

2024 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 10

BY REPRESENTATIVE KERNER

SEAFOOD: Memorializes Congress to compel the United States Food and Drug Administration to fulfill its duties regarding inspection and testing of imported seafood

1                                   A CONCURRENT RESOLUTION

2    To memorialize the United States Congress to take such actions as are necessary to compel  
3           the United States Food and Drug Administration (FDA) to fulfill its duties regarding  
4           inspection and testing of imported seafood.

5           WHEREAS, according to the National Oceanic and Atmospheric Administration, in  
6    2019 the United States imported six billion pounds of edible seafood products, including one  
7    and one half billion pounds of shrimp, an increase of nearly six and one half million pounds  
8    more than the shrimp imported in 2018; and

9           WHEREAS, the 2019 shrimp imports alone, valued at six billion dollars, accounted  
10   for twenty-seven percent of the total value of imported seafood that year, which reached  
11   twenty-two billion dollars; and

12          WHEREAS, it is estimated that over half of the imported seafood consumed in the  
13   United States is from aquaculture, or seafood farming, rather than wild-caught; and

14          WHEREAS, the FDA is responsible for the safety of all fish and fishery products  
15   entering the United States and sold in Louisiana; and

16          WHEREAS, the FDA's seafood safety program is governed by its Hazard Analysis  
17   Critical Control Point regulations, which address food safety management through the  
18   analysis and control of biological, chemical, and physical hazards from raw material  
19   production and procurement and handling to manufacturing, distribution, and consumption  
20   of the finished product; and

1           WHEREAS, FDA regulations are supposed to measure the compliance of imported  
2 seafood with inspections of foreign processing facilities, sampling of seafood offered for  
3 import into the United States, domestic surveillance sampling of imported products,  
4 inspections of seafood importers, foreign country program assessments, and the use of  
5 information from foreign partners and FDA overseas offices; and

6           WHEREAS, in 2011 the FDA was only inspecting two percent of the seafood  
7 imported into the United States; and

8           WHEREAS, unfortunately 2011 is the last year for which data regarding the  
9 percentage of imports inspected is available due to a lack of transparency and inadequate  
10 assessment measures; and

11           WHEREAS, in 2011 the Government Accountability Office (GAO) noted that the  
12 FDA's assessment of foreign aquaculture operations was limited by the FDA's lack of  
13 procedures, criteria, and standards; and ten years later, a 2021 GAO report found that the  
14 agency was failing to monitor the effectiveness of its own enforcement policies and  
15 procedures; and

16           WHEREAS, in contrast, the European Union regularly conducts physical checks of  
17 approximately twenty percent of all imported fish products that are fresh, frozen, dry, salted,  
18 or hermetically sealed, and for certain fishery products, physical checks are conducted on  
19 approximately fifty percent of imports; and

20           WHEREAS, the Louisiana State University School of Renewable Natural Resources  
21 published a 2020 paper titled "Determination of Sulfite and Antimicrobial Residue in  
22 Imported Shrimp to the USA", which presented findings from a study of shrimp imported  
23 from India, Thailand, Indonesia, Vietnam, China, Bangladesh, and Ecuador and purchased  
24 from retail stores in Baton Rouge, Louisiana; and

25           WHEREAS, a screening of these shrimp for sulfites and residues from antimicrobial  
26 drugs found the following: (1) five percent of the shrimp contained malachite green, (2)  
27 seven percent contained oxytetracycline, (3) seventeen percent contained fluoroquinolone,  
28 and (4) seventy percent contained nitrofurantoin, all of which have been banned by the FDA  
29 in domestic aquaculture operations; and

1           WHEREAS, although the FDA requires that food products exposed to sulfites must  
2 include a label with a statement about the presence of sulfites, of the forty-three percent of  
3 these locally purchased shrimp found to contain sulfites, not one package complied with this  
4 labeling requirement; and

5           WHEREAS, the drug and sulfite residues included in this screening can be harmful  
6 to human health during both handling and consumption and have been known to cause all  
7 of the following: liver damage and tumors, reproductive abnormalities, cardiac arrhythmia,  
8 renal failure, hemolysis, asthma attacks, and allergic reactions; and

9           WHEREAS, the results of this study confirm that existing screening and enforcement  
10 measures for imported seafood are insufficient; whatever the percentage of imports inspected  
11 may be, seafood is currently being imported that contains unsafe substances that put  
12 American consumers at risk; and

13           WHEREAS, because imported seafood is not held to the same standards as domestic  
14 seafood, domestic fishing industries are put at a distinct and significant disadvantage  
15 commercially; and

16           WHEREAS, according to the Louisiana Department of Wildlife and Fisheries, the  
17 average value of Louisiana shrimp fell from three dollars and eighty cents per pound in 1980  
18 to one dollar fifty cents per pound in 2017; and

19           WHEREAS, this unfair competition allows foreign competitors to flood the United  
20 States market with seafood harvested under intensive farming practices using antimicrobial  
21 drugs, while devastating local industries and the coastal communities built around them; and

22           WHEREAS, shrimp consumption is on the rise in the United States, yet domestic  
23 shrimp profits have decreased in recent years, particularly for shrimp sourced in the Gulf of  
24 Mexico and South Atlantic regions; and

25           WHEREAS, Senator John Kennedy has previously introduced legislation to bolster  
26 Louisiana's shrimp, red snapper, and seafood industry and protect American consumers from  
27 illegal exports; and

28           WHEREAS, this legislation would increase funding to the Seafood Import  
29 Monitoring Program (SIMP) and would allow SIMP to conduct audits on seafood under its

1 purview to prevent foreign seafood imports that misrepresent themselves from entering U.S.  
2 markets; and

3 WHEREAS, proposed legislation such as this is a necessary step that Congress must  
4 take to protect American consumers and bolster the Louisiana seafood industry.

5 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
6 memorialize the United States Congress to take such actions as are necessary to compel the  
7 United States Food and Drug Administration to fulfill its duties regarding inspection and  
8 testing of imported seafood.

9 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
10 presiding officers of the Senate and the House of Representatives of the Congress of the  
11 United States of America and to each member of the Louisiana congressional delegation.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HCR 10 Engrossed

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Kerner

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