July 14, 2025

Ambassador Jamieson L. Greer
United States Trade Representative
Office of the United States Trade Representative
600 17th Street NW
Washington, D.C. 20508

Re: Request for Investigation under Section 301 of the Trade Act of 1974

Dear Ambassador Greer:

On behalf of the Oregon Trawl Commission ("OTC"),[1] the Southern Shrimp Alliance ("SSA"),[2] and members of the domestic crawfish industry[3] (collectively, "U.S. Seafood Producers Section 301 Coalition"), we submit this request that the Office of the United States Trade Representative ("USTR") initiate a Section 301 investigation focused on global trade in seafood products regarding acts, policies, or practices of a foreign country that are unjustifiable and burden or restrict United States commerce, as contemplated under 19 U.S.C. § 2411. In

[1] The OTC is a fishermen-funded state commodity group established by the Oregon state legislature in 1963. With roughly 100 fishing vessels, OTC represents Oregon trawl fishermen who produce sustainable, wild-caught seafood, including Pacific whiting, Oregon pink shrimp, and various types of groundfish, such as rockfish, sablefish, and sole. Collectively, OTC's constituents land nearly a quarter of a billion pounds of catch annually, generating approximately $60 million in economic value for fishermen alone.

[2] SSA is is a non-profit alliance of shrimpers, dockside facilities, processors, retailers, distributors, and other industry participants committed to supporting America's warmwater shrimp industry and to ensuring the industry's future viability. The SSA's membership spans the coast of the South Atlantic and the Gulf of America, encompassing communities throughout North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. Up until 2021, the U.S. commercial shrimp fishery was one of the five most valuable commercial fisheries, by species, in the country. *See* NOAA Fisheries, *Fisheries of the United States 2019*, Current Fishery Statistics No. 2019 (May 2021) at x (landings valued at $467 million); NOAA Fisheries, *Fisheries of the United States 2020*, Current Fishery Statistics No. 2020 (May 2022) at 5 (landings valued at $435 million); NOAA Fisheries, *Fisheries of the United States 2021*, Current Fishery Statistics No. 2021 (Oct. 2024) at 7 (not listed); and NOAA Fisheries, *Fisheries of the United States 2022*, Current Fishery Statistics No. 2022 (Oct. 2024) at 3 (not listed).

[3] Members of the domestic crawfish industry, as referenced herein, are four Louisiana-based companies: Riceland Crawfish Inc, Bieber Farms Crawfish, Inc., Acadia Crawfish Co, LLC, and Deshotels Crawfish Farms, LLC.

particular, the U.S. Seafood Producers Section 301 Coalition asks the USTR to investigate the continued use of banned veterinary drugs in farm-raised seafood production from China, India, Indonesia, and Vietnam.

I. *RESTORING AMERICAN SEAFOOD COMPETITIVENESS*

On April 17, 2025, President Trump issued an Executive Order, entitled "Restoring American Seafood Competitiveness,"[4] highlighting what every American fisherman, shrimper, and aquaculturist knows well: the influx of foreign seafood imports, many produced with unfair trade practices, have presented an existential threat to numerous U.S. seafood industries. Consistent with the Executive Order, the U.S. Seafood Producers Section 301 Coalition also believes that "[t]he United States should be the world's most dominant seafood leader."[5] Instead, as recognized in the Executive Order, "[n]early 90 percent of seafood on our shelves is now imported, and the seafood trade deficit stands at over $20 billion."[6] This may understate the extent of our country's dependence upon foreign supply for seafood. Citing statistics from NOAA Fisheries, the U.S. Food and Drug Administration ("FDA") reports that "approximately 94% of the volume of seafood sold in the United States" are imports from overseas.[7]

The U.S. Seafood Producers Section 301 Coalition further agrees with the Executive Order that "[t]he erosion of American seafood competitiveness at the hands of unfair trade practices must end."[8] As the Executive Order observes, "The United States must address unfair trade practices, eliminate unsafe imports, level the unfair playing field that has benefited foreign fishing companies, promote ethical sourcing, reduce regulatory burdens, and ensure the integrity of the seafood supply chain."[9] Consistent with this declaration, the Executive Order instructed the USTR to "examine the relevant trade practices of major seafood-producing nations . . . and consider appropriate responses, including pursuing solutions through negotiations or trade enforcement authorities, such as under section 301 of the Trade Act of 1974."

As discussed in greater detail below, the continued tolerance by foreign governments for the use of banned veterinary drugs, including antibiotics and fungicides, in their country's

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[4] *See* https://www.whitehouse.gov/presidential-actions/2025/04/restoring-american-seafood-competitiveness/.

[5] *Id.*

[6] *Id.*

[7] U.S. Food and Drug Administration, *Activities for the Safety of Imported Seafood* (Feb. 2023) at 4, available at: https://www.fda.gov/media/165447/download?attachment; *see also* U.S. Food and Drug Administration, *FDA Strategy for the Safety of Imported Food* (Feb. 2019) at 1, available at: https://www.fda.gov/media/120585/download?attachment.

[8] *See* https://www.whitehouse.gov/presidential-actions/2025/04/restoring-american-seafood-competitiveness/.

[9] *Id.*

aquaculture constitutes an unfair trade practice, introduces unsafe imports to the U.S. market, and creates an unfair playing field that has benefited foreign seafood companies.

II. ILLEGAL VETERINARY DRUGS IN FOREIGN AQUACULTURE

The use of veterinary drugs in aquaculture in the United States is heavily regulated.[10] The FDA maintains a very limited list of approved veterinary drugs for use when farming seafood, and those that are not on the list may not be used in domestic production or in the production of imported seafood.[11] In most countries in the world, prohibitions exist regarding the utilization of veterinary drugs in the nation's aquaculture. Nevertheless, the significant threat presented by disease outbreaks in aquaculture ponds as well as the growth promoting attributes of some antibiotics has led to widespread abuse of these veterinary drugs in overseas aquaculture.

According to the FDA, the seafood consumed in the United States "is imported from approximately 62 countries" and "[o]ver 40% of that seafood comes from aquaculture operations."[12] In this context, Asian countries have played a substantial role in the development of global aquaculture operations. As of 2020, "Asia contribute[d] nearly 90% of global aquaculture production."[13] Collectively, Asian countries are among the top contributors to global production of farmed shrimp and finfish, such as tilapia and pangasius, accounting for a

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[10] *See* Patricia S. Gaunt, *Governance and Antimicrobial Use in Aquaculture in Selected Countries/Regions*, Presentation at "Understanding Antimicrobial Resistance and Biosecurity in Aquaculture," FAO Candidate Reference Centers on AMR and Aquaculture Biosecurity (Dec. 20-21, 2021), available at: https://www.fao.org/fileadmin/user_upload/faoweb/FI/news/AMR_docs/01_GAUNT.pdf.

[11] *See* U.S. Food and Drug Administration, "Approved Aquaculture Drugs," (Feb. 5, 2025), https://www.fda.gov/animal-veterinary/aquaculture/approved-aquaculture-drugs.

[12] U.S. Food and Drug Administration, "Import Alert 16-131 [Detention Without Physical Examination of Aquacultured, Shrimp, Dace, and Eel from China and Hong Kong SAR - Presence of New Animal Drugs and/or Unsafe Food Additives]," ("FDA Import Alert 16-131"), (Feb. 28, 2025), https://www.accessdata.fda.gov/CMS_IA/importalert_33.html (accessed May 29, 2025). *See also* Daniel Schar et al., "Global trends in antimicrobial use in aquaculture," *Scientific Reports*, 10, 21878, (Dec. 14, 2020), https://doi.org/10.1038/s41598-020-78849-3.

[13] Daniel Schar et al., "Global trends in antimicrobial use in aquaculture," *Scientific Reports*, 10, 21878, (Dec. 14, 2020), https://doi.org/10.1038/s41598-020-78849-3.

significant share of the 5.6 million metric tons of global farmed shrimp[14] and approximately 40 million metric tons of global farmed fish projected in 2023.[15]

The U.S. seafood market is heavily reliant on Asian seafood producers. Last year, just four countries in Asia – India ($2.5 billion), Indonesia ($1.9 billion), Vietnam ($1.7 billion), and China ($1.5 billion) – accounted for 30.4 percent of the value ($24.9 billion) of all seafood imports under Chapters 03, 1603, 1604, and 1605 of the Harmonized Tariff Schedule of the United States ("HTSUS"). These four countries have consistently been amongst America's largest seafood suppliers, collectively accounting for $7.6 billion in U.S. seafood imports in 2023, $9.7 billion in 2022, $9.1 billion in 2021, and $7.6 billion (again) in 2020.

Substantial sourcing from these four countries, however, implicates significant concerns regarding the abuse of veterinary drugs in each of their aquaculture sectors. The FDA has observed that "[a]s the aquaculture industry continues to grow and compete with wild-caught seafood products, concerns regarding the use of unapproved animal drugs and unsafe chemicals and the misuse of animal drugs in aquaculture operations have increased substantially."[16] These concerns have not abated and have only further increased with expansion in aquaculture production:

> To reach the expected growth rate, global aquaculture will need to be subjected to a high degree of intensification, which frequently entails the use of antimicrobials (including ABs) for the treatment and prevention of diseases, increasing productivity and compensating for poor biosecurity measures implemented in fish farms. The majority of aquaculture production occurs in low- and middle-income countries, where the control of the use of antimicrobials and their quality is at a

[14] *See* Darryl Jory, "Annual farmed shrimp production survey: A slight decrease in production reduction in 2023 with hopes for renewed growth in 2024," Global Seafood Alliance, (Oct. 9, 2023), https://www.globalseafood.org/advocate/annual-farmed-shrimp-production-survey-a-slight-decrease-in-production-reduction-in-2023-with-hopes-for-renewed-growth-in-2024/.

[15] *See* Darryl Jory, Annual farmed finfish production survey: A modest supply decline for 2023 and a predicted return to growth in 2024," Global Seafood Alliance (Oct. 9, 2023), https://www.globalseafood.org/advocate/annual-farmed-finfish-production-survey-a-modest-supply-decline-for-2023-and-a-predicted-return-to-growth-in-2024/.

[16] U.S. Food and Drug Administration, "Import Alert 16-131 [Detention Without Physical Examination of Aquacultured, Shrimp, Dace, and Eel from China and Hong Kong SAR - Presence of New Animal Drugs and/or Unsafe Food Additives]," ("FDA Import Alert 16-131"), (Feb. 28, 2025), https://www.accessdata.fda.gov/CMS_IA/importalert_33.html (accessed May 29, 2025).

> very low level, and where there are many opportunities for people, animals and microorganisms from the environment to come into close contact.[17]

The use of veterinary drugs in foreign aquaculture is reported to be concentrated in the four Asian countries that account for nearly one-third of the value of total U.S. seafood imports. As one study observed:

> The four countries with the largest share of antimicrobial consumption in 2017 were all in the Asia–Pacific region: China (57.9%), India (11.3%), Indonesia (8.6%), and Vietnam (5%). These countries are projected to remain the largest consumers of antimicrobials in 2030, with China's share decreasing marginally to 55.9%, India unchanged, and Indonesia's and Vietnam's share increasing to 10.1% and 5.2%, respectively.[18]

These findings are consistent with the FDA's findings at the border, as there are only seven countries in the world for which at least one seafood exporter appears on each of the three general Import Alerts regarding harmful veterinary drugs in seafood: China, India, Indonesia, and Vietnam, joined by Bangladesh, Malaysia, and Mexico.[19] Between 2019 and April 2025, the FDA reported refusing 671 entry lines of seafood for reasons related to veterinary drug residues.[20] Of these entry lines, 519 – 77.3 percent – originated from China (204), India (177), Indonesia (5), and Vietnam (133).

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[17] Milan Milijasevic et. al, "Antimicrobial Resistance in Aquaculture: Risk Mitigation within the One Health Context," (Aug. 2, 2024), https://pmc.ncbi.nlm.nih.gov/articles/PMC11311770/.

[18] Monterey Bay Aquarium, Seafood Watch, "Review of global antibiotic use, impacts, solutions, and gaps in Aquaculture," 5-6, https://www.seafoodwatch.org/globalassets/sfw/pdf/projects/antibiotics-in-aquaculture/seafood-watch-antibiotics-in-aquaculture-state-of-affairs.pdf ("Seafood Watch Report"); Global trends in antimicrobial use in aquaculture at 3.

[19] *See* U.S. Food and Drug Administration, "Import Alert 16-124 [Detention Without Physical Examination of Aquaculture Seafood Products Due to Unapproved Drugs]," ("FDA Import Alert 16-124"), (May 20, 2025), https://www.accessdata.fda.gov/cms_ia/importalert_27.html (accessed May 27, 2025); U.S. Food and Drug Administration, "Import Alert 16-127 [Detention Without Physical Examination of All Seafood Due to Chloramphenicol]," ("FDA Import Alert 16-127"), (Mar. 31, 2025), https://www.accessdata.fda.gov/cms_ia/importalert_29.html (accessed May 27, 2025); and U.S. Food and Drug Administration, "Import Alert 16-129 [Detention Without Physical Examination of Seafood Products Due to Nitrofurans]," ("FDA Import Alert 16-129"), (May 8, 2025), https://www.accessdata.fda.gov/cms_ia/importalert_31.html (accessed May 27, 2025).

[20] FDA Import Refusal data obtained from https://www.accessdata.fda.gov/scripts/importrefusals/. Seafood (Product Code = 16) entry lines refused for reasons related to veterinary drug residues identified through the use of refusal codes

As is perhaps obvious from these data, China, India, Indonesia, and Vietnam do not enforce food safety standards that are comparable to those of the United States, despite having regulatory frameworks that suggest otherwise.[21] As evidenced by various FDA import alerts[22] and reports from non-governmental organizations,[23] there are ongoing and repeated instances of farmed seafood from these countries that violate not only U.S. standards, but also their own standards. These violations often involve the use of a wide array of veterinary drugs in aquaculture.[24] In addition to chloramphenicol (Import Alert 16-127) and nitrofurans (Import Alert 16-129), seafood companies from China, India, Indonesia, and Vietnam are listed for ciprofloxacin, enrofloxacin, florfenicol, flumequine, gentian violet, leucocrystal violet, leucomalachite green, malachite green, norfloxacin, oxolinic acid, oxytetracycline, sulfadiazine, sulfadimethoxine, sulfamerazine, sulfamethazine, sulfamethoxazole, and trimethoprim (Import Alert 16-124).

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238 (unsafe additive); 2860 (veterinary drugs); 3220 (nitrofurans); and 3885 (poisonous chloramphenicol).

[21] *See* UN Food and Agriculture Organization, "Understanding Antimicrobial Resistance and Biosecurity in Aquaculture, Governance and antimicrobial use in aquaculture in selected countries/regions," (Dec. 21, 2021), https://www.fao.org/fileadmin/user_upload/faoweb/FI/news/AMR_docs/01_GAUNT.pdf. *See also* Ola Luthman et al., "Global overview of national regulations for antibiotic use in aquaculture production," Aquaculture International 32:9253-9270, (July 27, 2024), https://doi.org/10.1007/s10499-024-01614-0.

[22] *See, e.g.*, FDA Import Alert 16-131; U.S. Food and Drug Administration, "Import Alert 16-129 [Detention Without Physical Examination of Seafood Products Due to Nitrofurans]," ("FDA Import Alert 16-129"), (Apr. 14, 2025), https://www.accessdata.fda.gov/cms_ia/importalert_31.html (accessed May 7, 2025); ; U.S. Food and Drug Administration, "Import Alert 16-127 [Detention Without Physical Examination of All Seafood Due to Chloramphenicol]," ("FDA Import Alert 16-127"), (Mar. 31, 2025), https://www.accessdata.fda.gov/cms_ia/importalert_29.html (accessed May 7, 2025).

[23] *See, e.g.*, Letter from Southern Shrimp Alliance to USTR, "Initiation of Four-Year Review Process: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation," (Aug. 19, 2022), https://www.shrimpalliance.com/wp-content/uploads/2023/01/SSA-Letter-to-USTR-re-Section-301-Duties-List-2-FINAL.pdf, at pp. 4-9, which details various additional studies documenting the pervasive use of antibiotics in Chinese aquaculture; Southern Shrimp Alliance, "Food Regulatory Authorities in the EU, Japan, and the United States Once Again Confirm that India and Vietnam Continue to Use Banned Antibiotics in their Shrimp Aquaculture," (Feb. 7, 2024), https://shrimpalliance.com/food-regulatory-authorities-in-the-eu-japan-and-the-united-states-once-again-confirm-that-india-and-vietnam-continue-to-use-banned-antibiotics-in-their-shrimp-aquaculture/.

[24] *See e.g.,* U.S. Department of Agriculture Foreign Agricultural Service, Global Agricultural Information Network, "China Publishes Maximum Residue Limits for Veterinary Drugs in Food," Report Number CH2019-0176 (Dec. 11, 2019).

The ongoing presence of these substances in imported seafood products from these countries highlights a lack of enforcement on the part of the governments of China, India, Indonesia, and Vietnam. The unwillingness to enforce regulatory standards is both unreasonable and unfair, as it allows exporters in these countries to evade the food safety standards required of U.S. seafood producers. This not only creates an uneven playing field but also poses serious health risks to U.S. consumers while undermining demand for seafood.

India exemplifies this regulatory failure well. For instance, the Indian government has no list of approved antimicrobials for use in aquaculture.[25] It also has regulations that explicitly prohibit the use of 20 specific antibiotics and pharmacologically active substances specifically in shrimp.[26] This banned list includes substances such as chloramphenicol, nitrofurans, and fluoroquinolones.[27] While these restrictions only apply to shrimp, India's broader regulatory framework limits antibiotics across its aquaculture sector through advisories, labeling rules, and prescription drug controls.[28] However, implementation remains inconsistent due to weak enforcement of prescription requirements, lack of awareness among aquaculture industry participants, and limited oversight of antimicrobial use.[29] For example, in India, even though

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[25] UN Food and Agriculture Organization, "Understanding Antimicrobial Resistance and Biosecurity in Aquaculture, Governance and antimicrobial use in aquaculture in selected countries/regions," at 24, (Dec. 21, 2021), https://www.fao.org/fileadmin/user_upload/faoweb/FI/news/AMR_docs/01_GAUNT.pdf.

[26] *See* Gaurav Rathore, "Country case study 2 Assessment report on AMU and AMR risk in aquaculture in India," at 52 – 70, Leaño, E.M. & Weimin, M. eds., (2020), in Regional consultative workshop on antimicrobial resistance risk associated with aquaculture in the Asia-Pacific. Bangkok, Thailand, 4–6 September 2018. Bangkok, FAO, https://openknowledge.fao.org/server/api/core/bitstreams/ab3a1e98-6d15-480f-8d47-f6f4cedfa858/content. *See also* UN Food and Agriculture Organization, "Understanding Antimicrobial Resistance and Biosecurity in Aquaculture, Governance and antimicrobial use in aquaculture in selected countries/regions," (Dec. 21, 2021), https://www.fao.org/fileadmin/user_upload/faoweb/FI/news/AMR_docs/01_GAUNT.pdf.

[27] *See* Gaurav Rathore, "Country case study 2 Assessment report on AMU and AMR risk in aquaculture in India," Leaño, E.M. & Weimin, M. eds., (2020), in Regional consultative workshop on antimicrobial resistance risk associated with aquaculture in the Asia-Pacific. Bangkok, Thailand, 4–6 September 2018. Bangkok, FAO, https://openknowledge.fao.org/server/api/core/bitstreams/ab3a1e98-6d15-480f-8d47-f6f4cedfa858/content.

[28] *See id*.

[29] *See id*.

antibiotics can "only be used if prescribed by a veterinarian or fish health expert,"[30] Schedule H drugs[31] are "frequently sold by pharmacists over the counter to farmers"[32] largely due to "[f]inancial incentives to prescribe antibiotics[.]"[33]

Moreover, as a part of India's national antimicrobial regulations, "monitoring measures," such as the Residue Control Plan, Enzyme-Linked Immunosorbent Assay ("ELISA") labs, and pre-export checks, are intended to ensure food safety hazards "do not enter the product value chain."[34] As such, India has an approved residue monitoring plan for aquaculture and is designed to test for a range of substances banned in the United States and the European Union ("EU"), including antibiotics, such as chloramphenicol and nitrofurans.[35]

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[30] Ola Luthman et al., "Global overview of national regulations for antibiotic use in aquaculture production," at 9259–9261, Aquaculture International 32:9253-9270, (July 27, 2024), https://doi.org/10.1007/s10499-024-01614-0.

[31] Gaurav Rathore, "Country case study 2 Assessment report on AMU and AMR risk in aquaculture in India," at 66, Leaño, E.M. & Weimin, M. eds., (2020), in Regional consultative workshop on antimicrobial resistance risk associated with aquaculture in the Asia-Pacific. Bangkok, Thailand, 4–6 September 2018. Bangkok, FAO, https://openknowledge.fao.org/server/api/core/bitstreams/ab3a1e98-6d15-480f-8d47-f6f4cedfa858/content. "Schedule H1 under [India's] Drugs and Cosmetics Rules, 1945 was introduced in 2013 containing 46 drugs which included 24 third and fourth generation antibiotics, 11 antituberculosis drugs and 11 habit-forming drugs for stricter control over these products."

[32] UN Food and Agriculture Organization, "Understanding Antimicrobial Resistance and Biosecurity in Aquaculture, Governance and antimicrobial use in aquaculture in selected countries/regions," at 24, (Dec. 21, 2021), https://www.fao.org/fileadmin/user_upload/faoweb/FI/news/AMR_docs/01_GAUNT.pdf.

[33] Gaurav Rathore, "Country case study 2 Assessment report on AMU and AMR risk in aquaculture in India," at 67, Leaño, E.M. & Weimin, M. eds., (2020), in Regional consultative workshop on antimicrobial resistance risk associated with aquaculture in the Asia-Pacific. Bangkok, Thailand, 4–6 September 2018. Bangkok, FAO, https://openknowledge.fao.org/server/api/core/bitstreams/ab3a1e98-6d15-480f-8d47-f6f4cedfa858/content.

[34] HansIndia, "India has robust regulatory, safety framework for seafood units: Commerce min," (Mar. 23, 2024), https://www.thehansindia.com/business/india-has-robust-regulatory-safety-framework-for-seafood-units-commerce-min-867285.

[35] *See* European Commission Directorate-General for Health and Food Safety, "Final Report of an Audit Carried Out in India from 07 September 2022 to 29 September 2022 in Order to Evaluate the Control of Residues and Contaminants in Live Animals and Animal Products including Controls on Veterinary Medicinal Products," ("European Commission's 2022 Audit of India"), (2022), https://shrimpalliance.com/wp-content/uploads/2024/07/EU-audit-of-India-2022.pdf. *See also* U.S. Food and Drug Administration, "Import Alert 16-136," (Feb. 28, 2025),

Despite these measures, a 2022 audit by the European Commission ("EC") of India's aquaculture sector found more evidence of the government's lack of due diligence and disregard for its own regulations.[36] The audit noted that "the [EC's] audit team found inconsistencies in the traceability records concerning stocking and harvesting data and the number of ponds compared to the data" in the Indian government's database.[37] The EC also found that "since January 2020 until August 2022 there were 7 non-compliant [pre-harvest] test results recorded" by the Indian government.[38]

Moreover, India's interdepartmental task forces are supposed to monitor and penalize hatcheries, farms, aquaculture input shops and feed mills in order to "punish the violators to curtail the sale and usage of unauthorized inputs[.]"[39] Nevertheless, the EC's 2022 audit uncovered that "[a]t farm level, [India's Marine Products Export Development Authority ("MPEDA")] informed the audit team, that no farm during the last three years, from which non-compliant products had originated, had been penalised in any way or had had their MPEDA enrollment suspended or withdrawn."[40] The EC concluded, "[w]hilst there is a control system on the distribution and use of veterinary medicinal products, it contains many gaps in comparison to what is required in the EU and does not contribute to the guarantees on the residues status of food of animal origin provided by the various residue testing programmes in place."[41] Given the FDA's history of import refusals[42] and alerts[43] concerning seafood from India, the additional evidence of India's regulatory apathy surrounding antibiotics in its aquaculture sector is unsurprising—but it remains a serious issue for trade enforcement and consumer health.

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https://www.accessdata.fda.gov/cms_ia/importalert_1153.html (accessed May 7, 2025); U.S. Food and Drug Administration, "Import Alert 16-129," (Apr. 14, 2025), https://www.accessdata.fda.gov/cms_ia/importalert_31.html (accessed May 7, 2025).

[36] *See* European Commission's 2022 Audit of India.

[37] *Id*. at 12.

[38] *Id*. at 13.

[39] HansIndia, "India has robust regulatory, safety framework for seafood units: Commerce min," (Mar. 23, 2024), https://www.thehansindia.com/business/india-has-robust-regulatory-safety-framework-for-seafood-units-commerce-min-867285.

[40] European Commission's 2022 Audit of India at 17.

[41] *Id*. at 32.

[42] *See* U.S. Food & Drug Administration, "Import Refusals," https://datadashboard.fda.gov/ora/cd/imprefusals.htm. Antibiotic refusal reference codes include 72, 2860, 2900, 3220, and 3885.

[43] *See* FDA Import Alert 16-131; FDA Import Alert 16-129; FDA Import Alert 16-127.

III. THE USE OF BANNED VETERINARY DRUGS IN FOREIGN AQUACULTURE HAS BURDENED UNITED STATES COMMERCE

The use of these veterinary drugs represents an unreasonable trade practice that harms domestic producers of seafood and thus "burdens United States commerce."[44] Although China, India, Indonesia, and Vietnam have federal laws meant to ensure the safety of its exported seafood, the ability for producers in these countries to use such a wide array of antibiotics and other drugs permits them to reduce the risk of disease mortality in their aquaculture ponds by creating health risks for American consumers, boosting productivity and lowering costs. American aquaculture producers, on the other hand, are held to a higher standard for food safety and therefore endure higher costs for production, placing them at a severe pricing disadvantage. This price disadvantage is also borne by wild-caught seafood from the U.S. as they compete against farmed seafood. China, India, Indonesia, and Vietnam have ramped up their aquaculture sector through the use of unsafe veterinary drugs. As a result, American seafood producers have struggled to compete for sales in this market on price and significant portions of this domestic commercial sector face extinction.

For example, due to an influx of the cheap imports, the value of commercial warmwater shrimp landings in the United States fell by roughly 50% between 2021 ($521.8 million) and 2023 ($268.7 million), remaining at depressed levels in 2024. The impacts of cheap imports have also been felt by Oregon groundfish and coldwater pink shrimp fishermen and processors, who have seen a decline in total revenue, profits, and employment since 2017.[45] Specifically, in 2023, the value of groundfish landed in Oregon (excluding Pacific whiting) declined by 13% to $26.3 million, with volumes falling 4.7% and the average price dropping to $0.55 per pound – the lowest in years.[46] In the same year, Oregon's coldwater pink shrimp fishery, while achieving higher landings at 44 million pounds, saw prices collapse to $0.42 per pound, the lowest since

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[44] 19 U.S.C. § 2411(b)(1).

[45] *See* Shaun Barrick, "Oregon's Commercial Fishing in 2023," State of Oregon Employment Department, (July 19, 2024), https://www.qualityinfo.org/-/oregon-s-commercial-fishing-in-2023. *See also*, Oregon Department of Fish and Wildlife, "Oregon Commercial and Marine Recreational Fishing Industry Economic Activity for Years 2020 and 2021 Addendum 2023 Executive Summary," (June 2024), at pp. vii and xii, https://www.dfw.state.or.us/agency/docs/TRG%20Oregon%20fishing%20industry%202020-2021%20ES.pdf. The report notes that, "[c]hallenges facing the fishing industry include…foreign agile market competitors" which has contributed to a decline in participation, noting that "[f]ewer vessels are participating in commercial fisheries and those that do participate require higher annual revenues to be a viable business." In addition, the report notes that "[r]aising [domestic] resource value has obstacles. There will be continuing price pressures on seafood products from substitute aquaculture products."

[46] Shaun Barrick, "Oregon's Commercial Fishing in 2023," State of Oregon Employment Department, (July 19, 2024), https://www.qualityinfo.org/-/oregon-s-commercial-fishing-in-2023.

2010, keeping revenue flat at $18.7 million.[47] Meanwhile, Pacific whiting landings dropped for the fourth consecutive year, declining by another 3.7% to 164 million pounds.[48] In general, employment in Oregon's commercial fishing sector has also remained below pre-pandemic levels, with an estimated 1,212 active fishers in 2023, down approximately 100 to 200 from pre-2020 averages.[49]

Further, Dover sole, a groundfish caught off the West Coast with most landings occurring off the Oregon coast, is another example of how the price disadvantage created by cheap imported seafood has made it difficult for domestic fishermen to remain competitive. From 2015 to 2024, domestic fishermen were allocated over 100 million pounds of Dover sole each year, yet annual landings remained consistently low, averaging about 11.5 million pounds per year, or about 11% of the available quota.[50] For example, in 2021, only 8.9 million pounds were landed, just 8.1% of the 109.3 million pounds available.[51] In 2024, only 6.9 million pounds were harvested, or 6.3% of the 109.6 million pounds available.[52] These consistently low (and trending downward) harvest rates are clearly not the consequence of low stock in available fish, but rather they reflect market conditions in which domestic fishermen cannot sell Dover sole for a profit in a market dominated by cheaper, farmed imports.

IV. THE USE OF BANNED VETERINARY DRUGS IN FOREIGN AQUACULTURE THREATENS THE HEALTH OF AMERICANS

Veterinary drugs are largely unapproved in the U.S. for aquaculture production because of the risk they present to Americans. Specifically, the production and subsequent consumption of seafood produced with banned antibiotics contributes to the development of antimicrobial resistant pathogens, which the World Health Organization has designated one of the "top global public health and development threats" as it "makes infections harder to treat and makes other medical procedures and treatments – such as surgery, caesarean sections and cancer chemotherapy – much riskier."[53] In addition, nitrofurans are carcinogenic and genotoxic, and

[47] *Id*.

[48] *Id*.

[49] *Id*.

[50] U.S. National Oceanic and Atmospheric Administration, "Pacific Coast Groundfish Individual Fishing Quota," (2025), https://www.webapps.nwfsc.noaa.gov/apex/ifq/f?p=155:1::::. Data was sorted for all quota years and for Dover sole under the "IFQ Species" column. The average percentage of Dover sole quota harvested from 2015 to 2024 was calculated by dividing the average annual catch (11.75 million pounds) by the average annual quota, including both the sector allocation and any carryover from the year prior (106.99 million pounds).

[51] *Id*. Total available quota used in calculation included carryover from 2020.

[52] *Id*. Total available quota used in calculation included carryover from 2023.

[53] World Health Organization, "Antimicrobial Resistance," (Nov. 21, 2023), https://www.who.int/news-room/fact-sheets/detail/antimicrobial-resistance.

accordingly, consumption of food products containing this antibiotic present severe health risks.[54]

In order to protect American consumers from unsafe imports and level the unfair playing field that has benefited Chinese, Indian, Indonesian, and Vietnamese farm-raised seafood producers, strong and immediate action is needed. As such, we respectfully urge the USTR to initiate a Section 301 investigation, with a particular focus on the use of veterinary drugs in farm-raised seafood production from China, India, Indonesia, and Vietnam.

Respectfully submitted,

The Oregon Trawl Commission

The Southern Shrimp Alliance

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[54] U.S. Food & Drug Administration, Import Alert 16-129 (Apr. 24, 2024), https://www.accessdata.fda.gov/cms_ia/importalert_31.html#:~:text=Absolutely%2C%20no%20extra%2Dlabel%20use,any%20food%20animals%2C%20including%20seafood.