



Southern Shrimp Alliance

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March 7, 2012

Via Electronic Mail

The Honorable Ron Kirk
Ambassador
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, DC 20508
rkirk@ustr.eop.gov

Re: Food Safety and the Trans-Pacific Partnership

Dear Ambassador Kirk:

On behalf of the Southern Shrimp Alliance (SSA), I am writing to encourage you to strengthen food safety assurances in the negotiation of the proposed Trans-Pacific Partnership (TPP) Free Trade Agreement that includes Malaysia and Vietnam.

As noted in the September 7, 2011 letter from Rep. Rosa DeLauro (CT-3) to you,¹ certain TPP countries have seafood export industries that present significant food safety issues. These problems have substantially worsened over the last year and, as such, food safety concerns are even more pressing today.

Rep. DeLauro's letter discussed concerns regarding transshipment of shrimp from exporters subject to trade relief and heightened U.S. Food and Drug Administration

¹ <http://delauro.house.gov/release.cfm?id=3175>.

(FDA) oversight through Malaysia to evade regulatory controls. In comments SSA submitted to the U.S. Trade Representative (USTR) regarding negotiating objectives with respect to Malaysia's participation in the proposed TPP,² we emphasized changes in supply trends after the FDA issued Import Alert 16-131 in 2007³ regarding, among other seafood products, shrimp imports from China. Chinese shrimp exports to Malaysia grew from 36.2 million pounds in 2007 to 66.5 million pounds in 2008. Coincidentally, shrimp exports from Malaysia to the United States also peaked at 66.2 million pounds in 2008. A U.S. Customs and Border Protection (CBP) investigation confirmed that Chinese shrimp – contaminated with harmful antibiotics – was being transshipped through Malaysia into the U.S. market, thereby evading both antidumping duties and the FDA's Import Alert.⁴

Circumvention of food safety measures and trade relief has continued; since 2008, three Malaysian exporters suspected of transshipping Chinese shrimp have been added to the FDA's Import Alert 16-129⁵ because of the presence of nitrofurans, a banned antibiotic, and two other Malaysian shrimp exporters have been added to the FDA's Import Alert 16-124⁶ for the presence of chloramphenicol, another banned antibiotic. Just last month (February 2012), the FDA refused eleven shipments of shrimp from another

² <http://www.shrimpalliance.com/new/wp-content/uploads/2010/11/11-22-10-Southern-Shrimp-Alliances-Comments-on-Negotiating-Objectives-with-Respect-to-Malaysias-Participation-in-the-Proposed-TPP-Agreement.pdf>.

³ http://www.accessdata.fda.gov/cms_ia/importalert_33.html.

⁴ U.S. Government Accountability Office, "Seafood Fraud: FDA Program Changes and Better Collaboration among Key Federal Agencies Could Improve Detection and Prevention," GAO-09-258 (Feb. 2009) pp. 15, 20.

⁵ http://www.accessdata.fda.gov/cms_ia/importalert_31.html.

⁶ http://www.accessdata.fda.gov/cms_ia/importalert_27.html.

Malaysian exporter suspected of transshipping shrimp for the presence of banned antibiotics, including nitrofurans, in its shrimp exports to this country.⁷

Repeated findings of banned, harmful antibiotics in Malaysian shrimp exports either means that (a) Malaysia's government has failed to control the use of harmful antibiotics in the country's shrimp aquaculture or (b) Malaysia has become a vehicle for shipping contaminated Chinese shrimp exports to the United States, significantly undermining the efficacy of Import Alert 16-131 and FDA's oversight of imported seafood. Either explanation is equally problematic.

Separately, Rep. DeLauro's letter also discussed continuing concerns regarding the contamination of Vietnamese seafood exports to the United States. In recent letters to the FDA,⁸ SSA observed that eight percent of all of the cases of imported food rejected by the government in Japan in 2011 were for Vietnamese shrimp contaminated with harmful antibiotics or herbicides. In the first two months of 2012, 22 of Japan's report 175 rejections of imported food have been for Vietnamese shrimp contaminated with antibiotics: 19 for the presence of enrofloxacin, a banned fluoroquinolone, with the remainder rejected for the detection of nitrofurans, Trifluralin, or chloramphenicol. Japan's findings of prevalent fluoroquinolone contamination are mirrored by Canada, as the Canadian Food Inspection Agency currently lists 32 Vietnamese seafood exporters on its Mandatory Inspection List for fluoroquinolone.⁹ In turn, Vietnamese seafood

⁷ <http://www.accessdata.fda.gov/scripts/importrefusals/>.

⁸ <http://www.shrimpalliance.com/new/wp-content/uploads/2011/10/10-5-11-letter-to-FDA-re-Vietnamese-Seafood-Imports1.pdf> and <http://www.shrimpalliance.com/new/wp-content/uploads/2012/01/Vietnamese-Seafood-Imports1.pdf>.

⁹ <http://active.inspection.gc.ca/scripts/fispoi/ial/IALFront.asp?lang=e>.

exporters readily concede that banned antibiotics are used in the country's aquaculture and have publicly called on the government to ban these substances.¹⁰

The abuse of banned antibiotics continues to plague shrimp aquaculture in TPP countries. The presence of these harmful substances reflects an *intentional* decision to lower the costs of high-density farming – by limiting disease outbreak – while introducing adulterated shrimp into the U.S. marketplace. Our shrimpers are forced to compete with imported shrimp sold at prices artificially lowered by the use of antibiotics and U.S. consumers are unwittingly exposed to the dangers of those banned substances. By ensuring that the health of Americans is the country's top priority in ongoing TPP negotiations, you can help eradicate the problem of abuse of harmful, banned drugs in aquaculture that should not have been allowed to fester for as long as it has.

Please let us know if there is any way in which our organization or our members can be of additional assistance to the USTR's efforts to promote the public health of Americans and establish a level playing field for U.S. seafood producers.

Sincerely,



John Williams
Executive Director

cc: Senator Max Baucus, Chairman, Committee on Finance
Senator Orrin G. Hatch, Ranking Minority Member, Committee on Finance
Congressman David Camp, Chairman, Committee on Ways & Means
Congressman Sander M. Levin, Ranking Minority Member, Committee on Ways & Means
Congresswoman Rosa DeLauro, Member of Congress

¹⁰ Intellasia, "Vietnam Shrimp Exports to US May Face Enrofloxacin Tests," (Jan. 19, 2012), <http://www.intellasia.net/news/articles/business/111354282.shtml>.