



Southern Shrimp Alliance, Inc

P.O. Box 1577
Tarpon Springs, FL 34688
Ph. 727.934.5090
Fx. 727.934.5362
john@shrimpalliance.com

September 2, 2010

Honorable Richard Burr
United States Senator
Washington, DC

Honorable Thad Cochran
United States Senator
Washington, DC

Honorable Jim DeMint
United States Senator
Washington, DC

Honorable Kay Hagan
United States Senator
Washington, DC

Honorable Johnny Isakson
United States Senator
Washington, DC

Honorable George LeMieux
United States Senator
Washington, DC

Honorable Jeff Sessions
United States Senator
Washington, DC

Honorable David Vitter
United States Senator
Washington, DC

Honorable Saxby Chambliss
United States Senator
Washington, DC

Honorable John Cornyn
United States Senator
Washington, DC

Honorable Lindsey Graham
United States Senator
Washington, DC

Honorable Kay Bailey Hutchison
United States Senator
Washington, DC

Honorable Mary Landrieu
United States Senator
Washington, DC

Honorable Bill Nelson
United States Senator
Washington, DC

Honorable Richard Shelby
United States Senator
Washington, DC

Honorable Roger Wicker
United States Senator
Washington, DC

Dear Senators:

The Southern Shrimp Alliance (SSA) remains extremely frustrated with the lack of progress in preventing the continued importation of farm-raised shrimp and shrimp products contaminated with antibiotics and pesticides banned by the Food and Drug Administration (FDA) because they are deemed harmful to human health. Although SSA and many in Congress have been pressing this concern for years, it is

apparent from FDA data that shrimp farmers in many of the major shrimp exporting nations continue to abuse the use of these illegal substances to artificially increase their yields, reduce their per-unit production costs, and further depress prices paid to US shrimpers in the US market. In fact, FDA data confirms that although the frequency of FDA testing of shrimp imports remains extremely low (1-2 percent), the rate of detection of these substances is increasing at an alarming rate.

As an example, attached is a letter of response from FDA to the SSA regarding shrimp imports from India. As indicated, of the 71 samples of shrimp and shrimp products from India tested by FDA in 2009, nearly 40 percent were refused by FDA for reasons of filth/decomposition, *Salmonella*, drug residues (antibiotics and pesticides), unapproved food additives, and misbranding/mislabeling. Further data received by SSA from FDA separately indicate that when testing specifically for the presence of unapproved antibiotics and pesticides, 7 out of 41 (over 17%) of samples of shrimp imported from India were found to be contaminated in 2009.

The US imported over 43.5 million pounds of shrimp from India in 2009. At these contamination rates, US consumers were likely exposed to over 17.4 million pounds of shrimp and shrimp products imported from India that were either misbranded/mislabeled or that presented a serious health risk including over 7.4 million pounds of shrimp contaminated with illegal antibiotics and pesticides.

Although among the worst offenders, India is by no means alone. As the attached chart indicates, significant percentages of shrimp produced in nations that are among the largest shrimp exporters to the US also tested positive for unapproved antibiotics and pesticides in 2009 including China (30.1%), Malaysia (20.0%), Vietnam (10.4%), Bangladesh (4.0%) and Ecuador (2.4%), in addition to India (17.1%). By applying these contamination rates to import volumes, in 2009 US consumers were likely exposed to 59 million pounds, or roughly 118 million servings, of shrimp contaminated with FDA-banned antibiotics and pesticides from these six nations alone.

An important point to be taken from this data is that the extremely low level of FDA testing of shrimp imports presents a negligible risk to shrimp importers who can simply absorb the occasional FDA detention of a shipment as a minor cost of doing business. It is equally important to note that because there is such a great disparity in the testing rates between the US and other major seafood import markets in the European Union, Japan and Canada where much higher rates of testing occur (eg. 20%), the US continues to be the global dumping ground for contaminated shrimp and other seafood.

SSA sincerely appreciates the ongoing efforts in the Senate to address these and many other food safety issues through S. 510; the FDA Food Safety Modernization Act. This is indeed landmark legislation that when enacted will vastly improve food safety in the US in many ways.

However, SSA remains extremely skeptical that the statutory mandate proposed in the bill for FDA to monitor and enforce US equivalency standards at overseas shrimp producing, processing and importing facilities, either directly or indirectly through third party auditors, will be sufficient to effectively address a problem of this magnitude. In 2009, the US imported over 1.2 billion pounds of shrimp and shrimp products from 48 nations. There are literally tens of thousands of farm-raised shrimp producing facilities in nations whose governments lack the fundamental capacity or will to adequately monitor and control the safety of their shrimp production including the use of harmful antibiotics and pesticides on farming facilities. When considered in the context of the size and scope of global shrimp production

and trade with the US, this mandate will substantially transcend the logistical, manpower and budgetary realities of FDA as well as the political, economic and cultural realities of many farmed shrimp producing nations.

Instead, SSA remains convinced that the most cost effective means to protect US consumers from the human health threats of contaminated shrimp imports and to achieve a level of equivalency with US standards is through a far more aggressive and better funded import testing regime at the border. The level of FDA testing enforcement must be set high enough that the consequences of importing contaminated shrimp become a greater cost of doing business than importers can sustain. Only then will importers demand that their shrimp suppliers stop using illegal antibiotics and pesticides on their farms. Again, we believe this is by far the most cost effective method to achieve US food safety objectives for imported shrimp.

Congress has repeatedly expressed its strong desire for the FDA to increase the testing rate on shrimp imports including in annual appropriations legislation over the past several years. For example, the following provision again appears in the FY11 Senate Agriculture Appropriations bill report (Rpt. 111-221, p. 93). FDA has not made any significant improvements in their shrimp import testing rates as a result of these repeated requests. Thus, S. 510 represents a critical opportunity to finally provide FDA with the necessary mandate to take meaningful action.

Antibiotics in Shrimp.—The Committee is concerned about the contamination of farm-raised shrimp imports with banned antibiotics. The Food and Drug Administration currently inspects less than 2 percent of imported shrimp. The Committee strongly encourages FDA to develop, in cooperation with State testing programs, a program for increasing the inspection of imported shrimp for banned antibiotics.

With this in mind, SSA strongly urges you to support the inclusion in S. 510 of a provision to require the FDA to increase its testing rate of shrimp imports to 20 percent by a date certain which would put the US on par with the seafood import testing regimes of other major seafood markets in the European Union, Japan and Canada. Senator Landrieu has kindly taken the initiative to work with the Managers of S. 510 to seek inclusion of this provision. We urge you to support this effort by contacting Senator Landrieu's staff, Ms. Liz Craddock.

On behalf of domestic shrimp producers throughout the Gulf and South Atlantic regions, the Southern Shrimp Alliance greatly appreciates your consideration of our request. We look forward to working with you to achieve US seafood safety objectives and a viable future for this important industry in your State.

Sincerely,

John Williams,
Executive Director

cc: Honorable Thomas Harkin
Honorable Michael Enzi



AUG 6 2010

Mr. John Williams
Executive Director
Southern Shrimp Alliance
P.O. Box 1577
Tarpon Springs, Florida 34688

Dear Mr. Williams:

Thank you for your letters expressing concerns with imports of shrimp from India and the potential effect of the European Union's (EU) actions on the United States (US) shrimp market.

The Food and Drug Administration (FDA) shares your concern regarding the unapproved use of nitrofurans in aquaculture and is engaged in sampling and testing of imported products for these and other drug residues. In Fiscal Year 2009 (FY 09), FDA monitored the importation of more than 100,000 entry lines of shrimp and shrimp products from more than 70 countries, including over 4,000 entry lines from India.

In conjunction with this monitoring, FDA sampled approximately 1,500 shrimp and shrimp products from more than 38 countries including 71 samples from India. From these sampling efforts and Import Alerts, more than 290 entries of imported shrimp and shrimp products were refused entry into the U.S., 28 of which were refusals for shrimp and shrimp products imported from India. Refusals were based on findings and violations (or appearance of violations) including filth/decomposition, *Salmonella*, drug residues, unapproved food additives, and misbranding/mislabeling.

Positive results for drug residues have been found in shrimp imports from some Indian firms. Those entries were detained and these firms were added to our Import Alert (IA) 16-129, "Detention Without Physical Examination of Seafood Products Due to Nitrofurans." At least two firms previously listed on the IA have been removed from the list after demonstrating that subsequent shipments were free of the drug residues in question. Other IAs for seafood are in place that include specific firms in India. A list of all IAs for India can be found on the FDA Web site at: http://www.accessdata.fda.gov/cms_ia/country_IN.html.

Sampling products at our borders is one of many tools used by FDA to ensure seafood safety. Seafood safety must be considered throughout the life-cycle of the product from the foreign processor to the consumer. The Seafood Hazard Analysis Critical Control Point (HACCP) Regulation (Title 21 Code of Federal Regulations, Part 123) requires that the importer and the foreign processor share the responsibility for safety of imported seafood products. Foreign processors that import seafood products into the U.S. must operate in conformance with the seafood HACCP regulation.

In addition, the HACCP regulation requires importers to take positive steps to verify that shipments are obtained from foreign processors who comply with the regulation requirements. To verify that foreign processors are complying with HACCP regulation, FDA routinely performs inspections of these processors in various foreign countries including India. In FY 09, FDA conducted 86 inspections at foreign seafood processors. FDA has increased the number of foreign inspections it is performing in FY 10 and is focusing those increased inspections on high risk products, including seafood.

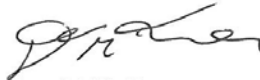
I should also mention that the new authorities that would be granted to FDA under the food safety legislation pending in Congress would give the Agency new tools for ensuring the safety of imported foods, including a greater emphasis on importer accountability.

In May 2010, the Agency sent a team of aquaculture experts to assess India's overall control of veterinary drug residues in product intended for the U.S. market. The information collected during the assessment is currently under review and will be considered in discussions of any further measures that may need to be taken. The Agency will be communicating the team's conclusions and recommendations to Indian government authorities for their response. In addition to on-going inspections, sampling and testing, FDA is collecting additional information from its counterparts in the EU and Canada and weighing its options to determine the most appropriate course of action. I would like to emphasize that the Agency will take whatever action it deems necessary, in a timely manner, to ensure aquacultured seafood product from India is safe.

Thank you for being among those to bring your concerns regarding this issue to our attention. FDA relies on and appreciates input from its stakeholders as it continues to improve its programs to assure the safety of all imported seafood products and makes every effort to be as responsive as possible.

If you have subsequent inquiries regarding our progress in addressing this issue, please let me know or feel free to contact Ms. Melissa Ellwanger, Acting Director of our Division of Seafood Safety, at (301) 436-1401 or by email (melissa.ellwanger@fda.hhs.gov).

Sincerely,



Donald W. Kraemer
Acting Deputy Director for Operations
Center for Food Safety
and Applied Nutrition

2009 FDA SHRIMP IMPORT TEST RESULTS						
COUNTRY	POSITIVES¹	TESTS²	CONTAMINATION RATE (% POSITIVES)	2009 IMPORTS (LBS)³	2009 ESTIMATED CONTAMINATED SHRIMP IMPORTS (LBS)	2009 ESTIMATED HUMAN EXPOSURE @ 1/2 LB SERVING (SERVINGS)
BANGLADESH	1	25	4.000	21,774,375	870,975	1,741,950
ECUADOR	1	41	2.439	135,530,325	3,305,618	6,611,235
MALAYSIA	3	15	20.000	40,620,510	8,124,102	16,248,204
CHINA	4	13	30.769	96,457,725	29,679,300	59,358,600
VIETNAM	5	48	10.417	91,716,975	9,553,852	19,107,703
INDIA	7	41	17.073	43,573,005	7,439,294	14,878,587
TOTAL	21	183	11.475	429,672,915	58,973,140	117,946,280

¹ This number reflects the number of shrimp samples that FDA tested positive in 2009 for one or more of the following unapproved antibiotics and/or pesticides: chloramphenicol, nitrofurans, fluoroquinolones, quinolones (oxolinic acid and flumequine), malachite green and crystal (gentian) violet.

Source: Barbara Montwill, FDA, Center for Food Safety and Applied Nutrition, Office of Food Safety, Barbara.Montwill@fda.hhs.gov

² This number reflects the number of FDA tests performed on shrimp imports from each nation in 2009 for antibiotics/pesticides.

Source: Barbara Montwill, FDA, Center for Food Safety and Applied Nutrition, Office of Food Safety, Barbara.Montwill@fda.hhs.gov

³ Source: NOAA Fisheries, Office of Science and Technology, Shrimp Import Data

<https://www.st.nmfs.noaa.gov/pls/apex32/f?p=169:2:732300705660236>

Note: NOAA data converted from metric tons to pounds (1mt = 2205 lbs)