

UNITED STATES DEPARTMENT OF AGRICULTURE

+ + + + +

PROPOSED RULE FOR MANDATORY INSPECTION

OF CATFISH AND CATFISH PRODUCTS

+ + + + +

May 26, 2011

9:00 a.m.

Charles Capps Center
Delta Research and Extension Center
Mississippi State University
82 Stoneville Road
Stoneville, MS 38776

MODERATOR:

WILLIAM PEPPER, D.V.M.
Regional Trainer, Training Operations Branch
Office of Outreach, Employee Education and
Training
Food Safety and Inspection Service

FSIS:

CHARLES WILLIAMS
Deputy Director, Policy Issuances Division
Office of Policy and Program Development
Food Safety and Inspection Service

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

PUBLIC COMMENT:

DR. LESTER SPELL, Commissioner of Agriculture and
Commerce, State of Mississippi
SENATOR CINDY HYDE-SMITH, Mississippi State Senate
DR. CRAIG TUCKER, Mississippi State University
DR. JAMES STEEBY, Mississippi State University
MICHELE WARNOCK, The Catfish Institute
JOEY LOWERY, Catfish Farmers of America
BUTCH WILSON, Catfish Farmers of America
WAYNE BRANTON, Catfish Farmers of America
DELORIS FRATESI, Lauren Farms
TOWNSEND KYSER, Kyser Farms
EVELYN ROUGHTON, Taste of Gourmet
BILL BATTLE, Battle Fish Farms
DANNY WALKER, Heartland Catfish Company
THOMAS EDWARDS, Delta Health Alliance
DIEDRE BARRET, Delta Council
MATTHEW FASS, Maritime Products International

I-N-D-E-X

<u>AGENDA ITEM</u>	<u>PAGE</u>
Welcome	
William Pepper, D.V.M. Regional Trainer, Training Operations Branch Office of Outreach, Employee Education and Training Food Safety and Inspection Service	5
Overview of the Catfish Inspection Rule	
Charles Williams Deputy Director, Policy Issuances Division Office of Policy and Program Development Food Safety and Inspection Service	6
Public Comment:	
Dr. Lester Spell	16
Senator Cindy Hyde-Smith	21
Dr. Craig Tucker	27
Dr. James Steeby	32
Michele Warnock	33
Joey Lowery	38
Butch Wilson	45
Wayne Branton	51
Deloris Fratesi	57
Townsend Kyser	62
Evelyn Roughton	68
Bill Battle	73
Danny Walker	74
Thomas Edwards	79

I-N-D-E-X

<u>AGENDA ITEM</u>	<u>PAGE</u>
Public Comment: (Continued)	
Diedre Barret	81
Matthew Fass	84
Adjournment	95

1 P-R-O-C-E-E-D-I-N-G-S

2 (9:00 a.m.)

3 DR. PEPPER: Well, again, good morning to
4 everyone. I'm Dr. William Pepper; I'm with the
5 Office of Outreach, Employee Education and Training
6 within the Food Safety and Inspection Service, and
7 I'll be serving as your moderator today.

8 I'd like to welcome all of you here, as
9 well as those who are joining us by way of phone.
10 Before we get started, you'll notice on the agenda
11 that we did not schedule in any break time, so
12 please feel free to step out if necessary, and
13 someone will direct you to a restroom or other
14 facilities.

15 The purpose of our meeting today is to
16 accept public comments on the proposed rule for
17 mandatory inspection of catfish and catfish
18 products, which published on February 24 of this
19 year.

20 This is our second public meeting to
21 solicit your comments on the proposed rule. As you
22 may all know, our first meeting took place this past

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 Tuesday in Washington, D.C. Transcripts from both
2 meetings will be posted on the FSIS website in
3 approximately 30 days, and note that the period for
4 submission of written comments on this proposed rule
5 closes June 24 of this year.

6 Before we begin the public comment period,
7 Mr. Charles Williams will provide a brief overview
8 of the proposed rule. Mr. Williams is Deputy
9 Director of the Policy Issuances Division within the
10 Office of Policy and Program Development in FSIS.

11 Chuck.

12 MR. WILLIAMS: Thank you, Dr. Pepper.
13 We'll begin by presenting some of the chief points
14 in the proposed rule. Proposed rule, mandatory
15 inspection of catfish and catfish products, as
16 Dr. Pepper mentioned, was published February 24 in
17 the Federal Register and online, and it's an
18 implementation of amendments to the Federal Meat
19 Inspection Act (FMIA) that were made by the Food
20 Conservation and Energy Act of 2008, known as the
21 2008 Farm Bill.

22 The Section 11016 of that massive piece of

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 legislation amended the FMIA to make catfish, as
2 defined by the Secretary, amenable to the Act and
3 therefore subject to inspection under FSIS.

4 The amended Act excludes from applicability
5 to catfish provisions for ante-mortem, post-mortem
6 inspection, and humane slaughter and custom
7 slaughter and relies on the section dealing with the
8 inspection of meat and meat food products under
9 different types of operations for its authority for
10 the inspection of catfish and, in so doing, makes
11 mandatory catfish inspection under continuous FSIS
12 oversight a requirement of the Act and regulations.

13 And the amended Act does not take effect
14 until we publish final regulations. That's stated
15 in a notation to the amendments in the Farm Bill.
16 So for that reason we're going through this notice
17 and comment process following the procedures of the
18 Administrative Procedure Act.

19 One of the consequences of the amended Act
20 is that we will be applying to both domestic and
21 foreign catfish products regulations, requirements

22

1 that are equivalent, so countries whose catfish
2 products are to be imported into the United States
3 have to comply with the regulations of FSIS for
4 imported products, and that includes being listed
5 among countries that are eligible for the
6 importation of their products in the FSIS
7 regulations in Title IX of the Code of Federal
8 Regulations.

9 Now, as I said, the Farm Bill made catfish,
10 as defined by the Secretary, amenable to the Act, so
11 threshold question for determining which fish are to
12 be subject to our regulations is a decision on what
13 is catfish?

14 And so we are going to be -- we are
15 requesting comment on how catfish ought to be
16 defined, and we have proposed that they might be
17 defined to encompass all fish that are in the order
18 Siluriformes or fish that are in the family of
19 Ictaluridae, the Ictaluridae including the North
20 America varieties of fish commonly raised for
21 commercial purposes, including channel catfish, blue
22 catfish, and hybrids, and the order Siluriformes

1 comprehending such fish that are commonly raised
2 overseas, not only in the family Ictaluridae, but in
3 the Pangasiidae family.

4 So the regulations are going to be -- that
5 we are proposing are going to be in a new subchapter
6 of the FSIS regulation, Subchapter F, and in laying
7 out the regulations, we've made extensive cross-
8 referencing to the meat inspection regulations and,
9 in so doing, we're going to have some requirements
10 that are going to be relatively new to the catfish
11 industry. Well, notably mandatory continuous
12 inspection, but also such requirements as prior
13 approval of labels and certain labeling features and
14 certain other requirements.

15 As I said, the Act excluded from
16 applicability to catfish the requirements for ante-
17 mortem and post-mortem inspection and custom
18 slaughter exemptions, so consequently there will be
19 no regulations based on the FMIA provisions for
20 ante-mortem and post-mortem inspection and custom
21 slaughter exemptions.

22 The inspection regulations for catfish are

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 going to be based extensively on the authority in 21
2 U.S.C. 606, and in modifying the 21 U.S.C. 606, the
3 Farm Bill amended that section to require the Agency
4 to take account of the conditions under which
5 catfish are raised and transported to the processing
6 establishment, and this is a first for FSIS, the
7 first direct authority that we have over conditions
8 at the producer level.

9 The import requirements and other features
10 of the regulations that would apply to catfish are
11 going to be similar to those that already apply to
12 meat and meat food products under the meat
13 inspection regulations and, I might say, also the
14 poultry regulations under a different Act, the
15 similar requirements that apply to imported poultry
16 products.

17 And there are going to be some provisions
18 that apply to preharvest. As yet they're somewhat
19 general; they state that producers should monitor
20 the conditions of their ponds for any conditions
21 that might lead to the adulteration of catfish or
22 catfish products and a general requirement for the

1 conditions of transport to be such as will not
2 result in the delivery of dead, dying, or diseased
3 catfish that might be deemed adulterated.

4 So they're quite general at this point, and
5 one assumes that as we proceed to implementation, we
6 will be gathering data on which to base more precise
7 regulations in the future.

8 As I said, there will be labeling
9 requirements that apply to catfish that are going to
10 be very much the same as those that apply to other
11 products that are subject to the Meat Inspection
12 Act, and I mentioned that there's going to be a
13 requirement for prior approval of labeling.

14 The proposed rule is requiring that the
15 features of the label be the same: product name,
16 brand name, statement of ingredients, place of
17 manufacture, and so forth.

18 And also required for products that we
19 inspect is the inclusion on the label of the
20 official inspection legend, the U.S. inspected and
21 passed brand with the establishment number.

22 Also there is a requirement for safe-

1 handling labeling for products that are not ready to
2 eat, so raw meat products already carry and raw
3 poultry products already carry safe-handling
4 labeling, instructing consumers to keep raw products
5 separate from cooked products, and clean utensils
6 and food-contact surfaces and properly store the
7 products: Keep hot foods hot, keep cold foods cold,
8 and so forth. So there's going to be a requirement
9 for that on catfish.

10 Also there is going to be a water-retention
11 requirement; in other words, any water that is
12 retained above the basic weight of the product as a
13 result of processing has to be kept to a minimum and
14 should only be there with sound food-safety-related
15 justification.

16 And, in addition, our proposed regulations
17 are going to require 100 percent net weight
18 statements on the label; that is, deglazed net
19 weight is to average 100 percent of net weight after
20 thawing, and we're using as our guide the NIST
21 Handbook 133, Chapter 2, Section 2.6, and NIST
22 Handbook 133 is available for downloading at

1 www.nist.gov. It's incorporated by reference.

2 Expected impacts: This proposed rule was
3 designated economically significant by the Office of
4 Management and Budget under the Executive Order
5 12866, which is the regulatory review executive
6 order.

7 There's a requirement for cost-benefit
8 analysis when a regulation is designated as
9 economically significant under that executive order,
10 so one has been provided, a break-even analysis
11 focusing on benefits to be obtained from
12 Salmonellosis illnesses averted.

13 The regulation is also designated as major
14 under the Office of Cost-Benefit Analysis and Risk
15 Assessment Act, which is an Agriculture Department
16 related piece of legislation.

17 And for rules that are designated as major
18 under that Act, those rules have to be supported by
19 both a cost-benefit analysis and a risk assessment,
20 so in support of the catfish rule, there is a risk
21 assessment that focuses on the *Salmonella* hazard and
22 also discusses hazards from drug and chemical

1 residues and other pathogens.

2 There was a small-entities analysis under
3 the Regulatory Flexibility Act, but we have found
4 that the proposed rule will not have a significant
5 effect on a substantial number of small entities,
6 and in arriving at that conclusion, we're taking
7 into account not just the processing establishments
8 but all entities that might be affected by this
9 proposed rule.

10 And we are asking for comments on all these
11 provisions and the supporting analysis, and we are
12 asking for comments also on phase-in to
13 implementation. What we are envisioning is that
14 when we go to implement, we will allow the current
15 situation in the processing plants to persist for
16 some time; that is, they would be operating
17 initially under the FDA regime with the required
18 Hazard Analysis and Critical Control Point
19 (HACCP) plans and their Sanitation Standard Operating
20 Procedures (SSOPs), but then they would be working
21 toward a full compliance with FSIS regulations on
22 HACCP standard sanitation operating procedures and

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 FSIS' sanitation performance standards all in Part
2 416, Part 417 of our regulations.

3 And then they would begin to submit labels
4 for approval, and we would also begin to assess
5 foreign inspection systems that would be affected by
6 the regulations for equivalency to the U.S. system
7 before being allowed to import.

8 And then an additional phase, all entities
9 subject to the registration and record-keeping
10 requirements of the regulations would be required to
11 comply with those, and then finally -- in final
12 stage of implementation, everybody affected would
13 have to be in complete compliance with all
14 regulatory requirements.

15 And we are asking for comment on how the
16 phase-in should proceed and what the particulars of
17 that should be.

18 So basically we're asking for comment on
19 everything that we've proposed, and we thank you for
20 coming here to assist us as we work toward
21 completion of the rule-making process and look
22 forward to hearing your comments today.

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 DR. PEPPER: Thank you, Chuck. We'll now
2 begin the public comment period. I have a list of
3 names of those of you wishing to provide public
4 comments. When I call your name, I ask that you
5 come up here to this podium; we'll use the
6 microphones down front for backups if necessary.

7 So please come up to this podium, state for
8 the record your name and affiliation, and then
9 provide your comments.

10 I ask that you -- given the number of
11 people that we have to comment, I ask that you limit
12 your comments to around six to eight minutes, and if
13 necessary, I'll interrupt you.

14 So I'd first like to recognize Dr. Lester
15 Spell, Commissioner of Agriculture and Commerce for
16 the State of Mississippi.

17 Dr. Spell.

18 DR. SPELL: I have to tell you, I've always
19 liked Dr. Pepper.

20 It's good to meet you, Dr. Pepper. Thank
21 you for being here with us today, and thank each one
22 of you for coming today. I know I've missed several

1 producers from different states.

2 This is a very, very important session to
3 us, and we appreciate the opportunity that you've
4 given us for our input.

5 A bit about my background and relationship
6 to food safety: I'm a veterinarian, and soon after
7 I graduated from veterinary school, I went in the
8 U.S. Army Veterinary Corps, and for two years our
9 sole mission was food safety and food inspection.

10 I was stationed on the West Coast, and
11 90 percent of the chilled and frozen food that went
12 to our troops in Vietnam actually came under our
13 inspection, so I've had a lot of experience.

14 And the thing that stood out in my mind was
15 the rigorous food safety inspection that we did here
16 in the United States to protect our troops, and I
17 think those same standards should hold for every
18 country that sells food inside the United States.

19 This is a big industry in our state; it's
20 important to our state. According to Mississippi
21 State University, last year this industry generated
22 \$199 million in sales for Mississippi, with

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 something like 60,000 acres in catfish farms and
2 employment for some 10,000 people, so it's critical
3 that we maintain the integrity of the product that
4 we grow.

5 The FDA's past testing and surveillance has
6 been woefully inadequate. Many of you are familiar
7 with the period of time from 2002 to 2010 where far
8 under two percent of the catfish imported was
9 tested. And of that small percentage that was
10 tested, 482 of those samples were found to be in
11 violation of food safety standards, so I applaud the
12 change in the '08 Farm Bill making FSIS the
13 responsible agent for inspection.

14 It really doesn't make any sense for any
15 government or any entity to oppose equal food safety
16 standards across the board. As Americans, we are
17 sick and tired of taking the risk on food safety
18 with products that come from other countries that
19 don't meet our same standards.

20 I never will forget sometime in the past
21 when we were going through all the contamination we
22 were finding in foreign catfish, Dr. Pepper, and on

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 a phone conversation with someone with USDA, they
2 referred to China as our good trading partner.

3 It seemed that it was more important to
4 maintain a good political relationship with China
5 than it was to protect the American public. I say
6 anybody that ships us contaminated food that doesn't
7 meet our standards is not worthy to be called a good
8 trading partner to the United States.

9 During this period of time when they were
10 so woefully inadequate in their testing at the
11 Department of Agriculture, we began testing, and
12 over 69 percent of the imported catfish that we
13 tested was contaminated with antibiotics that are
14 not approved for presence in any degree in fish.

15 In case Washington hasn't really heard the
16 American public, let me repeat it and make it clear:
17 We want Washington to stop sacrificing the safety of
18 the American consumer in order to seek favor with
19 any trading partner we have. All imported food
20 should meet the same food safety standards that
21 American producers meet.

22 One of the questions we talked about is

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 phasing this in over a period of time at American
2 plants and then bringing other countries in. I
3 think the most important point to make is this: Any
4 implementation in food safety standards must be
5 applied simultaneously across the board.

6 I don't agree with the argument that other
7 countries need time to come up to speed; let's go
8 ahead and implement these standards in America, make
9 sure that we're producing at these standards, and
10 then require it of other countries. That is wrong,
11 that is unfair, that is unsafe. If they want to
12 trade in the American market, they can meet the same
13 standards as our producers do.

14 Again, we look forward to working with FSIS
15 in implementing these standards and ask that, in all
16 fairness to our American producers and the safety of
17 the American consumer, that this all be employed
18 equally and simultaneously.

19 Thank you for this opportunity.

20 DR. PEPPER: I would next like to recognize
21 Cindy Hyde-Smith, Mississippi State Senator.

22 Senator Smith.

1 SENATOR SMITH: Thank you, Dr. Pepper. It
2 is a great opportunity to be before you today. I
3 stand here on behalf of the 2.8 million
4 Mississippians who deserve safe food. I stand here
5 on behalf of the producers who produce this food to
6 have a level playing field; they deserve that as
7 well.

8 It is very important to me as a state
9 senator, as a member of the legislature, as chairman
10 of Agriculture; it's more important to me as a
11 mother.

12 My name is Cindy Hyde-Smith; I represent
13 the 39th District down in Brookhaven, Mississippi.
14 As chair of the Senate Agriculture Committee, I have
15 the privilege of sharing in the stewardship in our
16 state's largest industry.

17 Our farmers and ranchers, as you well know,
18 are the backbone of our state and our country. Our
19 mission as public officials is to provide the safest
20 food possible, then maintain the highest level of
21 consumer confidence in our products.

22 You know, Congress recognized this was not

1 always the case when it voted nearly three years ago
2 to shift the inspection and regulation of catfish
3 from FDA to you at USDA and FSIS.

4 I think most Americans would be truly
5 shocked to know until now just over one percent of
6 the seafood imported in these United States is
7 actually inspected by the FDA.

8 I have great confidence that FSIS will
9 change that situation with the new rule that's now
10 before you. Here's why I believe you will make such
11 a difference:

12 Number one, you have superior enforcement.
13 USDA inspectors will be on-site, inspecting catfish
14 operations much more than existing FDA or NOAA food
15 inspection programs are now.

16 USDA will use similar approaches to catfish
17 inspection as it does the meat inspections that
18 we're so familiar with today. They will also detect
19 and mandate corrections in sanitation problems in
20 facilities that could affect product safety.

21 USDA will check to make sure that
22 establishments have adequate sanitary standard

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 operating procedures and that they will have hazard
2 analysis critical control food safety plans in place
3 where they should be, plans that are adequate for
4 the product and processes in the operation and, most
5 important, USDA will ensure that the plans are being
6 followed. Growers and processors will be required
7 to maintain good practices.

8 The second reason: USDA has prior label
9 approval, while FDA's label approval is
10 retrospective. That means USDA can better ensure
11 that the label accurately represents the product in
12 the package before it hits the grocery shelves, not
13 after.

14 The third reason: USDA has a much stronger
15 system of ensuring meat and poultry imports are safe
16 and will apply those same requirements to catfish.

17 The USDA system, called the equivalent
18 system, has been around for many years, and many
19 other countries operate similarly. Under the
20 equivalent system, USDA must approve the food safety
21 system of an importing country, the way it should
22 have always been.

1 USDA then must certify the specific
2 establishments in that country which will be
3 authorized at that time to ship it to the United
4 States. But the process does not stop with that
5 stamp of approval.

6 USDA then monitors the equivalence of the
7 systems and establishments on a continuing basis,
8 and the USDA reinspects the products once they are
9 imported and test for hazards in double the
10 proportions to the FDA.

11 Finally, USDA is required to take into
12 account how catfish are raised. Food safety experts
13 generally believe that most hazards are introduced
14 in production. The rule explains that USDA plans to
15 monitor production activities for hazards and take
16 appropriate actions to mitigate those hazards. This
17 is an area that USDA plans to develop as it gains
18 knowledge and experience of production concerns.

19 Some importers have inaccurately
20 characterized these rules as an effort to prevent
21 imported catfish from reaching our markets. This is
22 absolutely wrong. This rule does not require

1 anything different of imported catfish than it does
2 our domestic catfish.

3 How could anyone oppose a regulation that
4 makes their product and their industry safer and
5 boosts consumer confidence? It's what we put in our
6 mouth.

7 I'd like to address one final issue:
8 Should the rule cover all catfish or only some
9 catfish? In the 2002 Farm Bill, Congress defined
10 catfish so as to divide the broader catfish
11 category.

12 This was in the context of the new
13 provision of identity labeling of catfish for
14 marketing purposes, but the 2002 approach was not
15 successful. The distinctions among the catfish
16 types was not allowed for enforcement, and
17 mislabeling was the norm. Catfish stubbornly
18 remained catfish in the eyes of the consumers,
19 regulators, and retailers.

20 The 2002 approach simply did not work
21 because it was not enforceable. Therefore, in the
22 2008 Farm Bill, Congress did not mandate the 2002

1 definition, leaving it open for FSIS to go back to
2 the single-category-of-catfish approach.

3 Congress realized the 2002 definition did
4 not work and so did not endorse it in the '08 Farm
5 Bill, thank goodness. So why in the world would
6 they return to this failed approach?

7 Instead, FSIS should define catfish to
8 include all catfish in the order Siluriformes and
9 make families within it have common names that
10 include catfish. This definition is consistent with
11 the science of taxonomy and with the common use of
12 the term.

13 FSIS should recognize, as Congress has in
14 the 2008 bill, that the 2002 definition is not
15 consistent with science and market conditions.
16 Congress mandated that the issue must be revisited
17 and FSIS should not merely return to a failed
18 definition.

19 I am so honored to be in front of you today
20 to have this opportunity because, guys, this is
21 important. This is about our food safety; it's
22 about the confidence that people have in American

1 production and American farmers, as well as that
2 that's coming in.

3 We're not trying to prevent anyone else
4 from bringing a product in; we want it to meet the
5 same requirements, to be safe for our families in
6 Mississippi.

7 Thank you so much.

8 DR. PEPPER: Next I'd like to recognize
9 Dr. Craig Tucker with Mississippi State University.

10 Dr. Tucker.

11 DR. TUCKER: Good morning. My name is
12 Craig Tucker, and I'm a research professor of
13 aquaculture at Mississippi State University and the
14 director of the Thad Cochran National Warmwater
15 Aquaculture Center.

16 I've conducted research on catfish
17 aquaculture for over 35 years, and I've written four
18 books and hundreds of scientific articles on the
19 subject.

20 The American farm-raised catfish industry
21 has a 50-year history of providing safe and
22 nutritious seafood for American consumers. The

1 industry has spent millions of dollars in
2 advertising to develop an expectation of safety,
3 quality, environmental stewardship when people buy
4 that product.

5 I support the current proposal to put farm-
6 raised catfish under continuous inspection by the
7 USDA Food Safety Inspection Service because the
8 program will reinforce and strengthen consumer
9 confidence and expectations when buying this iconic
10 American fish. Under FSIS inspections, U.S. farm-
11 raised catfish will be the safest seafood product in
12 the world.

13 But the proposed rule will only be
14 effective if all catfish products that can
15 conceivably be confused with or sold as "catfish"
16 are subject to the same strict quality and safety
17 oversight that is proposed for those fish raised in
18 the United States.

19 Broadly defining food groups for the
20 purposes of food safety is consistent with all other
21 FSIS rules, and it's especially important for
22 catfish, given the rampant fraud and mislabeling

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 that are present in the seafood industry.

2 In 2009 a report was published by the
3 Congressional Research Service that pointed out that
4 mislabeling and species substitution are
5 particularly evident for Asian catfish.

6 The report states that "Asian catfish --
7 basa and tra -- illustrate the magnitude of
8 mislabeling. Although import volumes exceed 50
9 million pounds per year" -- and that was a low
10 figure, by the way -- "for these species combined,
11 these animals are difficult to find correctly
12 identified in the domestic marketplace."

13 Fraud and mislabeling are especially
14 problematic when the mislabeled food is also
15 adulterated. Not only is the mislabeled food
16 potentially dangerous to consumers, but marketplace
17 uncertainty can destroy consumer confidence and
18 acceptance of the defrauded bona fide product.

19 Last month, in April 2011, a report was
20 published by the United States Government
21 Accountability Office, the GAO. They clearly
22 documented safety problems with imported seafoods,

1 and they used imported catfish products as their
2 prime example.

3 The GAO report also concluded that current
4 government oversight by the U.S. Food & Drug
5 Administration is inadequate to prevent the
6 importation of adulterated seafoods into the United
7 States.

8 The report goes on to state that the
9 practices currently used by FSIS for meat inspection
10 are "potentially more effective alternatives to the
11 current FDA approach" for assuring seafood safety.

12 In 2002, as was just mentioned, catfish
13 farmers successfully lobbied for regulations
14 permitting only North American native catfishes to
15 be marketed in the United States under the name
16 "catfish."

17 At that time the driving force behind that
18 effort was the need to unambiguously identify at the
19 marketplace a specific product: U.S. farm-raised
20 catfish. That need was prompted by the blatant
21 exploitation of that trusted name by importers of
22 foreign catfish. In other words, United States

1 farmers simply wanted the name "catfish" to stand
2 for a single high-quality product.

3 The present situation is completely
4 different. The present situation involves food
5 safety rather than marketing. The two government
6 reports I just mentioned conclude that the current
7 regulatory oversight has not been effective in
8 preventing importation of adulterated fish products,
9 nor has it been effective in preventing those
10 imported products from being misbranded and sold as
11 other fish.

12 The issue in 2002 was how to differentiate
13 fish at the marketplace. The question now, with
14 respect to this rule, is what is the best way to
15 protect American consumers when food choices involve
16 similar products of differing safety?

17 To fully protect American consumers, all
18 catfish-like products should be subject to the same
19 quality and safety oversight standards envisioned
20 for catfish grown in the United States.

21 As proposed in this rule, that oversight
22 must occur at the point of production and processing

1 rather than relying upon the current system of
2 infrequent, inefficient, random sampling of products
3 at the port of entry.

4 Thank you.

5 DR. PEPPER: I now recognize Dr. James
6 Steeby, also with Mississippi State University.

7 DR. STEEBY: Thank you, Dr. Pepper.

8 Good morning. My name is Jim Steeby; I'm
9 retired faculty here at the National Warmwater
10 Aquaculture Center. Like many of us gathered here
11 this morning, I've worked in this industry for over
12 30 years.

13 Our goal since the beginning has been the
14 production of a safe, nutritious, wholesome product.
15 We have succeeded in this goal for over 30 years.
16 In that period we have grown and processed over 12.8
17 billion pounds of catfish.

18 Increasing costs of feed and fuel have
19 forced us to raise our prices. It is therefore
20 imperative that we maintain our product quality.
21 Now we must be concerned that imported fish products
22 with a catfish family name could impact our hard-

1 earned market and unblemished record.

2 It is therefore imperative that all
3 products that might or could use the catfish name be
4 safe, wholesome products. Shifting to the FSIS
5 inspection and use of the broad definition to
6 include all catfish marketed in the United States,
7 whether of North American origin or Asian origin, is
8 therefore a must.

9 Thank you.

10 DR. PEPPER: I now recognize Michele
11 Warnock with the Catfish Institute.

12 MS. WARNOCK: Thank you, Dr. Pepper.

13 Good morning. My name is Michele Warnock.
14 As a local mother who regularly purchased catfish
15 for my family, I've paid attention as food safety
16 concerns about catfish have appeared in the press.

17 As a professional with a graduate degree in
18 food science and technology, I also wanted to be
19 here to express my views on our local catfish
20 industry.

21 The perception in the South, where the
22 majority of catfish is consumed, has always been

1 that the local aquaculture catfish is of especially
2 high quality and a safe product. We do not
3 necessarily have the same confidence in imported
4 catfish, and when we try to buy only domestic
5 catfish, we're not totally confident in the
6 labeling.

7 We were pleased then when, in 2008, we
8 learned USDA would impose new higher standards on
9 both imported and domestic catfish, allowing us to
10 buy catfish without worrying about safety.

11 But as time has dragged on, with no change
12 in the marketing of catfish, we're beginning to lose
13 confidence in the U.S. food safety system overall.
14 It seems regulators in Washington have some other
15 priority than consumer safety.

16 At this point consumers want to know that
17 any catfish we buy will be produced to the same high
18 standard of food safety protection. In our
19 experience, the labeling requirement of the 2002
20 Farm Bill did not accomplish this goal.

21 The 2002 Farm Bill defined catfish for
22 product labeling purposes so that consumers would

1 know the type of catfish we were purchasing and
2 could choose the safer local product.

3 But because all catfish are basically
4 similar, mislabeling has been a problem, and it
5 highlights the need for all catfish to be inspected
6 and labeled as safe, inspected catfish. Dividing up
7 the catfish category was tried, but it did not work.

8 The 2008 Farm Bill addresses catfish
9 inspections from a health and safety standpoint.
10 When dealing with public health, laws should be more
11 far-reaching and all-encompassing.

12 For example, the poultry products
13 inspection regulations include all domesticated
14 birds such as turkeys, chickens, ducks, et cetera.
15 And ideally all farm-raised fish and fishery
16 products would be inspected under the 2008 Farm
17 Bill, but at a minimum all farm-raised catfish grown
18 for human consumption should be inspected.

19 The mandatory inspection of catfish and
20 catfish products should therefore include all
21 families in the Siluriformes order. There are many
22 other important reasons to inspect all farm-raised

1 catfish and, where Food Safety and Inspection
2 Service does not do the actual inspecting, such as
3 in other countries, to have equivalent mandatory
4 inspection standards in place.

5 According to the FDA Import Refusals
6 database for the first quarter of 2011, there were
7 ten catfish shipments from China that were refused
8 entry due to banned chemicals or drugs in the month
9 of March alone.

10 If the FDA inspects less than two percent
11 of all seafood, how many shipments of tainted and
12 adulterated catfish are entering our food supply?
13 It is disturbing.

14 Also, the proposed rule focused on
15 *Salmonella* as the break-even indicator to justify
16 the cost of the new mandatory inspection program. I
17 believe this is an inaccurate model to use. I think
18 much of the real food-safety risk lies in the
19 unknown amounts of illegal pesticides and
20 antibiotics that are often found in imported
21 catfish.

22 Many consumers I have spoken with have

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 expressed great concern over the growing conditions
2 used by foreign catfish farmers. The Mekong River,
3 where many of the Vietnamese fish are raised, is one
4 of the most polluted rivers in the world.

5 It's difficult for the average consumer to
6 believe that the chemicals and biological
7 contaminants in the water in which the fish are
8 grown do not end up in the flesh of the fish.
9 Without holding these products to equivalent
10 inspection standards, it is difficult to have
11 confidence that our food supply is not being
12 compromised by tainted imports.

13 Many restaurants use imported farm-raised
14 basa, swai, and tra fillets as substitutes for U.S.
15 farm-raised catfish. Since these fish are often
16 illegally used interchangeably, it makes sense that
17 they should have the same regulations.

18 What doesn't make sense is to only inspect
19 U.S.-grown catfish and to require equivalent
20 inspection standards only on the small portion of
21 imported catfish that happen to be in the narrowly
22 defined *Ictalurus* genus. That is not giving the

1 American consumer the protection we deserve.

2 American consumers depend on our government
3 to protect us from harm. Please make sure the
4 proposed rule includes all domestic and foreign
5 farm-raised catfish.

6 Thank you for your time and consideration.

7 DR. PEPPER: I now recognize Joey Lowery
8 with Catfish Farmers of America.

9 MR. LOWERY: Good morning. My name's Joey
10 Lowery. I currently chair the board of the Catfish
11 Farmers of America. I'm a recent past president of
12 CFA.

13 Catfish Farmers of America has over 600
14 members located in 35 states. Our membership
15 includes farmers, processors, scientists, financial
16 institutions, vendors, and others.

17 I appreciate the opportunity to speak this
18 morning. I've been raising catfish for going on 26
19 years on my farm in Newport, Arkansas.

20 From our point of view, the proposed
21 regulation before you represents a health and safety
22 issue, pure and simple. Our number-one priority,

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 like yours, is the health and safety of the American
2 consumers.

3 We're not just supporting this change in
4 regulation because it imposes stronger safety
5 standards on imported fish; it also requires those
6 same strong standards for our U.S. farm-raised
7 catfish.

8 We're not asking imported catfish to be
9 treated any differently than our own catfish. We
10 want all catfish to be as safe as possible for the
11 American consumer to enjoy.

12 The Government Accountability Office this
13 April confirmed, in the strongest possible way, the
14 need for the broadest and most rapid implementation
15 of this regulation. When it comes to protecting
16 consumers, the GAO concluded that the existing
17 federal program to inspect imported seafood is so
18 limited it is insufficient; it's ineffective.

19 We feel that without regulation, our
20 industry is vulnerable to a food safety incident,
21 whether from a long-term exposure to a carcinogen or
22 short-term exposure to a pathogen. It's a tragedy

1 we would all like to avoid.

2 In 2009 the FDA tested about .1 percent of
3 all imported seafood products for drug residues, and
4 this is according to the GAO report also. But for
5 catfish the numbers are even more shocking.

6 Even though the FDA's import sampling
7 program states that it prioritizes the testing of
8 all catfish and catfish-related species for residues
9 of nitrofurans, during fiscal years 2006 through
10 2009, the FDA did not analyze a single imported
11 catfish sample for nitrofurans.

12 Now, this is an antibiotic that has been
13 banned for agricultural products by the U.S. and
14 many other countries. It's still commonly used in
15 Asian catfish farming.

16 The GAO concluded that because of FDA's
17 limited sampling, some of the more than 156,000
18 metric tons of catfish imports that entered the
19 United States during those three years could have
20 easily contained residues of nitrofurans. That's
21 shocking; that's unacceptable.

22 This is precisely why the Catfish Farmers

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 of America support turning over catfish inspections
2 and regulations to your agency.

3 Consumer confidence in safe and healthy
4 seafood is critical to both the domestic and
5 imported catfish industries. Experience shows that
6 if there's a food safety incident, consumer
7 confidence for the entire product category, no
8 matter the source of the product, is damaged. It
9 often takes years for the consumption level of the
10 product to rebound.

11 For the sake of consumer health, first and
12 foremost, but also for the health of an important
13 job-creating domestic and import industry, it's
14 critical that FSIS begin regulating catfish.

15 Our industry's already suffering from
16 higher fuel costs, higher feed costs. We have some
17 farmers that's fighting 75-year floods at this time.
18 We cannot afford an outbreak of illness from catfish
19 from anywhere.

20 Because farm-raised catfish or farm-raised
21 fish are a protein source with a risk profile
22 similar to meat, most consumers naturally assume

1 seafood is inspected under the same guidelines as
2 meat, eggs, and poultry, which are subject to the
3 USDA's FSIS inspection. If there is an incident,
4 consumers will be outraged to learn how seafood is
5 in fact regulated.

6 Catfish Farmers of America support FSIS
7 inspection in order to assure the consumer the
8 safest and healthiest catfish, both domestic and
9 imported.

10 We're not opposed to imports; we only
11 oppose unhealthy imports. How can anyone argue
12 against that is beyond us.

13 This is a public health issue. Why should
14 any company that is not providing the same level of
15 protection as domestic companies be selling food to
16 American consumers? It's that simple.

17 We should have the right to set standards
18 of quality and safety on any product sold in our
19 country, especially when it's related to our food
20 supply. Economics and trade are important but
21 cannot ever be allowed to trump food safety.

22 I also want to emphasize that I and my

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 fellow U.S. catfish farmers support the broadest
2 definition possible for FSIS catfish inspection.
3 There's a good rationale within the standard
4 classification system used by FSIS biologists to
5 describe and define catfish more broadly than
6 Ictaluridae.

7 America's classic catfish, commonly known
8 as channel catfish, is a member of the order
9 Siluriformes. Asian catfish, *Pangasius*, sometimes
10 called basa, tra, and swai, are also in the order of
11 Siluriformes. They're also grown on farms for
12 export. Chinese farmers also raise the American
13 catfish, Ictaluridae, on farms for export.

14 From our perspective, all farm-raised
15 catfish should be covered for food safety; whether
16 domestic or imported, and from whatever source
17 country, the same food safety levels should be
18 required.

19 If something less than all of the farm-
20 raised catfish are covered, this will lead to a
21 disruption in the food safety protection we seek.
22 In fact, if import levels stay at a current rates

1 and a narrow definition is imposed, only nine
2 percent of all imported catfish and catfish-like
3 species would be inspected and regulated under USDA.

4 If catfish from some country A is inspected
5 but catfish from country B is not inspected for food
6 safety, confusion would reign in the marketplace.
7 Consumers cannot be expected to understand why USDA
8 was inspecting just some catfish while leaving other
9 catfish to chance.

10 Let's look at this practically. Consumers
11 do not distinguish between catfish based on its
12 source. If there's an outbreak of sickness from any
13 catfish, consumption of all catfish will go down,
14 regardless of its point of origin. Consumers will
15 not understand why some catfish were regulated and
16 others not, and there would be severe criticism of
17 the regulatory agencies.

18 We're not asking that imported fish be
19 treated differently than U.S. farm-raised; we're
20 only asking the Federal government to ensure that
21 it's safe. We don't believe trading safety for
22 commerce is ever a bargain. We believe safety and

1 quality should be the test for good public policy
2 and good business.

3 It was made a law for a reason. Americans
4 are trying to eat healthier and are more safety
5 conscious than ever before about what they feed
6 their families. Consumption of seafood is growing.
7 We encourage you to ensure that American consumers
8 are getting the healthiest and safest catfish
9 possible when they go to the grocery store or sit
10 down to dinner at a restaurant.

11 This regulation was approved by a
12 bipartisan vote of Congress nearly three years ago.
13 Consumers shouldn't have to wait any longer for
14 these protections. We're asking you to take
15 immediate action to avoid any terrible misfortune
16 for a single U.S. consumer or for our industry.

17 Thank you for your attention.

18 DR. PEPPER: I now recognize Butch Wilson
19 with the Catfish Farmers of America.

20 MR. WILSON: Good morning. My name is
21 Butch Wilson. I'm the current president of Catfish
22 Farmers of America. I've farmed catfish for 26

1 years, and I live in Browns, Alabama.

2 I'm here to talk to you about the
3 importance of ensuring the health, safety, and the
4 quality of catfish on the American grocery shelves,
5 restaurants, and our school cafeterias.

6 U.S. catfish growers are extremely
7 concerned about and committed to the health, safety,
8 and image of our product. U.S. farm-raised catfish
9 are rated as one of the cleanest, healthiest, and
10 most environmentally fish products in the world by
11 various consumer groups, seafood groups,
12 environmental groups, including the Audubon Society,
13 the Environmental Defense Fund, and the Food and
14 Water Watch.

15 This is because we've invested in ensuring
16 this high standard for food safety and quality and
17 have made it a priority for our business model.

18 Today, I and other U.S. farmers are worried
19 about the hundreds of thousands of tons of imported
20 catfish and catfish-like species that are entering
21 the U.S. markets and are not raised in the safe and
22 healthy conditions ours are.

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 We have invested heavily in food safety,
2 but we know that any supplier, whether domestic or
3 foreign, can destroy consumer confidence in our
4 product with just one food safety incident. We need
5 every fish on every plate to be held to the same
6 standard for health and safety.

7 I want to share with you a few facts
8 regarding catfish and catfish-like species and why
9 now more than ever the American consumer and the
10 American farmer need a broad definition of catfish
11 to be included in the final rule.

12 In 2003 imported catfish and catfish-like
13 species made up only 4 percent of all frozen catfish
14 fillets sold in the US. By 2009 imports accounted
15 for 57 percent of all frozen catfish sold in the
16 U.S. Imported catfish and catfish-like species have
17 been found to contain harmful chemicals and drugs
18 that are banned in food production in the U.S.

19 From August 2009 through July 2010, 48
20 shipments of imported catfish were refused by FDA
21 with over two-thirds of refusals coming from Vietnam
22 and China.

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 In addition, in my home state of Alabama,
2 Alabama Department of Agriculture labs, starting in
3 2005, they tested 21 basa catfish samples from
4 Vietnam; 19 tested positive for banned antibiotics,
5 and 3 for known carcinogens. In 2007, 129 catfish
6 samples from China, 64 positive for banned
7 antibiotics, 27 for carcinogens. In 2009, 34 basa
8 and catfish from various Asian countries, 14
9 positive for banned antibiotics. In 2011, January
10 through April, 14 cases of veterinary drug residues
11 had been found in products.

12 With that being said, we recognize that the
13 U.S. farmers will also be subject to additional
14 regulation as a result of the new rule. There's no
15 question that we will be subject to even more
16 checks, inspections, and standards when FSIS assumes
17 control of catfish inspections and regulations.

18 It will mean more time, work, and expense
19 for the U.S. catfish farmers; however, based on the
20 information I just mentioned, along with other
21 information that y'all heard today, these extra
22 hurdles that industry will take are well worth the

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 cost of protecting and ensuring health of the
2 consumer and the future of our industry.

3 That is why we have worked so hard the last
4 several years to support FSIS taking over inspection
5 and regulation of all catfish, domestic and
6 imported. We have faith in your system.

7 USDA inspectors will be on-site at catfish
8 operations in greater numbers than existing
9 voluntary FDA and NOAA seafood inspector programs.
10 USDA will monitor catfish farms for health and
11 safety hazards because safety experts generally
12 believe many hazards can be introduced to the food
13 chain during production. Neither FDA nor NOAA has
14 this authority.

15 The USDA has prior label approval, assuring
16 that the catfish is properly represented on the
17 label before it can be shipped to the marketplace.
18 FDA can find labeling deficiencies or mislabeling
19 only after the product has reached the marketplace,
20 and it can take months for them to take action on
21 that kind of process.

22 And perhaps most important for consumers,

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 USDA will apply the same strong system of ensuring
2 meat and poultry imports are safe to the catfish
3 industry. This equivalency system has been in
4 operation for years, and other countries use similar
5 programs.

6 The USDA inspects and approves the food
7 safety systems used by exporting countries and
8 monitors the systems and the businesses in the
9 exporting nation on a continuing basis. USDA
10 reinspects the product after it is imported,
11 examining more than twice the proportion that FDA
12 inspects.

13 Currently the USDA regulates and certifies
14 the quality of meat, poultry, and dairy products,
15 but not fish. Fish come under the authority of FDA,
16 which has far less rigorous inspection standards
17 than USDA and FSIS.

18 We want USDA approval so that every catfish
19 product imported into the United States meets the
20 same rigorous standards for the quality and safety
21 as our farm-raised catfish.

22 I urge you to enact provisions of the 2008

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 Farm Bill approved by Congress, which would ensure
2 that all catfish and catfish-like products from all
3 sources, domestic and imported, meet the health and
4 safety standards that Americans have come to expect
5 from USDA regulations and inspection of meat,
6 poultry, eggs, and dairy products.

7 The rules need to be broad and
8 comprehensive to cover all catfish and catfish-like
9 species, domestic and foreign.

10 The original rule promulgated by the USDA
11 and FSIS was absolutely correct. It provided for a
12 broad definition that would include all types of
13 catfish, domestic and imported. USDA needs to give
14 the same peace of mind to American consumers of
15 catfish that it gives consumers of imported meat and
16 poultry. Consumers shouldn't have to play roulette
17 when it comes to the safety of food.

18 Thank you for your attention and
19 consideration.

20 DR. PEPPER: I now recognize Wayne Branton
21 with Catfish Farmers of America.

22 MR. BRANTON: First of all, I would like to

1 thank you for holding this hearing and providing an
2 opportunity for me to speak.

3 My name is Wayne Branton, and I'm current
4 president of the Catfish Farmers of Arkansas. I've
5 been a catfish farmer for 20 years and have operated
6 a catfish processing plant for ten years in Wilmot,
7 Arkansas.

8 I farm 1000 acres of catfish ponds, and
9 between the ponds and the processing plant, I
10 provide jobs to 39 employees.

11 You may be surprised to know that my
12 largest customer base is the Asian community in and
13 around the Los Angeles, California, area. My
14 customers are distributors who supply Asian
15 restaurants and Asian-owned mom-and-pop stores
16 throughout the Los Angeles area.

17 They purchase my fish even though my prices
18 are higher than the prices of imports from their
19 home countries. There is only one reason why they
20 pay these higher prices for my fish: They know that
21 the fish raised in my ponds and processed in my
22 plant are fresh, drug free, healthy, and safe to

1 eat.

2 What I process in the morning is shipped
3 out in ice packs that same afternoon or the
4 following morning. That way, the total time from my
5 ponds to their doorsteps is only 30 hours.

6 The Catfish Farmers of Arkansas believe
7 that every consumer deserves the same free, healthy,
8 drug-free catfish, whether they are eating a
9 domestic catfish or an imported catfish. That is
10 why we support the regulation you are now
11 considering.

12 We know that the FSIS program will result
13 in the same level of protection for consumers and
14 catfish producers as people in the U.S. now enjoy
15 for meat and poultry.

16 We also know that, in the past, USDA FSIS
17 has supported including all catfish species raised
18 for commerce under the regulation, not just some
19 catfish. We applaud your original finding and urge
20 you to return to it as you move forward to implement
21 this rule.

22 If the definition is Siluriformes, all fish

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 with the common name of catfish will be subject to
2 food safety inspection, accounting for all catfish
3 consumed in the US. If a narrower definition is
4 used, then only about 70 percent of the catfish
5 consumed in the United States would be subject to
6 regulation.

7 So where does that leave the consumer?
8 With the narrow definition, the catfish on a
9 consumer's plate may be part of the 70 percent which
10 has been inspected, or it may be among the 30
11 percent that was waived through with no inspection.

12 After the fish are fried or grilled and put
13 on a plate, it is difficult for the consumer to know
14 which it is. Is the catfish on their plate really
15 free of banned drugs and other contaminants, or is
16 he or she playing roulette by taking a bite out of
17 an uninspected catfish?

18 Placing consumers at risk that way is
19 unfair to the consumer and is also unfair to both
20 domestic and foreign catfish producers. It also
21 might be unfair under the international trade law.
22 The WTO provides that members can take food safety

1 measures necessary for the protection of human
2 health as long as the measure, along with other
3 criteria, is not discriminatory among members.

4 Use of the narrow definition would require
5 inspection for imports from some member countries
6 but not from others. How can the U.S. justify
7 inspections of catfish from some countries but not
8 others?

9 There is no question that in the past few
10 years our government has let us down by not
11 inspecting imported fish as they should. Even with
12 the low level of current inspection, illegal
13 antibiotics and other contaminants continue to be
14 found in imported products.

15 In fact, between 2002 and August of 2010,
16 the FDA found health and safety violations in 482
17 shipments of imported catfish products, including
18 *Salmonella* and carcinogens. Please keep in mind
19 that those numbers are the result of only inspecting
20 a little more than one percent of the imports.

21 It is easy to imagine what all might have
22 slipped through with the other 99 percent. And a

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 recent story wrote that foreign catfish farmers are
2 even feeding birth control hormones to fish being
3 raised for sale as food fish.

4 Moving this rule forward as you are for
5 public comment is an important step towards fixing
6 this situation. This will implement the rule passed
7 by Congress nearly three years ago in the 2008 Farm
8 Bill.

9 We urge you to take the next step and
10 ensure that all catfish, domestic and imported, are
11 as safe as possible for the American consumer and
12 require that all be part of this program.

13 We are very concerned about the health of
14 our consumers. However, I ask you to consider
15 another important issue. Can you imagine the impact
16 that unsafe imported catfish could have on domestic
17 aquaculture? What will happen when there is a
18 health outbreak due to contaminated and uninspected
19 imports?

20 Consumers would not distinguish between
21 imported catfish and domestic catfish. They would
22 stop eating all catfish. That would be both

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 devastating to our industry and to the foreign
2 catfish industry. There would be no winners. All
3 those involved with catfish would lose. Consumers
4 would lose. Catfish processors would lose their
5 customers. U.S. catfish farmers would lose, and the
6 imported catfish producers would lose.

7 You have the authority to prevent that from
8 happening. Thank you for listening.

9 DR. PEPPER: I now recognize Deloris
10 Fratesi.

11 MS. FRATESI: Good morning. I'm Deloris
12 Fratesi, a chef and wife of a catfish farmer. We
13 are the owners of Lauren Farms in Leland,
14 Mississippi, where my husband has been raising
15 catfish for 25 years.

16 One of my passions is sharing my catfish
17 recipes. I appear frequently on TV and radio. And
18 while I talk a lot about the versatility and
19 nutritional value of catfish, I also talk about the
20 health, safety, and sustainability of U.S. farm-
21 raised catfish.

22 One thing that I've noticed as a chef is

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 that consumers are increasingly demanding about the
2 quality of the food they eat, and as a chef I feel a
3 huge responsibility to consumers. It matters a
4 great deal to me that the catfish I cooked was
5 raised and processed in the cleanest and healthiest
6 conditions.

7 Safety and quality matters; sustainability
8 matters. Confidence in product matters. But it's
9 not just my responsibility as a chef to provide for
10 the health and safety of my customers and consumers.
11 I and my fellow chefs cannot do it alone.

12 It is your responsibility, as the
13 government, to provide for the health and safety of
14 all American consumers.

15 Today we talk about obesity and nutrition,
16 and we're constantly advising families to eat good,
17 wholesome, healthy products, such as catfish. Our
18 government cannot then, in good conscience, turn
19 around and allow stores and restaurants to sell food
20 that has not been tested, analyzed, and inspected
21 properly, and that's exactly what's been happening
22 until now.

1 We've known for a long time that FDA
2 inspects less than two percent of seafood imported
3 in the U.S., but a new GAO report that came out in
4 April is even more shocking.

5 A growing concern among chefs and consumers
6 is that so much of the food that is raised overseas,
7 such as catfish, is treated with drugs, antibiotics,
8 and other chemicals that have been banned for years
9 in agriculture in the United States.

10 I was absolutely floored to learn from this
11 new report that FDA tested only 0.1 percent of
12 seafood for dangerous drug residues, and even though
13 catfish were supposed to be one of the highest-
14 priority seafoods for testing, FDA did not test a
15 single catfish sample from 2006 to 2009.

16 It is deplorable that the government
17 currently is doing such a poor job of inspecting the
18 products that come from overseas.

19 I know some industries that are opposed to
20 these changes you are proposing, saying, oh, well,
21 nobody has died from eating an imported catfish.
22 But as a chef and a food expert, I know one of the

1 greatest dangers in our food chain is not the
2 contaminants that are drugs that make you sick the
3 day you eat a product.

4 Some of the greatest health threats are
5 from the steady buildup, bit by bit, of dangerous
6 antibiotics and other banned drugs in the body. The
7 long-term health consequences can be devastating.

8 The day that you become sick from a serious
9 illness that requires antibiotics treatment, the
10 antibiotics are prescribed to get you well or to
11 save your life, but they simply don't work because
12 of prolonged exposure to antibiotics in the fish.

13 This is particularly dangerous for
14 children, whose bodies are smaller and more
15 sensitive, and for unborn babies.

16 This is why I believe it is so important
17 for USDA now taking responsibility for the
18 regulation and inspection of catfish, and I want to
19 thank you, on behalf of my profession and the
20 consumers, but I do hope that you'll recognize that
21 the only way to truly protect consumers is to make
22 sure that all catfish sold in the U.S. is subject to

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 the same standards and regulations, whether it's a
2 catfish from my husband Steve's ponds or a catfish
3 raised in a foreign country.

4 If only the catfish from one country and
5 not the other or one branch of the catfish family
6 and not the other is included in the new
7 regulations, you're going to create even less
8 confidence in the marketplace.

9 It will not only compromise the health and
10 safety of consumers, but it will be unfair to
11 consumers and undermine your efforts to protect
12 America's food chain.

13 I believe that most families want their
14 families to eat a very healthy diet, but today it's
15 really rather difficult. Information on packages is
16 sometimes confusing or nonexistent, and reports in
17 the media are often very contradictory.

18 But there is a way you can help simplify
19 decisions for busy moms and dads, grandmothers, and
20 those who do the shopping and the cooking: Just let
21 them know that any catfish they buy in a market or
22 in frozen packages in a grocery store or order in a

1 restaurant is safe because it has all gone through
2 the same inspection and regulation system.

3 We've all grown to trust the USDA stamp of
4 approval on poultry and the meat we buy. Give us
5 the same trust in the catfish we buy.

6 As a chef, I depend on those of you on this
7 panel to guarantee the catfish in the dishes I
8 recommend and serve my customers. My husband Steve
9 depends on you to guarantee that his catfish from
10 Leland, Mississippi, is safe and healthy. And our
11 consumers depend on you to make certain that
12 imported catfish meet the same health and safety
13 standards as our catfish in nearby Leland,
14 Mississippi.

15 I appreciate the opportunity and thank you
16 so much for allowing me to share my concerns with
17 you today.

18 DR. PEPPER: I now recognize Townsend Kyser
19 of Kyser Farms.

20 MR. KYSER: Thank you.

21 Good morning. My name is Townsend Kyser,
22 and I'm a third-generation catfish farmer from

1 Greensboro, Alabama. I have about 700 acres of
2 catfish ponds that I farm with my father, the same
3 farm where I grew up, where I returned after
4 graduating from Auburn University, and where my
5 grandfather built some of the first commercial ponds
6 in the state 44 years ago.

7 My family and fellow catfish farmers have
8 worked very hard over the past four decades to build
9 an image to brand our U.S. farm-raised catfish as
10 one of the safest, healthiest, most nutritious, and
11 most sustainable fish products on the market, not to
12 mention one of the best tasting.

13 We've had to beat back the totally bogus
14 image of our catfish as bottom feeders. Our U.S.
15 farm-raised catfish feed on pellets that float on
16 top of our ponds. Our fish are fed a gourmet diet
17 of puffed high-protein food pellets made of
18 soybeans, corn, wheat, vitamins, and minerals.

19 These grains are not only grown locally but
20 in the Midwest as well. This feed not only helps in
21 producing a healthier fish but a cleaner, milder
22 tasting fish.

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 We've had to show our customers our fish
2 are not the same as many of them have caught in the
3 rivers and read about as a kid. Our ponds are
4 filled with pure, fresh water pumped from
5 underground wells. The ponds, averaging 10 to 20
6 acres, are built above ground, constructing levees.

7 We've been rewarded by millions of
8 consumers across America, not just in the deep
9 South, who love to eat our product. We've been
10 recognized by some of the toughest critics out
11 there: The Audubon Society, Environmental Defense
12 Fund, and others all list U.S. farm-raised catfish
13 as the healthiest, most sustainable fish on the
14 market today.

15 Unfortunately, not all catfish is raised
16 this way, and we now find ourselves fighting against
17 some images of imported fish that are grown in
18 filthy conditions that may be contaminated with
19 dangerous chemicals, known carcinogens, and banned
20 drugs.

21 To make matters worse, up until now,
22 consumers are hearing about our government inspects

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 less than two percent of all imported seafood; that
2 includes catfish. Just last month the GAO reported
3 that from 2006 to 2009, the FDA did not test a
4 single catfish for banned drugs used in foreign
5 countries.

6 That is why the catfish industry thinks
7 it's so important for the USDA to take over
8 regulation and inspection of catfish, and it's why
9 we think it's so important that you use the broadest
10 definition possible in this regulation.

11 We need to see that all catfish grown for
12 commercial sale be included in our regulation and
13 inspection; otherwise, how is a consumer going to
14 know where the catfish on their plate in a
15 restaurant or in the house has or has not been
16 inspected? It becomes a dangerous guessing game.

17 Some people accuse us of trying to stop all
18 catfish imports, and that's just not the case. We
19 want to make sure that all imported and domestic
20 catfish are equally safe and free of dangerous drugs
21 and chemicals. We want to ensure that they have
22 been raised in a clean and healthy environment.

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 All it takes is one scare, one shipment of
2 bad fish that makes people sick, and we will all
3 suffer. We will destroy four decades of work to
4 create one of the best seafood products on the
5 market today. In a heartbeat we will stop eating
6 catfish, and it won't make a difference whether it's
7 imported or domestic; both of our industries will
8 suffer catastrophically.

9 For me it's personal. I don't want to see
10 the industry my grandfather helped build and the
11 back-breaking work he and my father put in going
12 down the drain.

13 There's another thing to consider: a
14 ripple effect. Take our small town of Greensboro.
15 We have a population of about 2500 people. The
16 small industries and factories left a long time ago.
17 Catfish is about the only money being pumped into
18 our economy; it's the economic engine that drives
19 the black belt in west Alabama.

20 My dad and I employ about 13 people, but
21 that's only part of the picture. We send our
22 catfish to a processing plant in Greensboro, along

1 with 20 or so other farmers. This plant provides
2 jobs for people who spend their money in the grocery
3 stores, the tire stores, the parts stores, and other
4 small businesses that keep our town alive. Without
5 catfish there would be no economy left.

6 But Greensboro's not the only small town
7 that depends so heavily on catfish. If you drive
8 across parts of Alabama and Mississippi and
9 Louisiana and Arkansas, you'll see dozens and dozens
10 of towns just like ours that rely on the catfish
11 industry.

12 You could also consider a bigger picture.
13 Our feed bill on Kyser Farms is over \$2 million.
14 That money goes to the feed mill and trickles back
15 to grain farmers all across the United States and
16 impacts our rail systems and trucking industries as
17 well in this country.

18 We all have a vested interest in making
19 sure all catfish is safe and healthy to eat. It's
20 not imported catfish that we oppose; it's unhealthy
21 catfish that I worry about.

22 Thank you for bringing this hearing to

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 catfish country. I hope you enjoy some of our
2 product while you're here, and I hope your visit
3 helps you to understand why we believe so strongly
4 that you should include the broadest definition
5 possible to cover all commercial catfish in these
6 new regulations.

7 And I'll ask one last thing, to please
8 enact this regulation as soon as you possibly can,
9 without delay, for the health of our consumers and
10 for the health of our industry here and around the
11 world.

12 Thank you.

13 DR. PEPPER: I now recognize Evelyn
14 Roughton.

15 MS. ROUGHTON: Good morning. My name's
16 Evelyn Roughton, and I am a food manufacturer and
17 restaurant owner based here in Indianola,
18 Mississippi, in the Delta. I am also the author of
19 the cookbook, *Classic Catfish*, which is 110 ways to
20 use catfish other than frying it.

21 The hottest seller from my -- Taste of
22 Gourmet, my food manufacturing business, is smoked

1 catfish pate. It's won international awards in New
2 York and San Francisco. The favorite at my
3 restaurant is Catfish Allison, which is a poached
4 fillet -- I get real hungry talking about it, but
5 it's in a scallion cream sauce with Parmesan and
6 browned and lovely. I'm trying to fight the image
7 that the only way to eat catfish is deep-fried.

8 In fact, we've been trying to fight the
9 inaccurate images of catfish forever. For years
10 people outside of the South were a little afraid of
11 catfish. When I first took my smoked catfish pate
12 to New York and San Francisco in 1989, people's
13 knowledge of catfish was nonexistent. The only
14 image they had of catfish was a bottom feeder with
15 whiskers that was ugly and that came out of the
16 river, and they farmed it with their grandfather.

17 The catfish industry since then has done a
18 marvelous job of educating people about U.S. farm-
19 raised catfish, beginning with the falsehood of the
20 bottom feeder thing.

21 These catfish are fed special diets of
22 grain and other healthy feed on top of the ponds.

1 U.S. farm-raised catfish is widely recognized as one
2 of the healthiest, most sustainable fish you can
3 buy. As a result, you see now catfish on menus
4 across the country.

5 But now along comes another image problem.
6 The GAO is reporting that the FDA has done a totally
7 inadequate job of inspecting and regulating imported
8 catfish. One report showed that less than two
9 percent of all seafood imported into the U.S. was
10 inspected. The latest report is even worse. The
11 FDA examined not one single imported catfish for
12 banned drugs for three entire years, from 2006 to
13 2009.

14 At a time when Americans are more health
15 conscious than ever about what they eat, it is
16 really disturbing that seafood and produce imports
17 are held to a much lower standard than meat and
18 poultry imports. That's why Congress approved the
19 new regulations you are considering today.

20 You know, it's pretty rare that any
21 industry asks to bring more inspections on itself,
22 but the U.S. catfish farmers have done just that.

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 They knew the image of catfish is at risk once
2 again, because if consumers don't think they can
3 trust catfish, it doesn't matter whether the catfish
4 is domestic or imported. They're going to stop
5 eating all kinds of catfish.

6 But what I can't understand as a food
7 manufacturer and a restaurant owner is why on earth
8 anyone in their right mind would oppose regulations
9 that make a food product safer for someone to eat.
10 I can't understand why anyone would argue that only
11 some types of catfish should be regulated and other
12 types that are sold in the same restaurant or on the
13 same grocery shelves should have no USDA inspections
14 or regulations.

15 The only conclusion I can come up with is
16 that some foreign growers and producers don't think
17 their fish can meet USDA standards.

18 If the catfish from other countries is safe
19 to eat, those countries have absolutely nothing to
20 worry about. They'll pass inspection; they'll be
21 sold in our restaurants and grocery stores, and
22 consumers will know they are safe to eat.

1 What troubles me as a restaurant owner and
2 food processor is that there are those out there who
3 prefer to compromise the safety of food consumed by
4 Americans.

5 I think that you at FSIS need to do
6 everything you can to protect U.S. consumers. We in
7 the food industry have huge respect for your
8 capabilities, your requirements and skills in
9 protecting America's food chain. You are our
10 greatest line of defense in the battle to keep
11 agricultural products safe.

12 We have been waiting for this new
13 regulation for nearly three years since Congress
14 approved it. I hope you will enact it as soon as
15 you possibly can without additional delay.

16 All your hard work makes my job easier. If
17 folks know that all catfish sold in America, no
18 matter where it was raised, has your approval, they
19 will be ordering more of my smoked catfish pate and
20 stopping in for Catfish Allison at the restaurant.

21 It's good for business, and it's good for
22 the health and safety of consumers and the children

1 in this country. Thank you for hearing me.

2 DR. PEPPER: I now recognize Bill Battle of
3 Battle Fish Farms.

4 MR. BATTLE: Thank you. I'm Bill Battle,
5 and I've been in the fish business since 1969, built
6 a processing plant in 1982. I've been in the fish
7 business a long time.

8 I had a prepared speech that I was going to
9 give, but everything here has been touched on
10 already, but what I would like to say is I was in
11 the fish business before all these chemicals that
12 they're talking about today were banned, and we used
13 them and they worked. You could raise a lot of
14 fish, and it would cure most anything you got,
15 especially malachite green, but, you know, when they
16 were banned in the United States, we stopped using
17 them.

18 I mean, that's just what you did. But if
19 you've ever read the label on malachite green, it's
20 a known carcinogen and causes genetic defects, and I
21 was shocked to find out that they're still sending
22 that in here to this country for us to eat.

1 It's just shocking to me that that can
2 still go on, and the only way you're ever going to
3 stop it is inspect the devil out of it, and the USDA
4 is, in my opinion, the only way you're going to get
5 it done, and these will be all catfish.

6 Thank you.

7 DR. PEPPER: I now recognize Danny Walker
8 of Heartland Catfish.

9 MR. WALKER: Thank you. I'll opt for a
10 longer version. I'm Danny Walker, and I'm CEO of
11 Heartland Catfish Company in Itta Bena, Mississippi.
12 We process over 100 million pounds of catfish from
13 Mississippi, Arkansas, and Alabama and Louisiana
14 each year in our Itta Bena, Mississippi, and
15 Greensboro, Alabama, plants.

16 We appreciate the job USDA did two and a
17 half years go in coming into the field here in the
18 Delta and examining the ways to implement catfish
19 inspection in the field and the processing plants.

20 U.S. farm-raised catfish is sixth in the
21 top ten fish and seafood consumption list for
22 Americans, who consume an average of 15.8 pounds of

1 fish per year.

2 Over the years we in the U.S. catfish
3 industry have invested heavily in making sure our
4 catfish are the healthiest and safest fish consumers
5 can buy. We live and die by the consumer in the
6 catfish industry. We know that consumer credibility
7 is our most valuable commodity, and that is why we
8 care so strongly about the health and safety of our
9 customers.

10 The catfish that come to me for processing
11 have been raised in ponds with fresh water pumped
12 from underground wells. They've been fed on the
13 pond surface with a diet of high-protein feed
14 pellets made with a mixture of soybeans, corn,
15 wheat, vitamins, and minerals. U.S. farm-raised
16 catfish are not bottom feeders like their wild
17 cousins.

18 At harvest time they're loaded into baskets
19 and then placed in aerated tank trucks for live
20 shipment to processing plants. The fish are kept
21 alive up until the minute they are processed. The
22 entire processing procedure is completed in less

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 than 30 minutes.

2 The fish are cleaned, processed, and placed
3 on ice or frozen to temperatures of 40 degrees below
4 zero. Frozen farm-raised catfish are individually
5 quick-frozen, a method which preserves the taste and
6 quality of the fish.

7 There are 16 processing plants certified by
8 the Catfish Institute, with a combined processing
9 capability of more than 10 million pounds of U.S.
10 farm-raised catfish per week, every week of the
11 year.

12 These plants are regularly inspected by the
13 U.S. Department of Commerce and are certified by the
14 USDC as a sanitary, inspected fish establishment.
15 Voluntary Hazard Analysis and Critical Control Point
16 guidelines have been adopted by the U.S. catfish
17 processors.

18 There's no question that we will be subject
19 to even more checks, inspections, and standards when
20 FSIS assumes control of catfish inspections and
21 regulations. It will mean more time, work, and
22 money for U.S. catfish farmers, but we think that

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 extra effort will be more than worth it if it
2 results in overall safer products for American
3 consumers.

4 We are frustrated, quite frankly, as we are
5 here two and a half years later with no inspection.
6 We feel food safety has been compromised in the
7 interest of international diplomacy that has nothing
8 to do with food safety.

9 We are willing to step up, but the rules
10 need to be applied fairly and evenly to all catfish.
11 The system will not work if the health and safety
12 regulations guarantee the health and safety of only
13 U.S. farm-raised and a few catfish from other
14 importing countries.

15 Just look at the figures: Under a narrow
16 definition of catfish, only 9 percent of all
17 imported fish would be inspected and regulated by
18 the USDA. According to NOAA, which tracks all
19 imports, 125 million of the 137 million pounds of
20 catfish imported in the U.S. in 2010 were members of
21 *Pangasius* catfish family. Those fish would not be
22 included in USDA inspection under the narrow

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 definition of catfish.

2 Commonsense tells you a system like that
3 just won't work. Where does that leave consumer
4 confidence? Where does that leave the government's
5 responsibility, as the intended purpose of this
6 program states, to ensure that consumers have safe
7 and healthy food choices.

8 An uninspected and unregulated catfish
9 looks no different from an inspected and regulated
10 one once it's grilled, sauteed, broiled, or fried.

11 And where does that leave the safe and
12 healthy U.S. catfish industry if a batch of tainted
13 or contaminated catfish creates a major food scare
14 or food incident? Consumers won't distinguish
15 between an inspected and uninspected catfish; they
16 will stop eating catfish altogether.

17 Our industry already is suffering. I've
18 had to lay off over 300 employees at our processing
19 facilities this year. It was heartbreaking to put
20 people off the job in this recession, knowing they
21 had few other options for employment.

22 If the consumer loses confidence in our

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 product, none of those employees will have jobs. I
2 urge you to put into force as soon as possible a
3 rule that requires your inspection and regulation of
4 all catfish.

5 Thank you very much for your attention.

6 DR. PEPPER: At this time I'd like to ask
7 if there's any additional participants in the
8 meeting who would like to make public comment.

9 Again, I ask that you please state, for the
10 record, your name and affiliation.

11 MR. EDWARDS: Good morning. My name is
12 Thomas Edwards, and I serve as vice president of
13 Delta Health Alliance here in the Stoneville.

14 I appreciate the opportunity to appear
15 before you today and simply present several
16 questions to the participants of the panel in this
17 listening session and request that USDA provide a
18 written response to my questions when possible.

19 First, we've never heard food wholesalers,
20 food retailers, food markets, grocery stores, or
21 consumers complain about the fact that all U.S.
22 poultry, beef, pork, and egg products sold to U.S.

1 consumers are exposed to rigorous USDA inspection
2 services.

3 Why is it that there is no public record
4 that we have seen which suggests that any of these
5 parties are objecting to the inspection of all
6 catfish that are consumed by U.S. families, any more
7 than they have ever complained about beef, poultry,
8 pork, and eggs being inspected by USDA?

9 My second question is why is it that the
10 only group that is noticeably standing in public
11 opposition to the inspection of all U.S. and
12 imported catfish are those businesses which are
13 importing and marketing imported catfish or
14 producing and processing catfish in foreign
15 countries?

16 We would appreciate a written response to
17 these questions because we find no legitimate reason
18 that anyone would be silent about the food safety
19 inspection of other protein products but fiercely
20 object to the inspection of catfish unless they were
21 trying to avoid the equivalency inspection testing
22 of USDA, which has a proven track record of

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 maintaining the highest level of food safety for the
2 United States consumer when compared to other
3 countries in the world.

4 We respectfully submit these questions with
5 a tone of reason and objectivity and would
6 appreciate USDA sharing information and background
7 regarding any opposing views to the inspection of
8 all domestic and imported catfish so we can
9 carefully examine the merits of those arguments.

10 Thank you for allowing me to speak to you
11 today. Thank you.

12 DR. PEPPER: I now recognize Diedre Barret.

13 MS. BARRET: My name is Deidre Barret of
14 Belzoni, and I want to thank you for the opportunity
15 to appear before you today to testify on behalf of
16 Delta Council.

17 I presently serve as vice president of
18 Delta Council, and I am employed as marketing
19 director for a financial institution in Belzoni,
20 Mississippi, the catfish capital of the world.

21 As a banking professional in the heart of
22 the catfish production region and a member of a farm

1 family, I have seen firsthand the impact of federal
2 policy, or the lack of federal policy in this case,
3 on the economics and the business climate of one of
4 our most promising agricultural enterprises.

5 Since the domestic catfish industry began
6 over 40 years ago, families in the catfish business
7 have expended more than \$50 million to build a
8 reputation on the principles of quality assurance,
9 food safety, and a healthy diet.

10 The value of this \$50 million farmer-funded
11 market promotion program will be greatly diminished
12 if the word "catfish" does not mean imported and
13 domestic catfish, if all catfish does not meet
14 equivalence inspection standards that are provided.

15 In conclusion, Delta Council believes and I
16 believe that if the U.S. government does not adopt
17 the same food safety equivalency standards for
18 imported catfish as it already requires of poultry
19 and beef, pork, and eggs, it will be a great
20 disservice to the American consumers, who demand
21 high food safety standards across the board.

22 The U.S. catfish industry has petitioned

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 the Congress, it has gained passage of a law, and it
2 has consistently requested through its
3 representative organizations that there should be
4 inspection of all catfish that is sold to U.S.
5 consumers.

6 Should USDA and this administration choose
7 to deny this request, our confidence will be shaken
8 in the sincerity of this administration to uphold
9 the principles of food safety.

10 I thank you for the opportunity to be here
11 today, and we express our appreciation to USDA for
12 allowing us to attend the listening session. Thank
13 you.

14 DR. PEPPER: Is there anyone else who would
15 like to comment?

16 (No response.)

17 DR. PEPPER: Operator, if you can hear me,
18 is there anyone who has joined us by phone who has
19 indicated a desire to comment?

20 THE OPERATOR: Thank you. If you would
21 like to comment from the phone, please press 1 at
22 this time. One moment, please.

1 (Pause.)

2 THE OPERATOR: Thank you for standing by.
3 There's been no comments or questions from the phone
4 line.

5 DR. PEPPER: Thank you.

6 If there are no additional --

7 THE OPERATOR: Dr. Pepper, I'm sorry. I do
8 have a comment that came up from a Matthew Fass.

9 Sir, your line is open.

10 MR. FASS: Thank you. Am I on?

11 DR. PEPPER: Yes.

12 MR. FASS: Thank you. I have a few
13 minutes' comments today. My name is Matthew Fass.
14 I'm president of Maritime Products International, a
15 family-owned and operated company based in Virginia,
16 and we've been in the seafood industry for four
17 generations and over a hundred years.

18 We import seafood from all over the world
19 for U.S. distribution. We are hands-on company,
20 working on the ground with production facilities and
21 operations all over the world. We work every day
22 with producers, farmers, supermarkets, restaurants,

1 regulatory agencies, inspection agencies, and other
2 stakeholders in global food supply.

3 We also have long-time experience and had
4 our share of partnerships in many domestic
5 industries, including the domestic catfish industry.

6 We are directly, significantly involved
7 with *Ictalurus* production and *Pangasius* production
8 from Vietnam, and we have been for many years.

9 As a comment I would like to first say the
10 following: It is very discouraging to me that we
11 have come to a point where we're looking at a
12 proposed regulation that takes the single category
13 of seafood and strips it out, literally, by one
14 species within the category to a new and entirely
15 different regulatory regime.

16 The notion that splitting a food category
17 this way and moving a subset within a category from
18 an agency with decades of experience and with a
19 product category with a fairly exemplary history
20 with food safety to one that will be running almost
21 of every aspect of the industry for the first time,
22 it does defy reason to believe that this is mostly a

1 prudent idea designed to enhance food safety in a
2 logical manner.

3 This is not meant as a criticism of USDA,
4 and I know we'll work professionally to do the kind
5 of things we have to do. This is also absolutely
6 not meant to be criticism of honest and hard-working
7 folks of the domestic catfish industry who I know
8 have worked for decades to bring wholesome product
9 to consumers.

10 However, it is meant as a criticism for
11 those who I believe -- and there are some -- who are
12 approaching the change with a combination of
13 misleading and shameful rhetoric, attacks and
14 rhetoric that are not always based on honest
15 analysis of reality and have been at times much more
16 about fear-mongering, with an agenda by at least
17 some that I believe are very different from what
18 they have represented.

19 I would not be saying one word of any of
20 this if in fact I believed we are looking at a true
21 food safety situation. Not a single one of us in
22 this industry, whether domestic producer or supplier

1 of global products or a combination of both, have a
2 single thing if we do not have an industry based on
3 the bedrock of real food safety.

4 However, perceptions and rhetoric are not
5 always the same in reality, and I'd like to be a
6 little bit specific in this regard because this is
7 the forum.

8 We have heard a lot said today about the
9 supposed complete lack of FDA ability in inspections
10 with imported product. However, I'd like to provide
11 an example to folks listening.

12 Since 2007, going on four years, FDA has
13 been utilizing one of the many tools it has in its
14 regulatory arsenal, and in fact they have a program
15 related specifically to *Ictalurus* production in
16 China, where a percent of imported containers were
17 getting special additional U.S. testing before
18 clearance; not 5 percent, not 10 percent, but how
19 about 100 percent United States laboratory testing
20 requirement for every single container of Chinese
21 *Ictalurus*, with the burden on the overseas producer
22 to then show the product is being produced with a

1 perfect track record related to the record of
2 unapproved antibiotics.

3 Since the FDA program began, certain
4 producers have obtained exemptions, but only after
5 literally hundreds of thousands of pounds -- no
6 millions of pounds -- of perfect testing product.

7 This is an example of successful product
8 testing taken every day with product. I wonder how
9 many folks in this room actually are aware of this
10 program, and does this sound like product they ship
11 through with no oversight or no FDA verification, no
12 proper quality controls?

13 I'm sure there are people who simply don't
14 understand how this could exist with some of the
15 other rhetoric out there, but I would encourage
16 people to look it up for themselves, to learn more.

17 In terms of Vietnam *Pangasius*, this is an
18 industry that is now shipping product to over 80
19 countries around the world, including working with
20 virtually every single one of the most stringent
21 regulatory bodies on the planet.

22 In addition, it is not an exaggeration to

1 say that almost every private laboratory, seafood
2 inspection company, and the global food industry
3 have an office on the ground in Vietnam, working
4 with producers and international companies.

5 Does this sound like an industry with no
6 standards or oversight? Yet somehow it has only
7 been a select number of companies and individuals in
8 the U.S. that seem to be able to describe a
9 substandard situation in Vietnam in a way that has
10 diverted the millions of sets of eyes from
11 everywhere else.

12 What is my point in stating all this? I
13 sincerely believe that some of those who have spent
14 the last few years lobbying for this change have
15 done so for reasons not necessarily evident to many
16 of the domestic stakeholders, and whether on purpose
17 or whether it will be in the form of unintended
18 consequences, the changes likely to come will do
19 nothing to help many of the domestic stakeholders
20 and in fact are more likely to do more harm than
21 good to serve U.S. interests.

22 Those pushing for the change know full well

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 that one of the overarching issues often takes
2 government-to-government negotiations in situations
3 like this. I sincerely believe that those who
4 wanted the change believe a significant interruption
5 in the flow of product from overseas to this country
6 is exactly what the U.S. industry needs to help
7 itself. I think this is a poor way of thinking.

8 If the interruption comes, states like
9 Alabama, Mississippi, and Arkansas, who have done
10 terrific jobs developing export markets of other
11 agricultural items, are likely to see trade
12 retaliation.

13 In addition, the food industry is in the
14 midst of some of the strongest inflationary
15 pressures in history, yet this regulatory change
16 will add significant cost throughout the system; not
17 significant profit, but significant cost.

18 Finally, I suggest that despite how it's
19 being portrayed, it is a virtual certainty that
20 there will be certain domestic entities that will
21 not be ultimately able to comply with the changes
22 from USDA that will come down the road.

1 It will not be because USDA is a better or
2 worse regulatory authority than FDA; it is not
3 because product being produced will be more or less
4 safe. However, it is a different agency, and I
5 doubt there's been a single example of a change like
6 this in the history of industry where changes have
7 not been required that will be very complicated and
8 very costly, and there will simply be some who are
9 not able to financially afford these changes.

10 I assure you that some pushing for the
11 change know this full well and see this as an
12 opportunity to force consolidated changes on various
13 domestic entities. I don't pretend to know who the
14 winners and losers of this will be, but I certainly
15 hope that the universe of domestic stakeholders,
16 including farmers and some of the small or medium-
17 sized processing facilities, realize that this
18 change will come, and yet it bears repeating that
19 none of this would matter one iota if this type of
20 change was necessary to ensure proper food safety
21 for both domestic and imported items.

22 By far, safety and proper regulation trumps

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 everything; it is simply that I think that this has
2 been more of a smoke screen than anything else for
3 the real reasons behind this effort.

4 I can say with extensive first-hand
5 experience that I've spent many over hours over the
6 country with individuals responsible for buying
7 decisions in supermarkets and restaurants. I am not
8 sure there's a single one I ever met that did not
9 have the desire to find ways to utilize more U.S.-
10 grown product if given a reasonable choice.

11 However, it has been years, maybe decades,
12 of issues relating from everything from over-
13 processed frozen product, lack of proper service,
14 the lack of stability and availability of certain
15 sizes and, frankly, sometimes finding workable ways
16 of getting these to the consumers that has caused
17 issues of sales in some markets of domestic catfish.

18 There have also been years of battle
19 between catfish farmers and the separate processing
20 facilities, often price battles, often with the
21 finger pointed at imported product as the cause for
22 these price battles.

1 And I'm not trying to suggest that
2 competition from imported product is irrelevant; it
3 all matters.

4 This is often done to paint everybody with
5 a broad brush and take away from the work ethic and
6 integrity of so many I know work in the domestic
7 industry; however, I'm trying to be honest about the
8 situation that has developed over the years, and if
9 stakeholders in the domestic industry truly believe
10 that their biggest issues can be traced to what they
11 perceive as safety issues from imported competition
12 and that a change like this USDA will solve the real
13 issues, my sincere opinion is that this is a major
14 error, and this entire issue only continues to
15 deflect attention away from the larger issues.

16 In closing, this has not been an easy set
17 of comments for me to put together or speak. My
18 great-grandfather started over 100 years ago in this
19 country, and our roots go back to U.S. seafood
20 production, and I know how these kind of comments
21 must come across in a forum like this.

22 Again, I know the work ethic and integrity

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, MD 21409
(410) 974-0947

1 of some of these people in the U.S. catfish industry
2 are second to nobody in this country, and in the end
3 all people are trying to do is look for a fair
4 playing field and steady growth in their business.

5 However, I too am a father and a parent,
6 and I care deeply about the health and safety of
7 products we handle as well and feed to my own
8 children and to people everywhere.

9 Therefore, it has been gut-wrenching at
10 times to listen to what can be very inaccurate words
11 and fear-mongering that's related to this issue.
12 And I also know from experience that it's hurt the
13 reputation and growth opportunities for all seafood
14 products in this country, including domestic
15 catfish.

16 It is simply impossible to see an entirely
17 different safety and regulatory picture than one
18 being portrayed by lobbyists and not take the time
19 to make these comments.

20 I honestly do not pretend to know all the
21 perfect answers to address a host of industry
22 concerns; however, I feel rather strongly I know

1 what the answers are not. They are not enacting a
2 complicated and costly new regulatory regime that
3 require changes as all regulatory changes do but
4 will not result in a significant change or
5 improvement to food safety, as we are already
6 dealing with safe products and a strong regulatory
7 system.

8 If there was ever a time for people to look
9 in the mirror, talk with neighbors, learn more
10 themselves, explore with others some of the real
11 issues truly plaguing this industry, and we continue
12 to march down this road, this would be that time.

13 Thank you for your time today.

14 THE OPERATOR: At this point there are no
15 further questions or comments from the phone line.

16 DR. PEPPER: Thank you, Operator.

17 Well, at this time I want to thank you for
18 coming and participating in our public meeting. We
19 sincerely appreciate your time and your comments.

20 Again, transcripts from today's meeting as
21 well as Tuesday's meeting will be available on FSIS'
22 website in about 30 days, and the period for

1 submission of written comments closes on the 24th of
2 June.

3 Additional information on the proposed
4 rule, including how to submit written comments, can
5 be found on the FSIS website.

6 Again, thank you for coming and have a
7 great day.

8 (Whereupon, at 11:10 a.m., the meeting in
9 the above-entitled matter was closed.)

10

11

12

13

14

15

16

17

18

19

20

21

22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

C-E-R-T-I-F-I-C-A-T-E

This is to certify that the attached proceedings in
the matter of:

UNITED STATES DEPARTMENT OF AGRICULTURE
PROPOSED RULE FOR MANDATORY INSPECTION
OF CATFISH AND CATFISH PRODUCTS

Stoneville, Mississippi

May 26, 2011

were held as herein appears, and that this is the
original transcription thereof for the files of the
United States Department of Agriculture, Food Safety
and Inspection Service.

SUE J. BRINDLEY

Court Reporter