

MARION BERRY
1ST DISTRICT, ARKANSAS

COMMITTEE:
APPROPRIATIONS

BUDGET

2305 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TEL.: (202) 225-4078
FAX: (202) 225-5602

Congress of the United States
House of Representatives
Washington, DC 20515-0401

108 EAST HUNTINGTON AVENUE
JONESBORO, AR 72401
TEL.: (800) 866-2701
FAX: (870) 972-4605

112 SOUTH FIRST STREET
CABOT, AR 72023
TEL.: (501) 843-3043
FAX: (501) 843-4955

1 EAST 7TH STREET
SUITE 200
MOUNTAIN HOME, AR 72653
TEL: (870) 425-3510
FAX: (870) 425-3511

March 24, 2010

The Honorable Peter Orzag
Director
Office of Management and Budget
725 17th Street, N.W.
Washington, DC 20503

Dear Director Orzag:

I was dismayed to learn recently that the Office of Management and Budget has delayed indefinitely the issuance of a rule proposed by the U.S. Department of Agriculture ("USDA") concerning the inspection of catfish. The rule, which was mandated by the 2008 Farm Bill, is already significantly overdue.

Last year, the United States imported 5.2 billion pounds of seafood, but the Food and Drug Administration ("FDA") inspects only a small fraction of those imports, just two percent in 2008. Even amid this thin safety net, the FDA refused entry to 14 shipments of Vietnamese "tra" and "basa" fish for contamination and other safety concerns during the one-year period ending in May 2009. Numerous countries – including Russia, Greece, Egypt, and the United Arab Emirates – have all banned imports of Vietnamese tra and basa at various points in the last several years due to health and safety concerns, including contamination with harmful pathogens, bacteria, chemicals, and drugs. Consumer groups both here and abroad are concerned about the health and safety of these imported products.

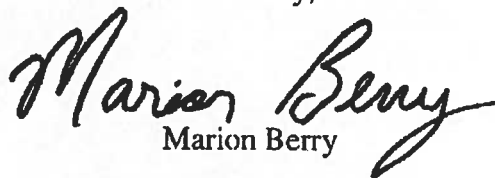
That is why I and others pushed for the Farm Bill language that shifts the regulation of all catfish, both domestic and imported, from FDA to the USDA. The USDA imposes one of the world's toughest health and safety inspection regime on imported meat, poultry, eggs and dairy products sold in the United States. USDA some months ago proposed a rule to implement its inspection regime on catfish, but the administration has yet to act on the proposed rule. There are even reports that some in the administration are arguing that the rule should never be implemented due to concerns about disrupting trade negotiations the United States has just launched with Vietnam, the so-called Trans-Pacific Partnership ("TPP").

I find that very troubling. Many of my colleagues and I believe it is imperative that new model of trade agreements must improve the safety and inspection standards for imported foods and products. However, in this instance the administration is stonewalling the adoption of a food safety rule mandated by Congress out of a concern that it might offend a trading partner and prevent the adoption of a new free trade agreement. The new free trade agreement should impose the higher safety standard, not prevent the higher safety standard.

The administration's foot dragging in implementing the catfish food safety inspection rules proposed by the USDA gives me no confidence that the administration will take account of my concerns and the concerns of my colleagues on food safety and other priorities in the TPP negotiations. Many criticized the previous administration for failing to be responsive to the concerns of Congress on trade and on food safety, among other issues. This administration has vowed to be different in its TPP negotiations, and to use the TPP negotiations to create a new model for trade, but this episode is creating serious doubt in my mind about its sincerity.

Unless the administration issues the rule that Congress mandated nearly two years ago in the Farm Bill, I will feel I have no choice but to halt the TPP negotiations through the appropriations process. The implementation of this rule is too important to the health and safety of my constituents and Americans around the country to be sacrificed over concerns of free trade.

Sincerely,


Marion Berry

Cc: Secretary Tom Vilsack
U.S. Department of Agriculture
Ambassador Ron Kirk
U.S. Trade Representative