

June 10, 2011

Docket Clerk
US Department of Agriculture
Food Safety and Inspection Service
Room 2-2127 George Washington Carver Center
5601 Sunnyside Avenue, Mailstop 5272
Beltsville, MD 20705-5272

Re: Mandatory Inspection of Catfish and Catfish Products [Docket No. FSIS-2008-0031]

The Center for Science in the Public Interest (CSPI)¹ appreciates the opportunity to comment on the Food Safety and Inspection Service's (FSIS) proposed rule for mandatory inspection of catfish and catfish products. The Food, Conservation, and Energy Act of 2008 amended the Federal Meat Inspection Act (FMIA) to make catfish, as defined by the Secretary of Agriculture, amenable to the act and therefore subject to FSIS inspection.

FSIS has requested comments specifically on the scope of the proposed regulations and, in particular, whether to define "catfish" as members of the order Siluriformes or to limit the definition to members of the family Ictaluridae. In addition, comments are requested on the transition phases during which domestic and international operations would come into compliance with the catfish inspection program and their duration.

CSPI urges FSIS to adopt the broader definition of catfish-- which includes all members of the order Siluriformes-- and to implement the final rule in a timely manner, in order to protect the health and safety of consumers of all catfish products, both domestic and foreign.

1. Definition of "Catfish"

Under the broader definition of catfish, all domestic and imported fish in the order Siluriformes would be subject to inspection. The order Siluriformes-- and thus the broader definition-- includes over 30 families of fish, such as Ictaluridae, Clariidae, and Pangasiidae, among others. Selecting the broader definition ensures that all fish from the Siluriformes order will be held to the same safety standards and will provide the greatest level of public health protection for consumers.

Conversely, if the more narrow proposed definition is adopted, only a subset of the Siluriformes order will be inspected by FSIS. Those fish, members of the family Ictaluridae, account for approximately 70% of the catfish consumed in the United States. Importantly, while this limited definition would encompass all domestically produced

¹ CSPI is a non-profit consumer advocacy and education organization that focuses largely on food safety and nutrition issues. It is supported principally by the 850,000 subscribers to its *Nutrition Action Healthletter* and by foundation grants.

catfish (as all domestically produced catfish are in the family Ictaluridae), only 20-25% of imported catfish would be included under the narrower definition, as they are often members of the Pangasiidae or Clariidae families.

With increasing proportions of seafood consumed in the United States being imported from foreign countries, the USDA should act to ensure that all producers and processors, both domestic and foreign, are held to the same high quality and safety standards. If the narrow definition of “catfish” is adopted, three-fourths of imported catfish and catfish products will enter U.S. markets without being held to the same regulatory standards.

This scenario is particularly alarming as scientists have identified multiple antibiotic-resistant bacteria in the microflora of farmed *Pangasius sp.* catfish produced in the Mekong Delta in Vietnam. In a recent study, 92 bacterial isolates from catfish from three different fish farms were analyzed for resistance against six major antibiotics: oxytetracycline, chloramphenicol, trimethoprim-sulphamethoxazole, nitrofurantoin, nalidixic acid, and ampicillin². Results showed that nearly 80% of the isolates were multi-resistant, showing resistance to at least 2 different antibiotics.³

The multi-drug resistance genes in these bacteria are not only transferrable to fish pathogens and other bacteria in the aquatic environment, but to human pathogens through horizontal gene transfer in the food chain or in the human intestinal tract.⁴ With several of the aforementioned antibiotics considered critically or highly important to human health by the World Health Organization, the development of resistance poses a severe threat to human health by limiting the therapeutic options available to treat human infections.⁵

Under the narrower definition of “catfish,” members of the Pangasiidae family, like those tested in the study discussed above from the Mekong River Delta in Vietnam, would not be subject to FSIS inspection. It is therefore critical that all domestic and foreign catfish and catfish products in the order Siluriformes are held to the same regulatory standards to protect consumer health and safety.

It is important to note here that non-Ictaluridae Siluriformes, such as fish from the Pangasiidae or Clariidae families, are not allowed to be marketed as “catfish” in the United States and must be sold under alternative common or usual names like basa, tra, and swai.⁶ Although different names are used to market these products, there are many

² Sarter S. et al. “Antibiotic resistance in Gram-negative bacteria isolated from farmed catfish.” *Food Control* 18 (2007) 1391-1396

³ Id.

⁴ Heuer, O.E. Kruse, H., Grave K., Karunasagar, I., & Angulo, F.J. (2009). Human Health Consequences of Use of Antimicrobial Agents in Aquaculture. *Clinical Infectious Diseases*. 49:1248–1253

⁵ Critically Important Antimicrobials for Human Medicine: Categorization for the Development of Risk Management Strategies to Contain Antimicrobial Resistance due to Non-human Antimicrobial Use. World Health Organization. Copenhagen, 29-31 May 2007

⁶ 21 U.S.C. 321d(a), 343(t); Pub. L. 107-171, Title X, § 10806, 116 Stat. 526

similarities between foreign and domestic catfish farming and processing practices, and therefore all producers and processors should be held to the same standards.

2. Definition of “Slaughter”

CSPI supports the FSIS’s proposed definition of “slaughter” as intentional killing under controlled conditions, in accordance with the FMIA definition in 21 U.S.C. 601(m)(5). This definition is necessary as it protects the public’s health by ensuring that catfish that died by methods other than slaughter, such as accidental asphyxiation or poisoning by environmental contaminants, would be considered adulterated and deemed unacceptable for human food. The detention, seizure, and condemnation provisions of the Act (21 U.S.C. 672, 673) should also be applied in cases where the Agency finds dead or dying, diseased, or contaminated catfish upon inspection. Without this definition and these provisions, potentially harmful contaminated or diseased fish could enter into the human food supply unchecked, compromising the health and safety of consumers.

3. Transition Phases and Duration

The directive to transfer authority over catfish from FDA to USDA was passed by Congress in the 2008 Farm Bill. Notably, the development of the rule has languished since then, as concerns over U.S. trade policy impacted the public health concerns that should take precedence. We urge the Agency, now that it has begun preparations for assuming responsibility for catfish, to act promptly to publish and promulgate a robust final rule. Further delay on its implementation is a disservice to consumers.

4. Conclusion

It is the duty of the FSIS to protect consumers and ensure food safety and quality, regardless of country of origin. In conclusion, CPSI urges USDA to adopt the broader definition of “catfish” to include all members of the order Siluriformes and to implement these new rules in a timely manner.

Sincerely,

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