

# United States Senate

WASHINGTON, DC 20510

September 18, 2008

Dr. Andrew C. von Eschenbach  
Commissioner  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, Maryland 20857

Dear Dr. von Eschenbach:

I am writing to ask for your agency's continued vigilance in protecting the American public from tainted seafood from China.

I commend the FDA for taking action last summer to strictly control the importation of farm-raised catfish, basa, shrimp, dace, and eel from China due to recurring antimicrobial contamination (Import Alert #16-131). These antimicrobial agents, which are used by Chinese producers to keep fish alive in polluted waters – among other purposes, may cause cancer in humans and can lead to antimicrobial resistance in human pathogens.

The public should not have to worry about these chemicals being in the U.S. food supply, which is why I am concerned that Import Alert #16-131 has not been closely followed and is in jeopardy of being discarded.

Under the Import Alert's "Detention Without Physical Examination" order, *all* farm-raised catfish, basa, shrimp, dace, and eel from China are supposed to be inspected at our borders with no exceptions. However, the Associated Press discovered that, even after the Import Alert was issued, at least 1 million pounds of these items made it into the U.S. market unfettered ("Import Alert? For Chinese Seafood Ignored," 8 August 2007).

Moreover, I was disappointed that, almost immediately after the Import Alert was issued, the FDA exempted one of the largest aquaculture shrimp exporting firms in China (Zhanjiang Guolian Aquatic Products Corporation). That same firm has been recently implicated in trying to bring tainted food to Canada.

Most troubling of all is that, instead of redoubling efforts to scrutinize these suspect suppliers, the FDA reportedly has plans to exempt even more firms and, perhaps, rescind the alert altogether.

This is unacceptable. There is no evidence that China, notorious for its porous and corrupt food safety regulatory system, has cleaned up its act. In fact, the FDA's own records reveal that of all the aquaculture-produced seafood China has tried to import into the U.S. since the Import Alert

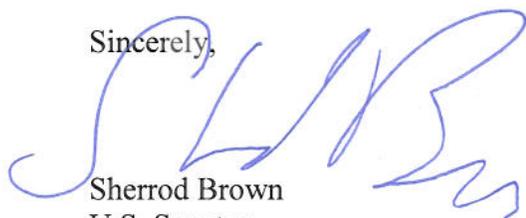
Letter to FDA Commissioner, 9/18/08  
Page 2 of 2

went into effect, less than half of it passed inspection and was allowed to enter the U.S. market. Clearly, continued vigilance is still necessary.

We should be particularly skeptical of evidence provided by so-called independent laboratories hired by importers trying to exonerate themselves. I have long advocated – and will continue to fight – for increased resources for FDA to do its *own* testing rather than rely on third-parties that are easily caught in conflicts of interest.

We must take every precaution to protect the American people. Identifying and inspecting high-risk imports makes sense and should not be discontinued. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Brown', is written over the printed name.

Sherrod Brown  
U.S. Senator