



DEPARTMENT OF HEALTH AND HUMAN SERVICES

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Food and Drug Administration
Silver Spring MD 20993

The Honorable Mary L. Landrieu
United States Senate
Washington, D.C. 20510-1804

JUN 14 2011

Dear Senator Landrieu:

Thank you for your letter of March 3, 2011, to President Barack Obama, cosigned by 33 of your colleagues, in which you ask the Administration to reinvigorate the Administration's communications with the American public regarding the safety of seafood from the Gulf of Mexico.

The Food and Drug Administration (FDA or the Agency) appreciates and shares your interest in keeping consumers informed about our activities to ensure the safety of Gulf seafood. We continue to work with our colleagues at federal agencies, including the Environmental Protection Agency and the National Oceanic and Atmospheric Administration (NOAA), to assure consumers that Gulf Coast seafood is safe to eat.

The Agency has established a website devoted to informing consumers about the status of Gulf seafood.¹ On our Questions and Answers page we state that "Fish and shellfish harvested from areas unaffected by the closures are considered safe to eat. There is no reason to believe that any contaminated product has made its way to the market." The website also goes into detail about the fisheries closure and re-opening process and discusses FDA's other activities to test, monitor, and otherwise help ensure the safety of marketed Gulf seafood.

In order to reach a wider audience, FDA sent out for publication an op-ed piece dated March 4, 2011, co-written by Donald Kraemer, Acting Deputy Director of FDA's Center for Food Safety and Applied Nutrition (CFSAN), along with Eric Schwaab, Assistant Administrator for NOAA's National Marine Fisheries Service and Dr. Jimmy Guidry, Louisiana State Health Officer at the Louisiana Department of Health and Hospitals. A copy of this article is enclosed for your review. We are aware that this op-ed piece has been carried by a number of major newspapers.

Dr. Margaret Hamburg, Commissioner of Food and Drugs, has visited the Gulf Coast region three times over the past year—July 26, July 30, and September 12, 2010—in order to personally oversee FDA's seafood safety efforts, and has on each occasion spoken publicly about the safety of marketed Gulf seafood.

¹ <http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/Seafood/ucm210970.htm>

FDA believes that the most important role it can play in helping to assure consumers of the safety of Gulf seafood is to continue our activities that provide a strong scientific basis for determinations that particular species of seafood that would enter into commerce from waters open to commercial fishing are safe for consumption. Since the beginning of the oil spill response, FDA has been a key part of the overall federal effort that has taken a multi-pronged approach to ensure that marketed Gulf seafood is not contaminated. Primarily, these multi-federal and state agency activities have been conducted as part of the following three components:

- 1) The precautionary closure of fisheries impacted or potentially impacted by the oil spill, and the use of a strict testing protocol to re-open closed fisheries;
- 2) Ongoing surveillance and testing of seafood products;
- 3) A renewed emphasis on the use of FDA's Seafood Hazard Analysis Critical Control Point (HACCP) regulations by seafood firms in the Gulf region, to help ensure that contaminated seafood did not reach the market.

In order to help ensure the safety of Gulf seafood moving forward, FDA is conducting continued testing of seafood and monitoring of seafood processors and is planning additional research into potential hazards to the food supply presented by crude oil or dispersant chemicals.

Thank you again for your interest in this matter. We assure you of our commitment to continue working together with our state and federal partners and to provide updates for consumers as new information becomes available. If you have any further questions or concerns, please let us know. The same letter has been sent to your cosigners.

Sincerely,



Jeanne Ireland
Assistant Commissioner
for Legislation

Enclosure

Consumers can be confident in the safety of Gulf seafood

By ERIC SCHWAAB, DONALD KRAEMER AND JIMMY GUIDRY
— McClatchy-Tribune News Service

March 4, 2011

As is the case with so many parts of the response to the BP/Deepwater Horizon oil spill, the seafood safety program put in place during this crisis was unprecedented. The system set up to keep tainted seafood out of circulation worked.

At the top of the list for NOAA, FDA and the Gulf states has always been ensuring public safety and the integrity of Gulf seafood. Federal waters in the Gulf were first closed to fishing on May 2, and closures increased in federal and state waters as the oil spread. At the height of the spill, more than a third of the federal waters in the Gulf were closed to fishing. With the Coast Guard, we enforced the closure boundaries, and together we developed and carried out a comprehensive plan for testing Gulf seafood.

Driven by science and with human health as the highest priority, the extensive sampling and testing plan allowed areas to open only when every piece of seafood sampled there passed both sensory and chemical testing. We were precautionary on purpose: when there was a potential for tainted seafood, waters were closed, and they could only be opened when we could prove the seafood from those waters was safe to eat.

Scientists knew already, from real-world experiences (like the Exxon Valdez disaster) and laboratory research, that fish can metabolize and excrete oil. Knowing that finfish can clear it from their bodies within days, shrimp and crabs take a little longer, and shellfish like oysters take the longest time, we tested these various types of seafood individually to make sure we didn't miss anything. The results of the tests, all publicly available, should help Americans buy Gulf seafood with confidence: the seafood has consistently tested 100 to 1,000 times lower than the safety thresholds established by the FDA for the residues of oil contamination.

The large-scale use of dispersants to help oil rapidly break down in the environment was one of the many unique aspects of this spill and response.

Scientists expected seafood would metabolize and excrete dispersant and that it was unlikely to be taken up by seafood in large quantities, but to support consumer confidence, NOAA and FDA worked to develop a chemical test to detect traces of the dispersant in fish tissue. In October, the agencies announced the results: every sample tested was far below the safety threshold established by FDA, and more than 99 percent of the thousands of samples tested showed no detectable residue.

We saw firsthand the devastating impact the BP/Deepwater Horizon disaster had on the lives and livelihoods of the Gulf fishing community. We had many opportunities to work

with the fishermen and seafood processors throughout the region, and we witnessed their steadfast commitment to ensuring the safety and wholesomeness of their catch every day. We continue to be thankful for their cooperation through the often challenging process of closing and reopening affected waters.

Because of the hard work and cooperation of Gulf fishermen, seafood processors, and state, local and federal health and fisheries officials, American consumers can feel confident in the quality and safety of Gulf seafood.

ABOUT THE WRITERS

Eric Schwaab is assistant administrator for NOAA's Fisheries Service; Donald Kraemer is deputy director of the FDA's Center for Food Safety and Applied Nutrition; and Dr. Jimmy Guidry is Louisiana State Health Officer, Louisiana Department of Health and Hospitals.

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