

# United States Senate

WASHINGTON, DC 20510

October 16, 2013

The Honorable Debbie Stabenow  
Chairwoman  
Committee on Agriculture, Nutrition & Forestry  
United States Senate  
328A Russell Senate Office Building  
Washington, D.C. 20510

Dear Chairwoman Stabenow:

We are writing to express our opposition to the USDA catfish program. The program was created in the 2008 farm bill and transfers jurisdiction for catfish oversight from the Food and Drug Administration to the Food Safety and Inspection Service within USDA. We ask for your help in repealing it as part of S. 954, the Agriculture Reform, Food, and Jobs Act of 2013, consistent with the Senate's unanimous vote to include section 12208 in the Senate farm bill last year, the House farm bill section 11107 this year, and President Obama's FY2014 budget request.

The USDA program is problematic on multiple grounds. For Oregon seafood companies, implementation of the USDA program will mean both FSIS and FDA inspectors in their plants, one for catfish and another for all other seafood. That will needlessly increase regulatory complexity and compliance costs. It will also cost the taxpayer \$170 million over ten years, including \$30 million to stand up the program. The GAO reported in April 2013 that the USDA program will "cause duplication and inefficient use of resources."

Nor does the program address a significant food safety problem. We are aware of no findings by the Senate in the 2008 legislative process documenting an acute food safety risk associated with catfish. In its proposed implementing rule, USDA calculates that domestic and imported catfish together account for fewer than two illnesses annually. USDA's risk assessors candidly acknowledge that if catfish were "truly responsible for tens of thousands of *Salmonella* illnesses each year, it is expected that there would be more evidence of this food source based on epidemiological data." Yet not a single case of *Salmonella* has been attributed to catfish since 1998.

The United States invites a WTO case once the program is put in place, in large part because the food safety argument for the transfer of jurisdiction is so wanting. Our Pacific Rim trade partners will argue that choking off the supply of imported catfish, as the USDA program will do, violates our WTO obligations. That will pave the way for retaliation against U.S. agricultural exports, including \$1.3 billion worth of Oregon fruits, vegetables, seeds, greenhouse and nursery products, and beef.

We commend you for your leadership in reducing spending via the farm bill and moving our agricultural programs to a more sustainable footing. Repealing the USDA catfish program will help save even more taxpayer dollars and in the process will remove a trade barrier that could threaten the access of Oregon's farmers to valued overseas markets.

Sincerely,

  
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Ron Wyden  
United States Senator

  
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Jeff Merkley  
United States Senator