

Congress of the United States
House of Representatives
Washington, DC 20515

January 14, 2021

Janet Woodcock, MD
Acting Commissioner
United States Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20903

Dear Dr. Woodcock:

Thank you for your continued leadership as Acting Commissioner of the Food and Drug Administration (FDA) and your dedication to food safety and public health. We write to you today to express support for the Proposed Rule for Food Traceability under the Food Safety Modernization Act and all that it does to promote traceability, reduce risk in our supply chains and protect the American consumer, especially as related to seafood, and to suggest improvements.¹

The Proposed Rule for Food Traceability is an important step toward mitigating foodborne illnesses and thereby protecting the American public. To ensure food safety, it is imperative for higher risk foods, such as those outlined in the proposed rule's Food Traceability List (FTL), to maintain documentation throughout their supply chain. The methods by which manufacturers must document the products on the FTL (via Key Data Elements and Critical Tracking Events) will allow for increased supply chain traceability and will give the public more confidence in the food they intend to purchase and consume. Through the implementation of this rule, consumers will be able to trust that their food was safely produced and does not put them at risk of serious adverse health consequences or death.

By including almost all seafood, the proposed rule will help ensure that our seafood is not only safe to eat but also honestly labeled and legally caught when paired with the import requirements under the Seafood Import Monitoring Program. The seafood supply chain is opaque, with seafood often traveling a complex path from the fishing vessel to the end consumer. This lack of traceability allows for illegally sourced or mislabeled products to enter the legal supply chain.

For example, a new report by the U.S. International Trade Commission estimates that the United States imported \$2.4 billion worth of seafood imports derived from illegal, unreported and unregulated (IUU) fishing in 2019. The report also found that removing IUU products from the U.S. market would benefit U.S. commercial fishers.²

¹ U.S. Food and Drug Administration, "FSMA Proposed Rule for Food Traceability," January 12, 2021, <https://www.fda.gov/food/food-safety-modernization-act-fsma/fsma-proposed-rule-food-traceability>.

² U.S. International Trade Commission, *Seafood Obtained via Illegal, Unreported, and Unregulated Fishing: U.S. Imports and Economic Impact on U.S. Commercial Fisheries*, February 2021, <https://www.usitc.gov/publications/332/pub5168.pdf>.

IUU fishing is a significant contributor to overfishing, which threatens the sustainability of fisheries and marine ecosystems worldwide. Furthermore, it destabilizes maritime states and coastal communities by weakening food security, harming the livelihoods of fishermen who operate legally and driving human rights abuses such as human trafficking and forced labor.

Seafood is the world's most highly traded food commodity, and the global nature of this food supply means U.S. consumers are increasingly being exposed to novel pathogens and allergens.³ Seafood is also frequently subject to misbranding and species substitution.⁴ In a global review of studies on seafood mislabeling, more than half (58 percent) of the samples identified as substitute species carried a species-specific health risk to consumers, meaning these risks could not be adequately screened or mitigated due to mislabeling.⁵ These risks include parasites, environmental contaminants and aquaculture drugs.⁶

Emerging research also shows that seafood allergies may be species-specific, meaning that if seafood species were correctly labeled, some allergen-sensitive consumers could enjoy certain seafood products while avoiding those that cause problems.⁷ With improved traceability for seafood, this species-specific information would follow the product through the supply chain and be more readily available to disclose to the consumer. Seafood species substitution and incomplete labeling frustrate consumer efforts to choose seafood wisely to maximize health benefits and minimize risk. To effectively address this problem, the United States needs better seafood traceability, consumer labeling and enforcement throughout the entire chain of sale, from boat to plate.

Full traceability of the supply chain is required to ensure only safe, properly labeled and legally sourced products are sold in the United States. The proposed food traceability report is a step in the right direction with the following additional improvements to strengthen the rule:

- 1) Expand the FTL to encompass all seafood products. At present, the FTL excludes siluriformes (species such as catfish) and scallop adductor muscles. Unbeknownst to the consumer, siluriformes are frequently found as substitutes for other fish products in seafood fraud studies. Scallop adductor muscles, the “meat” of the scallop and the only part that is conventionally considered edible, are commonly susceptible to both illegal fishing and food safety concerns. All seafood products should be traced to prevent seafood fraud, illegal fishing and foodborne illnesses.
- 2) Align with other federal seafood programs, especially the Seafood Import Monitoring Program (SIMP) under the National Oceanic and Atmospheric Administration. While the FDA proposed rule and SIMP are presently implemented and governed by separate

³ Annibarro, B. et al. 2007, “Involvement of hidden allergens in food allergic reactions,” *J Investig Allergol Clin Immunol* 17(3): 168-172.

⁴ Warner, K. et al. 2013, “Oceana Study Reveals Seafood Fraud Nationwide,” February 2013, [http://oceana.org/en/news\[1\]media/publications/reports/oceana-study-reveals-seafood-fraud-nationwide](http://oceana.org/en/news[1]media/publications/reports/oceana-study-reveals-seafood-fraud-nationwide), and references therein.

⁵ Warner, K et al., “Deceptive Dishes: Seafood Swaps Found Worldwide,” September 2016, <https://usa.oceana.org/publications/reports/deceptive-dishes-seafood-swaps-found-worldwide>, and references therein.

⁶ Ibid.

⁷ Carrera, M. et al. 2012, “Rapid direct detection of the major fish allergen, parvalbumin, by selected MS/MS ion monitoring mass spectrometry,” *J. Proteomics* 75:3211 – 3220; Tomm, TM et al. 2013, “Identification of new potential allergens from Nile perch (*Lates niloticus*) and cod (*Gadus morhua*),” *J Investig Allergol Clin Immunol* 23(3): 159-167.

agencies, the two programs should be synchronized to increase their efficacy and simplify compliance. Key data elements (KDE) and critical tracking events (CTE) should be aligned across both programs.

- 3) Require electronic recordkeeping and reporting. This approach would prevent illegally fished products from entering the market by ensuring that the KDEs and CTEs follow the product throughout the supply chain and are reported to regulators. For recordkeeping and reporting to be most efficient, it should be done electronically.
- 4) Provide consumers and seafood buyers with more information at the point of sale. Consumers should have access to truthful information regarding the product they are buying, such as what specific species of fish it is and where and how it was caught.

The implementation of the above measures would significantly improve seafood traceability in the United States and would have lasting positive benefits for the environment and U.S. fishermen who operate legally.

Thank you for your continued work on food traceability and for your consideration of this request to make the proposed rule even more comprehensive to address and bolster seafood traceability. We strongly support the implementation of the Proposed Rule for Food Traceability with seafood included. We look forward to working with you on this important issue and hope that you see the value in taking these additional steps for the conservation of our ocean, the safety of the American consumer and the wellbeing of fishing communities worldwide.

Sincerely,



Ed Case
Member of Congress

/S/

Jared Huffman
Member of Congress

/S/

Julia Brownley
Member of Congress

/S/

Raul Grijalva
Member of Congress

/S/

Alan Lowenthal
Member of Congress

/S/

Jimmy Panetta
Member of Congress