

United States Senate

WASHINGTON, DC 20510

January 22, 2014

The Honorable Barack H. Obama
President of the United States
The White House
1600 Pennsylvania Avenue Northwest
Washington, DC 20500

Dear President Obama:

We are writing to request your assistance in addressing the issue of seafood fraud, an issue that harms consumers, fishermen, seafood businesses, and our oceans. Our seafood supply chain is complex and involves many different federal agencies, often making it difficult to solve problems affecting U.S. seafood. In order to help address the problem of seafood fraud, we ask that you promulgate an interagency rulemaking that improves agency coordination and communication, strengthens border inspections to detect mislabeled seafood, establishes a standard for national traceability of seafood products, and ensures that consumers have access to information about where their seafood comes from. These immediate, concrete actions will help reduce the incidence of fraud in the U.S. seafood supply and will restore consumer confidence that their seafood is safe, legally caught, and honestly labeled.

Seafood fraud is any attempt to misrepresent seafood in the supply chain, including species substitution, adding too much ice to packaged seafood, and transshipment to avoid tariffs. Species substitution allows for a less expensive seafood product to be sold as a more expensive product or even launder illegally-caught fish into the legal supply chain. A recent nationwide study of seafood mislabeling by the non-profit group Oceana found that one-third of the samples of commonly-swapped and regionally-significant species they tested were mislabeled. Rates of mislabeling for certain popular species, such as red snapper and white tuna, were as high as 94 and 84 percent, respectively. This fraud is ripping off consumers, posing health risks by disguising species that may be harmful for sensitive groups, and harming our oceans by making it easier for illegally-caught product to make its way into the U.S. market.

Unfortunately, to date the government's attempts to address this problem have been woefully inadequate. A 2009 report by the Government Accountability Office (GAO) highlighted the problems between the three agencies with primary jurisdiction to address seafood fraud, including gaps in communication, duplicative inspections, and more. The GAO found that these agencies – the Food and Drug Administration, the National Oceanic and Atmospheric Administration, and Customs and Border Protection – could and should be doing more to address seafood fraud. For example, as the GAO noted, the U.S. currently imports more than 90 percent of all seafood consumed domestically, yet the FDA inspects less than two percent of those

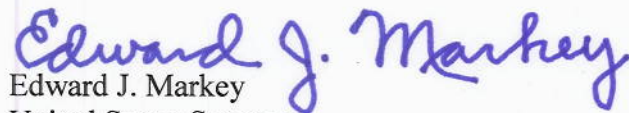
NOAA officials had already inspected the same facility. This kind of miscommunication and inefficiency wastes the precious resources these agencies have to address this serious problem.

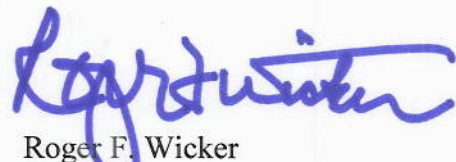
Furthermore, while the agencies do have some authority to combat fraud and could be doing more, the patchwork of existing laws and authorities that governs our seafood supply chain often makes it difficult for agencies to take coordinated action to combat seafood fraud and require traceability. The complex nature of our seafood supply means there are numerous federal agencies with jurisdiction over some aspect of the supply chain, three of them with primary authority to address seafood fraud. Their statutory authorities range from the Federal Food, Drug, and Cosmetic Act to the Food Allergen Labeling and Consumer Protection Act to the Magnuson-Stevens Fishery Conservation and Management Act. And while these laws have helped significantly to improve the safety and labeling of our food, including seafood, there is still no overarching authority that would best combat fraud and require that seafood be traceable throughout the supply chain.

While Congress works on legislation to address these issues, with your leadership, agencies can be brought together to use their existing authorities to address the complex problem of seafood fraud that is impacting U.S. consumers, honest fishermen and seafood business, and the oceans. The urgent need to fight seafood fraud and establish a standard of traceability can be met only through coordinated interagency action, and it is time for the agencies to come together to find solutions. Our constituents include seafood consumers, fishermen, and seafood businesses, and we all have an interest in protecting our oceans in order to ensure a sustainable seafood supply for generations to come. We assure you that we will do our part to continue pushing Congress to take meaningful action as well.

Thank you for your consideration, and we look forward to hearing from you soon.

Sincerely,


Edward J. Markey
United States Senator


Roger F. Wicker
United States Senator