

# United States Senate

WASHINGTON, DC 20510

August 5, 2022

The Honorable Robert M. Califf, M.D., MACC  
Commissioner  
Food and Drug Administration  
10903 New Hampshire Ave.  
Silver Spring, MD 20993-0002

Dear Commissioner Califf:

Seafood is a valuable source of protein and nutrients in our diet, and seafood fisheries and businesses support U.S. coastal communities. However, according to NOAA Fisheries, the United States imports 70% to 85% of our seafood. These imports pass through complex global supply chains, in which illegal, unreported, and unregulated (IUU) fishing is widespread—depleting fish and other marine species, destroying ocean habitat, and enabling forced labor and human rights abuses around the world.

Complex supply chains and a lack of transparency also enable seafood fraud—when one type of seafood is mislabeled as another—thus providing unsafe or illegally caught seafood with a new legal identity. Additionally, this practice of seafood mislabeling can cover up a broad array of potential contaminants, pathogens, and allergens.

In the Food Safety Modernization Act (FSMA), Congress directed the Food and Drug Administration (FDA) to identify a list of high-risk foods and establish recordkeeping requirements for these foods to protect public health.

We strongly support retaining and strengthening the seafood traceability provisions in the FDA's proposed rule on food traceability and urge the FDA to strengthen the seafood provisions in the final rule.

1. The proposed Food Traceability List should include siluriformes (catfish and related species) and scallop adductor muscles, which are currently omitted. Several fish in the Pangasius family of catfish are frequently found to be substitutes for higher-value fish in seafood fraud studies. Scallops can be a source of food-borne illness.
2. The Food Traceability Rule's seafood provisions should be aligned with the Seafood Import Monitoring Program (SIMP) run by NOAA Fisheries, which traces imports of 13 species or species groups from their point of origin to the U.S. border, to simplify compliance for businesses and ensure information can be shared across U.S. agencies for effective enforcement.
3. The rule should require record keeping for all critical tracking events (CTEs) throughout the seafood supply chain, including when seafood is transferred at sea from one vessel to another.

4. The key data elements (KDEs) that are recorded for imported seafood should also be reported to regulators, as is already the case with seafood imports covered by SIMP. Reporting of this information will provide U.S. authorities information needed to enforce against imports of mislabeled or illegal seafood that could pose health hazards.
5. Since the intention is to rapidly mitigate outbreaks of foodborne illness, to prevent adverse health consequences or death, the final rule should require electronic recordkeeping and communications.
6. Consumers want to know more about the food they eat. The rule should ensure that consumers are provided with basic information about seafood, including the specific species, where it was caught, how it was caught, and whether it was farmed or caught wild.

Americans should know that the seafood they are eating is safe to eat, legally caught, and honestly labeled. As the FDA finalizes this important rule, we ask you to seriously consider these issues.

Sincerely,

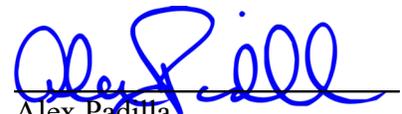
  
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United States Senator

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Edward J. Markey

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