

# United States Senate

WASHINGTON, DC 20510

November 26, 2013

The Honorable Debbie Stabenow  
Chairwoman  
Senate Agriculture Committee  
328A Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Thad Cochran  
Ranking Member  
Senate Agriculture Committee  
328A Russell Senate Office Building  
Washington, D.C. 20510

Dear Chairwoman Stabenow and Ranking Member Cochran,

As you continue to work toward completion of a Farm Bill conference report, we are writing to provide further information about the U.S. Department of Agriculture's duplicative and costly catfish inspection program. The House version of the Farm Bill (Section 11107 of H.R. 2642) repeals this program, and we urge you to include the House provision in the final Farm Bill legislation for the following reasons:

The USDA catfish inspection program is not widely supported. The House of Representatives Agriculture Committee voted in a bipartisan manner (31-15) to eliminate this program. The full House concurred and included elimination in its Farm Bill. The President has called for the USDA's catfish program to be eliminated, and the Senate voted to repeal this program by voice vote, with no objection, during consideration of the Farm Bill in 2012.

The USDA catfish inspection program is duplicative. Seafood processors and seafood companies in states across the country oppose this program because it will require two sets of federal regulators in their plants – one from USDA for catfish and a second from FDA for all other seafood.

The Government Accountability Office (GAO), in a May 2012 report titled *Responsibility for Inspecting Catfish Should Not Be Assigned to USDA*, clearly stated, "If [the] proposed program were implemented, GAO expects it would cause duplication and inefficient use of resources in several key areas" (GAO-12-411). The GAO, which has recommended the program's elimination on five separate occasions, further concluded that "Repealing provisions of the 2008 Farm Bill [that created a USDA] catfish inspection program would avoid duplication of federal programs and could save taxpayers millions of dollars annually without affecting the safety of catfish intended for human consumption" (GAO-13-279SP). The agency has additionally found that "the proposed catfish inspection program further fragments the federal oversight system for food safety without demonstrating that there is a problem with catfish or a need for a new federal program" (GAO-12-411).

The USDA catfish inspection program violates our international trade commitments and threatens our export markets. Former U.S. Representative James Bacchus, now a jurist at the World Trade Organization (WTO), has stated that the United States would likely lose if another country challenged the USDA catfish inspection program at the WTO:

“In our view, Vietnam would have a very strong WTO case against the United States...given the apparent absence of any history of any significant concern expressed by the FDA about the safety of [catfish] imported from Vietnam, it could be difficult in any such dispute for the United States to contend that a measure implementing such a shift is ‘based on’ a ‘risk assessment,’ is founded on ‘scientific principles,’ is ‘maintained with sufficient scientific evidence’ and is applied ‘only to the extent necessary to protect human, animal or plant life or health.’...There is simply no evidence to justify this singling out of catfish for different, more costly and time consuming inspection, particularly in light of the potentially severe impact on imports.”


Vietnam has threatened to take retaliatory trade actions against the United States if the program is not repealed, and more than 20 American farm groups oppose the USDA catfish inspection program out of concern for the harmful effects of such actions from Vietnam and other trading partners on our agricultural exports.

The USDA catfish inspection program is not voluntary or fee-based. The 2008 Farm Bill specifically created a mandatory catfish inspection program, and businesses will not be able to voluntarily opt out, as others have stated. The mandatory program is not self-funded through industry-paid fees but instead requires new federally appropriated resources.

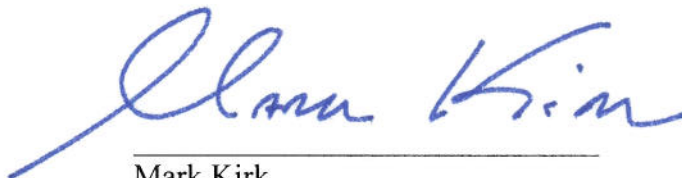
Congress never considered catfish a safety risk in the 2008 Farm Bill. Neither the House nor the Senate debated catfish inspection in 2008. The language creating the USDA program was added in the 2008 Farm Bill conference report, but there was no such language in either the underlying House or Senate bills. Congress provided no hearing record, no finding of facts and no risk assessment to justify its inclusion in the final 2008 Farm Bill. In fact, in the USDA’s own 2011 risk assessment of its proposed catfish inspection regulations, the agency declared both imported and domestic catfish to be a “low risk food.”

Thank you for your consideration of our request.

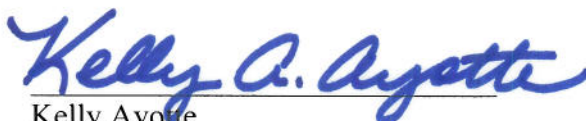
Sincerely,



Jeanne Shaheen  
United States Senator



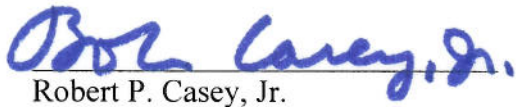
Mark Kirk  
United States Senator



Kelly Ayotte  
United States Senator



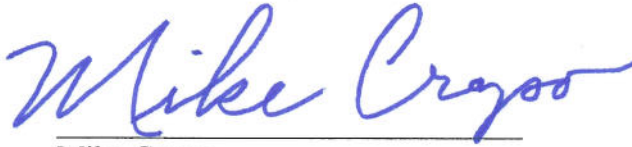
Maria Cantwell  
United States Senator



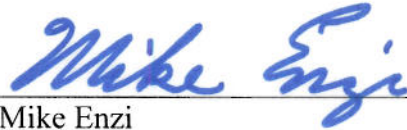
Robert P. Casey, Jr.  
United States Senator



Tom Coburn, M.D.  
United States Senator



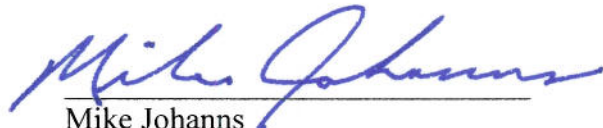
Mike Crapo  
United States Senator



Mike Enzi  
United States Senator



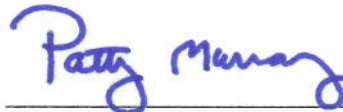
Al Franken  
United States Senator



Mike Johanns  
United States Senator



Claire McCaskill  
United States Senator



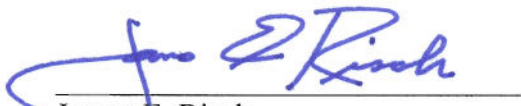
Patty Murray  
United States Senator



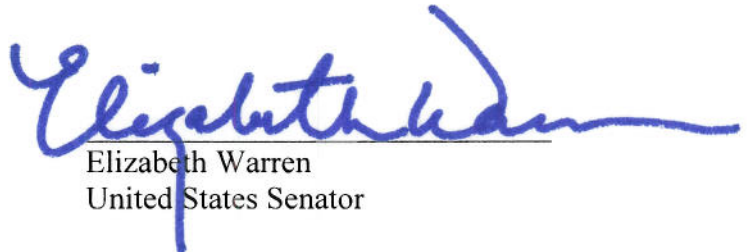
Bill Nelson  
United States Senator



Jack Reed  
United States Senator



James E. Risch  
United States Senator



Elizabeth Warren  
United States Senator

CC: Members of Farm Bill Conference Committee