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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 4, 2024

The Honorable Robert Califf, M.D.
Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993-0002

Dear Commissioner Califf,

Recent reporting by the Outlaw Ocean Project[1] and the Associated Press[2] have evidenced issues of illegal, unreported, and unregulated (IUU) fishing and forced labor in the seafood supply chain with alarming detail. We are looking closely into this matter and would like to better understand the steps your agency is taking to address these serious concerns.

The reports brought to light serious allegations of fraud, mislabeling, and illicit use of antibiotics at Choice Canning.[3] This seafood company, which produces and imports shrimp from India, is alleged to have deliberately imported antibiotic-positive shrimp into the United States. The whistleblower has made the documents public.[4] They warrant immediate attention and action.

The FDA plays a crucial role in ensuring the safety of our nation's food supply. This responsibility, enshrined in the Federal Food, Drug, and Cosmetic Act, Food Safety Modernization Act of 2011, and the Public Health Service Act, among others, is implicated in the recent reporting above regarding the FDA's apparent inability to adequately monitor the health and safety of the nation's seafood importation.

Please provide relevant letters, emails, communications, situation summaries, discussion and evaluation documents, and briefing papers sufficient to answer the following questions:

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[1] The Outlaw Ocean Project. *The Whistleblower | India Shrimp: A Growing Goliath.* https://www.theoutlawocean.com/investigations/india-shrimp-a-growing-goliath/the-whistleblower/
[2] Associated Press. *AP finds grueling conditions in Indian shrimp industry that report calls 'dangerous and abusive'* https://apnews.com/article/india-shrimp-seafood-industry-labor-abuses-us-imports-e5b51878eafbb6e28977710b191eb7de
[3] The Outlaw Ocean Project. *The Whistleblower | India Shrimp: A Growing Goliath.* https://www.theoutlawocean.com/investigations/india-shrimp-a-growing-goliath/the-whistleblower/
[4] The Outlaw Ocean Project. *Documents | The Whistleblower | India Shrimp: A Growing Goliath.* https://www.theoutlawocean.com/investigations/india-shrimp-a-growing-goliath/documents/

1) Foreign Country Assessments: In a 2010 assessment of India, the FDA found that more testing for drug residue was required for their seafood exports. Despite this, the FDA largely relies on importer compliance through their Hazard Analysis Critical Control Point (HACCP), which passes the obligation of proactive safety onto the company rather than relying on reactive identification from the agency. As a result, large corporations have been allowed to falsify safety compliance assurances and ship unsafe products. Does the FDA have a plan for strengthening its foreign country assessments, improving foreign government involvement in seafood safety, and providing real-time incorporation of new evidence into potential regulatory actions and inspections?

2) Seafood Import Testing: Estimates show that the FDA checks only 1% of shrimp imports into the United States for the presence of antibiotics. Even the tiny risk of being tested prevents deterrence from bad actors in the seafood supply chain, including Choice Canning, who sent over 300 cases of shrimp known to be anti-biotic-positive to the United States. Why is the FDA not testing a more significant portion of shrimp and seafood imports despite this known issue? What plan does the FDA have to strengthen its process of identifying shrimp imports that are not compliant with US regulations?

3) Seafood Labeling: Under the Federal Food, Drug, and Cosmetic Act, a food product is deemed misbranded if the label is false or misleading. According to the Choice Canning whistleblower, shrimp products were imported with the Best Aquaculture Practices label, which bans antibiotics in its seafood. This clear mislabeling of seafood imports exposes millions of Americans to banned antibiotics. What is the FDA doing to ensure that seafood labeling is truthful and accurate in light of this new evidence? How has the FDA responded to mislabeled seafood that puts the health of the American people at risk?

4) Government Accountability Office (GAO) Recommendations: In 2017, the GAO published a report entitled “Imported Seafood Safety: FDA and USDA Could Strengthen Efforts to Prevent Unsafe Drug Residues.” The report was commissioned due to the concern about farmed seafood's use of antibiotics and the two agencies’ roles in overseeing seafood safety.

    a. How has the FDA addressed the first GAO recommendation that “the Commissioner of the FDA should pursue formal agreements with countries exporting seafood to the United States that commit these countries to test for drugs of concern to the FDA and the corresponding maximum residue levels (MRLs) that FDA established for these drugs”?
    b. Despite implementing recommendation 4 (which recommends coordinating with FSIS in developing drug residue testing methods and corresponding maximum residue levels for imported seafood), we still see seafood imports exceeding these levels entering the United States. Does the FDA have plans to strengthen its work with FSIS? What is the timeline for such actions?

5) Food Code: In November 2022, the FDA published its rule, “Requirements for Additional Traceability Records for Certain Foods.” This traceability plan says that for aquaculture farms, the farm map must show the location and name of each container in which it was

raised, including the geographic coordinates and any other information needed to identify the location of each container. The reporting indicates that it was often unclear which farms supplied the plant with deliveries because certified and uncertified farms were routinely commingled. How will the FDA ensure compliance with this rule after January 20th, 2026?

6) Interagency coordination: The National Oceanic and Atmospheric Administration (NOAA) is reviewing its Seafood Import Monitoring Program and considering updates to help identify risky seafood imports. How is the FDA coordinating with NOAA to explore strategies and align efforts to identify, track, and inspect risky seafood shipments?

Thank you for your continued attention to this critical issue. Should you have any questions, please contact any of our staff. We look forward to working with you as we investigate this matter further.

Sincerely,

Raúl M. Grijalva
Member of Congress
Ranking Member
House Committee on Natural Resources

Garret Graves
Member of Congress

Jared Huffman
Member of Congress

Melanie A. Stansbury
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