over the last decade, rising from 30 million pounds in 2005 to almost 250 million pounds in 2015.⁹ Indeed, imports are now responsible for about 60% of the catfish sold and consumed in the U.S.¹⁰

FSIS should be vigilant with respect to the potential safety hazards of imported catfish, particularly with regard to the illicit use of antibiotics and other drugs. In the two years since

⁴ *Id.*

⁵ *Id.* In these comments, we use the term “catfish” to refer to any fish of the order Siluriformes.

⁶ At a House Appropriations subcommittee hearing on February 26, 2015, the FSIS Administrator testified in response to member questions that the new catfish inspection program will affect FSIS staff by “an increase of about 18 full-time inspectors in the slaughter facilities,” or, one per slaughter plant operating at the time. U.S. House Committee on Appropriations, Subcommittee Hearing on “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations for 2016,” Part 3 at 97 (Feb. 26, 2015) (online at www.gpo.gov/fdsys/pkg/CHRG-114hhrg95352/pdf/CHRG-114hhrg95352.pdf#page=101).

⁷ FSIS, “About FSIS” (June 2, 2017) (online at www.fsis.usda.gov/wps/portal/informational/aboutfsis/about-us).

⁸ 21 U.S.C. 620.

⁹ Morris SD. 2016. SEAFOOD SAFETY Status of Issues Related to Catfish Inspection. GAO-17-289T (online at www.gao.gov/assets/690/681460.pdf).

¹⁰ Menker S. 2016. US gets hooked on Vietnamese catfish (online at www.linkedin.com/pulse/us-gets-hooked-vietnamese-catfish-sara-menker).

FSIS functionally took over inspection of catfish, there have been at least 32 violative lots refused import, and there have been at least three recalls when imports of catfish from Vietnam were contaminated with potentially dangerous chemicals.¹¹ Vietnam allows 38 drugs to be used in aquaculture, while the U.S. only permits six drugs to be used, so there may be residues of illegal drugs in imported catfish.¹² Under the current 18-month catfish inspection “transitional period” cited by the agency, FSIS states that “it is exercising broad enforcement discretion and taking enforcement actions when establishments produce adulterated or misbranded product.”¹³ Instead of terminating or reducing the intensity of these activities, FSIS should consistently carry them out—particularly given the safety record of imported catfish products over the past two years.

FSIS’s planned change to catfish inspection coverage seemingly overlooks the fact that the slaughter and processing operations for catfish in countries such as Vietnam may be different than the streamlined process found in the U.S.—and that this difference would warrant continuance of all-hours inspection to protect the safety of U.S. consumers from risks associated with imported catfish. By inadequately taking into account the catfish slaughter and processing facilities in exporting countries, particularly Vietnam, FSIS’s rationale for changing catfish inspection coverage from all hours of operation to only once per production shift is severely flawed. Consequently, we urge FSIS to not make the planned change to catfish inspection, and to thoroughly consider the impact of such a change on requirements for foreign inspection systems, including those overseeing the slaughter and processing of catfish from countries like Vietnam.

Thank you for your consideration of our comments.

Respectfully submitted,



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¹¹ FSIS, “FSIS Datasets,” (June 30, 2017) (online at www.fsis.usda.gov/wps/portal/fsis/topics/data-collection-and-reports/data/fsis-datasets); FSIS, “Recall Case Archive” (online at www.fsis.usda.gov/wps/portal/fsis/topics/recalls-and-public-health-alerts/recall-case-archive) (accessed July 14, 2017).

¹² FAO. 2011. *Seafood Safety: FDA Needs to Improve Oversight of Imported Seafood and Better Leverage Limited Resources*. GAO-11-286. Government Accountability Office, Washington, D.C. (online at www.gao.gov/new.items/d11286.pdf).

¹³ FSIS, Notification and Request for Comments *supra*.