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Congress and Fishy Business on Trade

Washington's move to block catfish imports from China is a recipe for disaster.

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Any good recipe for pecan-crusted catfish encourages chefs to first fry the fish and then finish cooking it in the oven for a few minutes. The quality of the ingredients makes or breaks the dish. The catfish would likely be from Hubei province in China and the pecans from New Mexico, a perfectly blended formula that takes into account both taste and trade.

These days catfish from China bolsters summer fish fries in the United States, just as pecans from New Mexico dot Chinese New Year celebrations. In both cases producers and consumers benefit. Farmers can sell good quality foods at prices that consumers can afford. But now one key ingredient may be kept from American families' kitchens.

The 2008 farm bill tried to erect a new trade barrier to Chinese catfish. The bill shifted regulation of catfish safety—alone among other seafood—to the U.S. Department of Agriculture from the Food and Drug Administration, which would continue to oversee all other fish safety. This provision has no basis in any scientific finding that catfish are a uniquely dangerous food or that the FDA was poorly regulating them. Rather, a handful of lawmakers from catfish-producing states hoped to saddle foreign producers with hefty, and perhaps even prohibitive, compliance costs as we adjust to new safety regulations.

Such protectionism runs against broader aims pursued by U.S. officials. Agriculture Secretary Tom Vilsack has pledged to "break down barriers and expand access for high-quality, safe and wholesome U.S. food and agricultural products . . . around the world." It is hard to see how America can do that when it will not lead the way by reducing its own barriers, or at least not putting new ones in place.



Agence France-Presse/Getty Images

A vendor sorts pieces of fish in a market in Shanghai in May, 2013.

Instead, the catfish measure could lead to new barriers against American exports. When James Bacchus, the former chief judge of the World Trade Organization, looked at the merits of the U.S. effort to shift regulation of catfish from the Food and Drug Administration to the Department of Agriculture, he concluded that negatively affected trading partners "would have a very strong WTO case against the United States." In the worst case, a loss at the WTO would allow trade partners to impose retaliatory tariffs on U.S. products.

Sen. Max Baucus has voiced concerns that countries such as Vietnam, which also is affected by the catfish provision, could restrict imports of U.S. beef in return. Sixteen agricultural associations in the U.S. echoed that fear of retaliation, too.

Beyond the threat of retaliation, the catfish provision sets a terrible precedent. The U.S. regularly challenges the rest of the world to adhere to science-based trade practices, ensuring that any restriction rooted in health and safety concerns is based on sound evidence of a threat. But in this case, Washington is not living up to its own rhetoric.

Agricultural trade has been a great success, both for America and for its trading partners. Family ranchers from Kansas to Montana develop market partnerships in China. More than one in every four Minnesota and Michigan soy rows ends up in China. Iowa and Ohio

farmers ship tons of high-quality American pork for Asian families to enjoy. Pork, corn, soy, poultry and beef are the kinds of American farm products Secretary Vilsack wants to see head east. China and other countries welcome those foods.

But our openness should not be taken for granted. If Congress chooses to ignore the fact that 2008 farm bill violates WTO rules and does not repeal this provision, we reserve the right to ask our government to use all the tools available to it as a WTO member to challenge this unfair obstacle.

When Congress returns from its August recess, lawmakers will take up a new farm bill. Representatives and Senators who understand how damaging the catfish provision is have pushed hard to repeal it, leaving catfish regulation in the capable hands of the FDA. These legislators deserve their colleagues' support. Targeting catfish exports from Asia to cater to narrow special interests puts at risk America's growing farm exports to China. That sure seems like a recipe for disaster.

Mr. Bian is president of the China Chamber of Commerce for Import and Export of Foodstuffs, Native Produce and Animal By-products.