

# USDA rules to emerge from fight over imported catfish

By Kimberly Kindy  
Washington Post Staff Writer  
Tuesday, February 16, 2010; A11

The whiskered, bottom-feeding catfish is one of the lowliest creatures on Earth. But for months, catfish have been at the center of an intense Washington lobbying effort pitting domestic producers against importers.

At issue is how catfish will be regulated and whether Vietnamese imports pose a health risk to American consumers. U.S. catfish producers used a multimillion-dollar lobbying effort to persuade Congress in 2008 to tighten regulation of the single species of fish, a program expected to incur \$5 million to \$16 million in start-up costs with its launch next year.

The battle has sparked threats of a trade war from Vietnam, which wants its fish excluded from the regulations. The Vietnamese ambassador to the United States, Le Cong Phung, has called Congress hypocritical for changing the rules on catfish to give an advantage to domestic producers.

Under the farm bill passed in 2008, catfish inspections are moving to the U.S. Department of Agriculture, which has spent 18 months crafting regulations. The rules, which are still secret, might be approved by the Office of Management and Budget as early as Tuesday. All other fish remain under the purview of the Food and Drug Administration.

Domestic catfish producers argue that tougher regulation -- which would increase onsite inspections and testing -- would force foreign producers to adhere to safety standards more in line with those that domestic producers must follow.

"We are just looking to be on the same playing field," said Joey Lowery, president of the Mississippi-based Catfish Farmers of America.

But some aquaculture experts have jeered at the wrangling.

"It's laughable. Why single catfish out? No one is eating raw catfish sushi. This is a very, very low-risk product," said Byron Truglio, a retired consumer safety officer with the FDA's Division of Seafood Safety, who advised the USDA on its inspection program.

The catfish wars have been brewing since 2002, when Congress passed a farm bill barring Vietnamese fish farmers from labeling their fish as catfish. The Vietnamese fish is from the genus *Pangasius*; the law mandated that only fish in the *Ictaluridae* family, which is produced in the United States and is commonly

called channel catfish, could bear the catfish label. The two fish have a similar taste.

"That fish and ours are as close taxonomically as a house cat and a cow," said Henry Gantz, former president of the Catfish Institute, a trade group representing domestic producers.

By 2008, when another farm bill made its way through Congress, Americans were eating slightly less domestically produced catfish than they had in 2002. But consumption of Pangasius -- which is typically called basa at fish markets -- had skyrocketed. Price was a factor. Wholesale, basa sells for \$1.75 to \$2 per pound, while channel catfish goes for a dollar more.

Domestic trade groups tried a new tactic. They argued that a more rigorous catfish inspection program was needed to improve foreign farming practices, especially in Vietnam. Though they had fought in 2002 to bar Pangasius from bearing the catfish label, by 2008 they did an about-face, calling it "imported catfish" that should be included in the USDA program.

Sen. Thad Cochran (R), whose home state of Mississippi is the nation's catfish capital, led the charge, helping to insert bill language that called for the USDA to include catfish and "amenable species." Cochran also provided a \$16 million earmark.

The domestic producers cited food-safety concerns. The FDA has found banned pesticides and antibiotics in some catfish imported from Vietnam, but no deaths have been linked to imported catfish. U.S. Centers for Disease Control and Prevention data show that fish in general account for 3 percent of the nation's salmonella-related deaths.

Agriculture Secretary Tom Vilsack, who has faced intense pressure from all sides, has been charged with sorting out the issues. Vilsack declined to answer questions posed by The Washington Post. (USDA officials said that because the department is still developing the program, details are confidential.)

A draft copy of the rules obtained by The Post shows that the USDA decided that Vietnamese fish should be included in the new program, a move likely to generate fierce opposition from importers.

The draft also states that the catfish regulatory program would save an estimated 36 lives annually from salmonella-related deaths. The safety claims -- which are not supported by CDC data -- were ratcheted down in later drafts, according to sources familiar with the rulemaking work.

USDA officials would not say whether the safety claims are in the final version they submitted to the Office of Management and Budget.

OMB can return the proposed rules to the USDA for further work, something it has already done once, or approve them, which allows the USDA to publish them in the Federal Register for a 60-day public review and comment period.

If the rules are posted as expected this month, foreign catfish producers predicted fireworks.

"The industry is going to speak loudly," said Gavin Gibbons, spokesman for the National Fisheries Institute, which represents foreign producers. "We will highlight some of the absurdities that account for this broad definition of catfish and the lobbying effort that was behind it."

© 2010 The Washington Post Company

--